

**HB 1407 - H AMD 169**

By Representative Schmick

1 On page 3, after line 2, insert the following:

2 "Sec. 3. RCW 11.92.180 and 1995 c 297 s 8 are each amended to  
3 read as follows:

4 A guardian or limited guardian shall be allowed such  
5 compensation for his or her services as guardian or limited guardian  
6 as the court shall deem just and reasonable. Guardians and limited  
7 guardians shall not be compensated at county or state expense.  
8 Additional compensation may be allowed for other administrative  
9 costs, including services of an attorney and for other services not  
10 provided by the guardian or limited guardian. Where a guardian or  
11 limited guardian is an attorney, the guardian or limited guardian  
12 shall separately account for time for which compensation is  
13 requested for services as a guardian or limited guardian as  
14 contrasted to time for which compensation for legal services  
15 provided to the guardianship is requested. In all cases,  
16 compensation of the guardian or limited guardian and his or her  
17 expenses including attorney's fees shall be fixed by the court and  
18 may be allowed at any annual or final accounting; but at any time  
19 during the administration of the estate, the guardian or limited  
20 guardian or his or her attorney may apply to the court for an  
21 allowance upon the compensation or necessary expenses of the  
22 guardian or limited guardian and for attorney's fees for services  
23 already performed. If the court finds that the guardian or limited  
24 guardian has failed to discharge his or her duties as such in any  
25 respect, it may deny the guardian any compensation whatsoever or may  
26 reduce the compensation which would otherwise be allowed. Where the  
27 incapacitated person is a department of social and health services

1 client residing in a nursing facility or in a residential or home  
2 setting and is required by the department of social and health  
3 services to contribute a portion of their income towards the cost of  
4 residential or supportive services then the department shall be  
5 entitled to notice of proceedings as described in RCW 11.92.150.  
6 (~~The amount of guardianship fees and additional compensation for~~  
7 ~~administrative costs shall not exceed the amount allowed by the~~  
8 ~~department of social and health services by rule.~~) The superior  
9 court may allow guardianship fees and administrative costs in an  
10 amount set out in an order. For orders that establish or continue a  
11 legal guardianship for a client of the department of social and  
12 health services, and requires a future review or accounting, then:  
13 (1) The amount of guardianship fees may not exceed fifteen  
14 percent of the incapacitated person's monthly income or one hundred  
15 seventy-five dollars per month, whichever is less;  
16 (2) The amount of administrative costs directly related to  
17 establishing a guardianship may not exceed seven hundred dollars;  
18 and  
19 (3) The amount of administrative costs may not exceed a total of  
20 six hundred dollars during any three-year period."

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Correct the title.

**EFFECT:** Adds a section relating to guardianship fees, and removes from that section a provision allowing the Department of Social and Health Services to set certain guardianship fees and administrative costs by rule.

Limits guardianship fees and administrative costs in certain court orders that establish or continue a legal guardianship for a client of the Department of Social and Health Services.

Limits the amount of guardianship fees to 15% of the incapacitated person's monthly income or one hundred seventy-five dollars per month, whichever is less.

Limits the amount of administrative costs directly related to establishing a guardianship to \$700 and limits administrative costs per year to \$600 during any three-year period.

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