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SENATE BILL 6214

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State of Washington

56th Legislature

2000 Regular Session

By Senators Deccio, Winsley and Franklin

Read first time 01/10/2000. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to duties of guardians or limited guardians; and  
2 amending RCW 11.92.043.

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

4 **Sec. 1.** RCW 11.92.043 and 1991 c 289 s 11 are each amended to read  
5 as follows:

6 It shall be the duty of the guardian or limited guardian of the  
7 person:

8 (1) To file within three months after appointment a personal care  
9 plan for the incapacitated person which shall include: (a) An  
10 assessment of the incapacitated person's physical, mental, and  
11 emotional needs ((and of)), which includes such person's ability to  
12 perform or assist in activities of daily living((7)) and the  
13 administration of code or supportive care emergency services; and (b)  
14 the guardian's specific plan for meeting the identified and emerging  
15 personal care needs of the incapacitated person.

16 (2) To file annually or, where a guardian of the estate has been  
17 appointed, at the time an account is required to be filed under RCW  
18 11.92.040, a report on the status of the incapacitated person, which  
19 shall include:

1 (a) The address and name of the incapacitated person and all  
2 residential changes during the period;

3 (b) The services or programs which the incapacitated person  
4 receives;

5 (c) The medical status of the incapacitated person, including  
6 assessment of whether code or supportive care emergency services are  
7 appropriate;

8 (d) The mental status of the incapacitated person;

9 (e) Changes in the functional abilities of the incapacitated  
10 person;

11 (f) Activities of the guardian for the period;

12 (g) Any recommended changes in the scope of the authority of the  
13 guardian;

14 (h) The identity of any professionals who have assisted the  
15 incapacitated person during the period.

16 (3) To report to the court within thirty days any substantial  
17 change in the incapacitated person's condition, or any changes in  
18 residence of the incapacitated person.

19 (4) Consistent with the powers granted by the court, to care for  
20 and maintain the incapacitated person in the setting least restrictive  
21 to the incapacitated person's freedom and appropriate to the  
22 incapacitated person's personal care needs, assert the incapacitated  
23 person's rights and best interests, and if the incapacitated person is  
24 a minor or where otherwise appropriate, to see that the incapacitated  
25 person receives appropriate training and education and that the  
26 incapacitated person has the opportunity to learn a trade, occupation,  
27 or profession.

28 (5) Consistent with RCW 7.70.065, to provide timely, informed  
29 consent for health care of the incapacitated person, except in the case  
30 of a limited guardian where such power is not expressly provided for in  
31 the order of appointment or subsequent modifying order as provided in  
32 RCW 11.88.125 as now or hereafter amended, the standby guardian or  
33 standby limited guardian may provide timely, informed consent to  
34 necessary medical procedures if the guardian or limited guardian cannot  
35 be located within four hours after the need for such consent arises.  
36 No guardian, limited guardian, or standby guardian may involuntarily  
37 commit for mental health treatment, observation, or evaluation an  
38 alleged incapacitated person who is unable or unwilling to give  
39 informed consent to such commitment unless the procedures for

1 involuntary commitment set forth in chapter 71.05 or 72.23 RCW are  
2 followed. Nothing in this section shall be construed to allow a  
3 guardian, limited guardian, or standby guardian to consent to:

4 (a) Therapy or other procedure which induces convulsion;

5 (b) Surgery solely for the purpose of psychosurgery;

6 (c) Other psychiatric or mental health procedures that restrict  
7 physical freedom of movement, or the rights set forth in RCW 71.05.370.

8 A guardian, limited guardian, or standby guardian who believes  
9 these procedures are necessary for the proper care and maintenance of  
10 the incapacitated person shall petition the court for an order unless  
11 the court has previously approved the procedure within the past thirty  
12 days. The court may order the procedure only after an attorney is  
13 appointed in accordance with RCW 11.88.045 if no attorney has  
14 previously appeared, notice is given, and a hearing is held in  
15 accordance with RCW 11.88.040.

16 (6) To obtain a court order approving the personal care plan.

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