
SENATE BILL 5692

State of Washington 63rd Legislature 2013 Regular Session

By Senators King, Harper, Conway, Eide, and Tom

Read first time 02/08/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to standby guardians and limited guardians;
2 amending RCW 11.88.125; and providing an effective date.

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

4 **Sec. 1.** RCW 11.88.125 and 2011 c 329 s 5 are each amended to read
5 as follows:

6 (1)(a) The person appointed by the court as either guardian or
7 limited guardian of the person and/or estate of an incapacitated person
8 shall file in writing with the court, within ninety days from the date
9 of appointment, a notice designating a standby limited guardian or
10 guardian to serve as limited guardian or guardian at the death ((~~or~~))
11 legal incapacity, or planned absence of the court-appointed guardian or
12 limited guardian.

13 (b) The notice shall state the name, address, zip code, and
14 telephone number of the designated standby or limited guardian.

15 (c) Notice of the guardian's designation of the standby guardian
16 shall be given to the standby guardian, the incapacitated person and
17 his or her spouse or domestic partner and adult children, any facility
18 in which the incapacitated person resides, and any person entitled to

1 special notice under RCW 11.92.150 or any person entitled to receive
2 pleadings pursuant to RCW 11.88.095(2)(j). (~~Such~~)

3 (2)(a) If the regularly appointed guardian or limited guardian
4 dies, becomes incapacitated, is out of state, or is otherwise
5 unavailable to fulfill his or her duties, then the standby guardian or
6 limited guardian shall have all the powers, duties, and obligations of
7 the regularly appointed guardian or limited guardian (~~and in addition~~
8 shall,)).

9 (b) The regularly appointed guardian or limited guardian may
10 delegate decision-making authority to the standby guardian or limited
11 guardian in advance of a planned absence.

12 (c) Within a period of thirty days from the death or adjudication
13 of incapacity of the regularly appointed guardian or limited guardian,
14 the standby guardian or limited guardian must file with the superior
15 court in the county in which the guardianship or limited guardianship
16 is then being administered, a petition for appointment of a substitute
17 guardian or limited guardian. Upon the court's appointment of a new,
18 substitute guardian or limited guardian, the standby guardian or
19 limited guardian shall make an accounting and report to be approved by
20 the court, and upon approval of the court, the standby guardian or
21 limited guardian shall be released from all duties and obligations
22 arising from or out of the guardianship or limited guardianship.

23 ~~((2))~~ (d) The standby guardian or limited guardian must receive
24 notice of all proceedings.

25 (e) The regularly appointed guardian or limited guardian must
26 report quarterly to the designated standby guardian or limited
27 guardian, or when there is a substantial change in circumstances, to
28 keep the standby guardian or limited guardian adequately informed about
29 the needs of the incapacitated person. This report may be made by
30 phone or other reasonable means.

31 (f) If the standby guardian or limited guardian is required to act
32 due to the death, incapacity, or absence of the regularly appointed
33 guardian or limited guardian, then the standby guardian may apply to
34 the court to be paid for fees and costs.

35 (3) Letters of guardianship shall be issued to the standby guardian
36 or limited guardian upon filing an oath and posting a bond as required
37 by RCW 11.88.100 as now or hereafter amended. The oath may be filed
38 prior to the appointed guardian or limited guardian's death. Notice of

1 such appointment shall be provided to the standby guardian, the
2 incapacitated person, and any facility in which the incapacitated
3 person resides. The provisions of RCW 11.88.100 through 11.88.110 as
4 now or hereafter amended shall apply to standby guardians and limited
5 guardians.

6 ((+3+)) (4) In addition to the powers of a standby limited guardian
7 or guardian as noted in subsections (1) and (2) of this section, the
8 standby limited guardian or guardian shall have the authority to
9 provide timely, informed consent to necessary medical procedures, as
10 authorized in RCW 11.92.040 as now or hereafter amended, if the
11 guardian or limited guardian cannot be located within four hours after
12 the need for such consent arises.

13 NEW SECTION. **Sec. 2.** This act takes effect May 1, 2014.

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