
Judiciary Committee

HB 2402

Title: An act relating to communication with relatives of incapacitated persons.

Brief Description: Requiring a guardian or limited guardian to provide certain communications with relatives of incapacitated persons.

Sponsors: Representatives Kochmar, Griffey, Wylie, Appleton, Walsh, Short, Hickel, McCabe, S. Hunt and Wilson.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires a guardian or limited guardian of the person to inform an incapacitated person's relatives as soon as reasonably possible if the incapacitated person dies or has been hospitalized for three days or more.
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Hearing Date: 1/20/16

Staff: Omeara Harrington (786-7136).

Background:

Guardianship.

A guardian is a person appointed and empowered by the court to make decisions for the person or the estate, or both, of an incapacitated person (IP). A person may be deemed incapacitated as to person when the court determines the individual has a significant risk of personal harm based upon a demonstrated inability to adequately provide for nutrition, health, housing, or physical safety. Incapacity as to the person's estate means the individual is at significant risk of financial harm based upon a demonstrated inability to adequately manage property or financial affairs. If a person is incapacitated in some aspects, but not others, a limited guardian may be appointed over the person, the estate, or both, to make decisions regarding the areas in which the person is incapacitated.

Duties of a Guardian of the Person.

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.

Guardians and limited guardians of the person have specific statutory duties. Among those duties are requirements to file with the court an initial personal care plan for the IP and annual reports regarding the status of the IP. Annual reports must include information about any changes in the IP's residence, the services the IP is receiving and the identity of assisting professionals, the medical and mental status of the IP, any changes in the IP's functional ability, activities of the guardian for the reporting period, and any recommended changes for the scope of the guardian's authority. A guardian or limited guardian of the person must additionally report to the court within thirty days if there has been any substantial change in the IP's condition, or any changes in the IP's residence.

Persons Entitled to Special Notice of Proceedings.

A relative of an IP or other interested person may submit a written request for notice of specific actions in the guardianship case. When the request does not specify matters for which notice is requested, the guardian or limited guardian must provide copies of all documents filed with the court and advance notice of his or her application for court approval of any action in the guardianship.

Summary of Bill:

The list of duties assigned to a guardian of the person is amended to include a duty to inform the IP's relatives as soon as reasonably possible if the IP dies or has been hospitalized for three days or more in an acute care hospital. In the case of death, the guardian or limited guardian must additionally provide notice of any funeral arrangements and of the IP's final resting place. "Relatives" for purposes of the notice requirements is limited to relatives entitled to special notice of proceedings in the guardianship case.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.