

FINAL BILL REPORT

ESSB 6287

C 312 L 20
Synopsis as Enacted

Brief Description: Concerning guardianships and conservatorships.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Pedersen, Holy, Dhingra, Rivers, Kuderer, Salomon, Conway, Keiser and Wilson, C.).

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary
House Committee on Appropriations

Background: In 2019, the Legislature adopted the Uniform Guardianship, Conservatorship, and other Protective Arrangements Act (UGA). It repealed existing laws on state guardianship and replaced them with the UGA. It also repealed existing law on nonparental actions for child custody.

The UGA changed guardianships of adults and minors in the following areas:

- terminology;
- qualifications of a guardian;
- legal standard for appointment;
- priority of appointment;
- duties of a guardian;
- emergency guardian;
- appointment of counsel;
- placement in a facility for mental health treatment;
- guardianship monitoring programs;
- delegation of a parent's power; and
- model training program.

Summary: The UGA and other laws making technical corrections, terminology changes, and citation corrections for cross references to the repealed chapters of state guardianship and nonparental actions for child custody laws are amended. Terminology changes mostly ensure that other laws in statute correctly use the terms guardian of a person and conservator of an estate.

Substantive changes to the UGA include, but are not limited to, adding the following:

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1. A new section 112 adopts the repealed RCW 26.10.115 for temporary orders for the support of children including for domestic violence protection orders and support orders.
2. A new section 123 requires any order for the relocation of a minor under a guardianship to comply with notice requirements pursuant to laws for dissolution proceedings.
3. A new section 224 provides a process for conservators' access to certain assets held by financial institutions.
4. Part VI of the act contains 12 new sections. They adopt supported decision-making agreements for recognizing a less restrictive alternative to guardianship for adults with disabilities who need assistance with decisions regarding daily living.
5. A new section 801 adopts the repealed RCW 11.88.005 providing legislative intent for the UGA.

Due process and notice of legal rights are required. The existing right to a jury trial is clarified. Mediation opportunities are made available.

A complaint process in the courts which was formerly repealed under UGA is reenacted. Technical amendments are made, including making language consistent throughout guardianship, conservatorship, and other protective arrangements. References to legal capacity are removed.

The effective date for the repeal of adult guardianship laws is delayed until January 1, 2022.

Votes on Final Passage:

Senate	48	0	
House	91	6	(House amended)
Senate	48	0	(Senate concurred)

Effective: January 1, 2022
 June 11, 2020 (Sections 902 and 903)
 January 1, 2021 (Sections 101 through 122, 301 through 307, and 312, 313, 725, 801, 905, and 906)