

SENATE BILL REPORT

SB 5699

As Passed Senate, March 6, 2009

Title: An act relating to the office of public guardianship.

Brief Description: Concerning the office of public guardianship.

Sponsors: Senators Franklin, Kline and Parlette.

Brief History:

Committee Activity: Judiciary: 2/11/09, 2/13/09 [DP].

Passed Senate: 3/06/09, 45-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; Kohl-Welles, Roach and Tom.

Staff: Kim Johnson (786-7472)

Background: In 2007 the Legislature passed SSB 5320, which established an Office of Public Guardianship (OPG) within the Administrative Office of the Courts, to provide guardianship services to incapacitated individuals for whom adequate services may otherwise be unavailable. Initial implementation of the OPG is limited to a pilot basis. The OPG has started pilot programs in the following counties: Clallam, Grays Harbor, King, Okanogan, Pierce, and Spokane.

Public guardians must be certified by the Certified Professional Guardian Board and meet minimum standards of practice established by the OPG. Additionally, a public guardian may not serve as a guardian for more than 20 individuals at one time. Currently, the OPG is only authorized to provide training for public guardians who are already under contract with the OPG.

In 2007 the Governor vetoed a section of SSB 5320 that established a Public Guardianship Advisory Committee to review the activities of the OPG and make recommendations on issues relating to the provision of public guardianship services. However, references to the advisory committee remain throughout the public guardianship statute.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The authority of the OPG is expanded to allow training for individuals who are likely to provide service to the OPG in the future.

References to the advisory committee that was vetoed by the Governor in 2007 are removed.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We established the OPG in 2007 and this is a small change that will help the office find people to serve as guardians. This is a good bill that does not cost any money, and will make the office more successful. When establishing the OPG, we had difficulty identifying certified public guardians to provide services. Certified public guardians must first be certified by the Certified Professional Guardian Board. When determining which counties to start a pilot program, we were surprised to find that 14 counties did not have any certified public guardians, 13 counties had two or less, and the remaining counties contained only a handful of qualified individuals to serve. If we are to continue to provide services and allow the program to grow, we will need to find additional people to serve as guardians. There wasn't any intention to legislatively micro-manage the training authority of the office, we just didn't know at the time that there would be a significant shortage of people qualified to serve as a public guardian. This does not entitle anyone to receive training and again does not cost any money.

The Superior Court Judges Association supports this bill and believes that the OPG is doing great work. We have one small suggestion, however. We think the additional requirement that any training provided by the OPG would obligate the person receiving the training to serve as a certified public guardian for two years. This would help keep people engaged as a certified public guardian.

Persons Testifying: PRO: Senator Franklin, prime sponsor; Shirley Bondon, OPG; Peter Greenfield, Advisory Council on Aging and Disability Services and the WSBA Elder Law Section; David Lord, Disability Rights Washington; Tom Parker, Superior Court Judges Association.