

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1771

Chapter 312, Laws of 1997

55th Legislature
1997 Regular Session

COURT APPOINTED GUARDIANS

EFFECTIVE DATE: 7/27/97 - Except sections 1 & 2 which become effective 1/1/99.

Passed by the House April 22, 1997
Yeas 96 Nays 1

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 18, 1997
Yeas 46 Nays 0

BRAD OWEN
President of the Senate

Approved May 12, 1997

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1771** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 12, 1997 - 3:10 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1771

Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Mitchell, Tokuda, Constantine, Sheahan, Keiser, Mason, Blalock, Costa, Conway, Butler, Murray and Cody; by request of Secretary of State)

Read first time 03/05/97.

1 AN ACT Relating to court appointed guardians; amending RCW
2 11.88.020; adding a new section to chapter 11.88 RCW; creating a new
3 section; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 11.88.020 and 1990 c 122 s 3 are each amended to read
6 as follows:

7 (1) Any suitable person over the age of eighteen years, or any
8 parent under the age of eighteen years or, if the petition is for
9 appointment of a professional guardian, any individual or guardianship
10 service that meets any certification requirements established by the
11 administrator for the courts, may, if not otherwise disqualified, be
12 appointed guardian or limited guardian of the person and/or the estate
13 of an incapacitated person((; any trust company regularly organized
14 under the laws of this state and national banks when authorized so to
15 do may act as guardian or limited guardian of the estate of an
16 incapacitated person; and any nonprofit corporation may act as guardian
17 or limited guardian of the person and/or estate of an incapacitated
18 person if the articles of incorporation or bylaws of such corporation
19 permit such action and such corporation is in compliance with all

1 ~~applicable provisions of Title 24 RCW~~). A financial institution
2 subject to the jurisdiction of the department of financial institutions
3 and authorized to exercise trust powers, and a federally chartered
4 financial institution when authorized to do so, may act as a guardian
5 of the estate of an incapacitated person without having to meet the
6 certification requirements established by the administrator for the
7 courts. No person is qualified to serve as a guardian who is

8 ((+1)) (a) under eighteen years of age except as otherwise
9 provided herein;

10 ((+2)) (b) of unsound mind;

11 ((+3)) (c) convicted of a felony or of a misdemeanor involving
12 moral turpitude;

13 ((+4)) (d) a nonresident of this state who has not appointed a
14 resident agent to accept service of process in all actions or
15 proceedings with respect to the estate and caused such appointment to
16 be filed with the court;

17 ((+5)) (e) a corporation not authorized to act as a fiduciary,
18 guardian, or limited guardian in the state;

19 ((+6)) (f) a person whom the court finds unsuitable.

20 (2) The professional guardian certification requirements required
21 under this section shall not apply to a testamentary guardian appointed
22 under RCW 11.88.080.

23 NEW SECTION. Sec. 2. A new section is added to chapter 11.88 RCW
24 to read as follows:

25 As used in this chapter, "professional guardian" means a guardian
26 appointed under this chapter who is not a member of the incapacitated
27 person's family and who charges fees for carrying out the duties of
28 court-appointed guardian of three or more incapacitated persons.

29 NEW SECTION. Sec. 3. (1) The administrator for the courts shall
30 study, and make recommendations on, standards and criteria for
31 implementing a system of certification of professional guardians as
32 defined in section 2 of this act and improved coordination between
33 guardians and guardians ad litem.

34 (2) In conducting the study and preparing the recommendations, the
35 administrator may include examination of:

36 (a) Criteria for certification as a professional guardian;

1 (b) A fee structure that will make the certification process self-
2 supporting;

3 (c) Whether persons other than an alleged incapacitated person
4 should be given standing to request a jury trial to determine
5 incapacity;

6 (d) Whether, following the appointment of a guardian, a guardian ad
7 litem may continue to serve at public expense;

8 (e) Whether the superior court should have authority to limit fees
9 for attorneys, guardians, and guardians ad litem;

10 (f) The appropriate entity to certify professional guardians; and

11 (g) Grounds for discipline of professional guardians.

12 (3) In conducting the study, the administrator shall consult with
13 the appropriate groups and interested parties including, but not
14 limited to, representatives of senior citizens, members of both
15 chambers of the legislature, the bar association, superior court
16 judges, associations affiliated with persons with developmental and
17 chronic functional disabilities, health care organizations, persons who
18 act as guardians for compensation and on a voluntary basis, and
19 guardians ad litem.

20 (4) The administrator shall submit the results of the study and
21 recommendations to the governor and legislature not later than January
22 1, 1998.

23 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act take effect
24 January 1, 1999.

Passed the House April 22, 1997.

Passed the Senate April 18, 1997.

Approved by the Governor May 12, 1997.

Filed in Office of Secretary of State May 12, 1997.