

SB 5788 - H COMM AMD

By Committee on Civil Rights & Judiciary

ADOPTED 03/03/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 11.130.225 and 2020 c 312 s 108 are each amended to
4 read as follows:

5 (1) On its own, on motion when a guardianship petition is filed
6 under RCW 11.130.190, or on petition by a person interested in a
7 minor's welfare, including the minor, the court may appoint an
8 emergency guardian for the minor if the court finds:

9 (a) Appointment of an emergency guardian is likely to prevent
10 substantial harm to the minor's health, safety, or welfare; and

11 (b) No other person appears to have authority, ability, and the
12 willingness to act ((in the circumstances)) to prevent substantial
13 harm to the minor's health, safety, or welfare.

14 (2) The duration of authority of an emergency guardian for a
15 minor may not exceed sixty days and the emergency guardian may
16 exercise only the powers specified in the order of appointment. The
17 emergency guardian's authority may be extended once for not more than
18 sixty days if the court finds that the conditions for appointment of
19 an emergency guardian in subsection (1) of this section continue.

20 (3) Except as otherwise provided in subsection (4) of this
21 section, reasonable notice of the date, time, and place of a hearing
22 on a motion for or a petition for appointment of an emergency
23 guardian for a minor must be given to:

- 24 (a) The minor, if the minor is twelve years of age or older;
- 25 (b) Any attorney appointed under RCW 11.130.200;
- 26 (c) Each parent of the minor;
- 27 (d) Any person, other than a parent, having care or custody of
28 the minor; and
- 29 (e) Any other person the court determines.

30 (4) The court may appoint an emergency guardian for a minor
31 without notice under subsection (3) of this section and a hearing
32 only if the court finds from an affidavit or testimony that the

1 minor's health, safety, or welfare will be substantially harmed
2 before a hearing with notice on the appointment can be held. If the
3 court appoints an emergency guardian without notice to an
4 unrepresented minor or the attorney for a represented minor, notice
5 of the appointment must be given not later than forty-eight hours
6 after the appointment to the individuals listed in subsection (3) of
7 this section. Not later than five days after the appointment, the
8 court shall hold a hearing on the appropriateness of the appointment.

9 (5) Appointment of an emergency guardian under this section, with
10 or without notice, is not a determination that a basis exists for
11 appointment of a guardian under RCW 11.130.185.

12 (6) The court may remove an emergency guardian appointed under
13 this section at any time. The emergency guardian shall make any
14 report the court requires.

15 (7) Notwithstanding subsection (2) of this section, the court may
16 extend an emergency guardianship pending the outcome of a full
17 hearing under RCW 11.130.190 or 11.130.220.

18 (8) If a petition for guardianship under RCW 11.130.215 is
19 pending, or is subsequently filed after a petition under this
20 section, the cases shall be linked or consolidated.

21 **Sec. 2.** RCW 13.04.030 and 2020 c 41 s 4 are each amended to read
22 as follows:

23 (1) Except as provided in this section, the juvenile courts in
24 this state shall have exclusive original jurisdiction over all
25 proceedings:

26 (a) Under the interstate compact on placement of children as
27 provided in chapter 26.34 RCW;

28 (b) Relating to children alleged or found to be dependent as
29 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

30 (c) Relating to the termination of a parent and child
31 relationship as provided in RCW 13.34.180 through 13.34.210;

32 (d) To approve or disapprove out-of-home placement as provided in
33 RCW 13.32A.170;

34 (e) Relating to juveniles alleged or found to have committed
35 offenses, traffic or civil infractions, or violations as provided in
36 RCW 13.40.020 through 13.40.230, unless:

37 (i) The juvenile court transfers jurisdiction of a particular
38 juvenile to adult criminal court pursuant to RCW 13.40.110;

1 (ii) The statute of limitations applicable to adult prosecution
2 for the offense, traffic or civil infraction, or violation has
3 expired;

4 (iii) The alleged offense or infraction is a traffic, fish,
5 boating, or game offense, or traffic or civil infraction committed by
6 a juvenile sixteen years of age or older and would, if committed by
7 an adult, be tried or heard in a court of limited jurisdiction, in
8 which instance the appropriate court of limited jurisdiction shall
9 have jurisdiction over the alleged offense or infraction, and no
10 guardian ad litem is required in any such proceeding due to the
11 juvenile's age. If such an alleged offense or infraction and an
12 alleged offense or infraction subject to juvenile court jurisdiction
13 arise out of the same event or incident, the juvenile court may have
14 jurisdiction of both matters. The jurisdiction under this subsection
15 does not constitute "transfer" or a "decline" for purposes of RCW
16 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited
17 jurisdiction which confine juveniles for an alleged offense or
18 infraction may place juveniles in juvenile detention facilities under
19 an agreement with the officials responsible for the administration of
20 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

21 (iv) The alleged offense is a traffic or civil infraction, a
22 violation of compulsory school attendance provisions under chapter
23 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
24 has assumed concurrent jurisdiction over those offenses as provided
25 in RCW 13.04.0301; or

26 (v) The juvenile is sixteen or seventeen years old on the date
27 the alleged offense is committed and the alleged offense is:

28 (A) A serious violent offense as defined in RCW 9.94A.030;

29 (B) A violent offense as defined in RCW 9.94A.030 and the
30 juvenile has a criminal history consisting of: One or more prior
31 serious violent offenses; two or more prior violent offenses; or
32 three or more of any combination of the following offenses: Any class
33 A felony, any class B felony, vehicular assault, or manslaughter in
34 the second degree, all of which must have been committed after the
35 juvenile's thirteenth birthday and prosecuted separately; or

36 (C) Rape of a child in the first degree.

37 (I) In such a case the adult criminal court shall have exclusive
38 original jurisdiction, except as provided in (e)(v)(C)(II) and (III)
39 of this subsection.

1 (II) The juvenile court shall have exclusive jurisdiction over
2 the disposition of any remaining charges in any case in which the
3 juvenile is found not guilty in the adult criminal court of the
4 charge or charges for which he or she was transferred, or is
5 convicted in the adult criminal court of an offense that is not also
6 an offense listed in (e)(v) of this subsection. The juvenile court
7 shall maintain residual juvenile court jurisdiction up to age twenty-
8 five if the juvenile has turned eighteen years of age during the
9 adult criminal court proceedings but only for the purpose of
10 returning a case to juvenile court for disposition pursuant to RCW
11 13.40.300(3)(d).

12 (III) The prosecutor and respondent may agree to juvenile court
13 jurisdiction and waive application of exclusive adult criminal
14 jurisdiction in (e)(v)(A) through (C) of this subsection and remove
15 the proceeding back to juvenile court with the court's approval.

16 If the juvenile challenges the state's determination of the
17 juvenile's criminal history under (e)(v) of this subsection, the
18 state may establish the offender's criminal history by a
19 preponderance of the evidence. If the criminal history consists of
20 adjudications entered upon a plea of guilty, the state shall not bear
21 a burden of establishing the knowing and voluntariness of the plea;

22 (f) Under the interstate compact on juveniles as provided in
23 chapter 13.24 RCW;

24 (g) Relating to termination of a diversion agreement under RCW
25 13.40.080, including a proceeding in which the divertee has attained
26 eighteen years of age;

27 (h) Relating to court validation of a voluntary consent to an
28 out-of-home placement under chapter 13.34 RCW, by the parent or
29 Indian custodian of an Indian child, except if the parent or Indian
30 custodian and child are residents of or domiciled within the
31 boundaries of a federally recognized Indian reservation over which
32 the tribe exercises exclusive jurisdiction; and

33 (i) Relating to petitions to compel disclosure of information
34 filed by the department of social and health services pursuant to RCW
35 74.13.042.

36 (2) The family court shall have concurrent original jurisdiction
37 with the juvenile court over all proceedings under this section if
38 the superior court judges of a county authorize concurrent
39 jurisdiction as provided in RCW 26.12.010.

1 (3) The juvenile court shall have concurrent original
2 jurisdiction with the family or probate court over ((~~child custody~~)
3 minor guardianship proceedings under chapter ((~~26.10~~) 11.130 RCW and
4 parenting plans or residential schedules under chapter 26.09, 26.26A,
5 or 26.26B RCW as provided for in RCW 13.34.155.

6 (4) A juvenile subject to adult superior court jurisdiction under
7 subsection (1)(e)(i) through (v) of this section, who is detained
8 pending trial, may be detained in a detention facility as defined in
9 RCW 13.40.020 pending sentencing or a dismissal.

10 **Sec. 3.** RCW 26.12.172 and 2008 c 6 s 1046 are each amended to
11 read as follows:

12 Any court rules adopted for the implementation of parenting
13 seminars shall include the following provisions:

14 (1) In no case shall opposing parties be required to attend
15 seminars together;

16 (2) Upon a showing of domestic violence or abuse which would not
17 require mutual decision making pursuant to RCW 26.09.191, or that a
18 parent's attendance at the seminar is not in the children's best
19 interests, the court shall either:

20 (a) Waive the requirement of completion of the seminar; or

21 (b) Provide an alternative, voluntary parenting seminar for
22 battered spouses or battered domestic partners; and

23 (3) The court may waive the seminar for good cause.

24 (4) Cases filed as a minor guardianship under chapter 11.130 RCW
25 are exempt from requirements of parenting seminar attendance.

26 **Sec. 4.** RCW 26.23.050 and 2021 c 35 s 14 are each amended to
27 read as follows:

28 (1) If the division of child support is providing support
29 enforcement services under RCW 26.23.045, or if a party is applying
30 for support enforcement services by signing the application form on
31 the bottom of the support order, the superior court shall include in
32 all court orders that establish or modify a support obligation:

33 (a) A provision that orders and directs the person required to
34 pay support to make all support payments to the Washington state
35 support registry;

36 (b) A statement that withholding action may be taken against
37 wages, earnings, assets, or benefits, and liens enforced against real
38 and personal property under the child support statutes of this or any

1 other state, without further notice to the person required to pay
2 support at any time after entry of the court order, unless:

3 (i) One of the parties demonstrates, and the court finds, that
4 there is good cause not to require immediate income withholding and
5 that withholding should be delayed until a payment is past due; or

6 (ii) The parties reach a written agreement that is approved by
7 the court that provides for an alternate arrangement;

8 (c) A statement that the payee under the order or the person
9 entitled to receive support might be required to submit an accounting
10 of how the support, including any cash medical support, is being
11 spent to benefit the child;

12 (d) A statement that a party to the support order who is required
13 to provide health care coverage for the child or children covered by
14 the order must notify the division of child support and the other
15 party to the support order when the coverage terminates;

16 (e) A statement that any privilege of the person required to pay
17 support to obtain and maintain a license, as defined in RCW
18 74.20A.320, may not be renewed, or may be suspended if the person is
19 not in compliance with a support order as provided in RCW 74.20A.320;
20 and

21 (f) A statement that the support obligation under the order may
22 be abated as provided in RCW 26.09.320 if the person required to pay
23 support is confined in a jail, prison, or correctional facility for
24 at least six months, or is serving a sentence greater than six months
25 in a jail, prison, or correctional facility.

26 As used in this subsection and subsection (3) of this section,
27 "good cause not to require immediate income withholding" means a
28 written determination of why implementing immediate wage withholding
29 would not be in the child's best interests and, in modification
30 cases, proof of timely payment of previously ordered support.

31 (2) In all other cases not under subsection (1) of this section,
32 the court may order the person required to pay support to make
33 payments directly to the person entitled to receive the payments, to
34 the Washington state support registry, or may order that payments be
35 made in accordance with an alternate arrangement agreed upon by the
36 parties.

37 (a) The superior court shall include in all orders under this
38 subsection that establish or modify a support obligation:

39 (i) A statement that withholding action may be taken against
40 wages, earnings, assets, or benefits, and liens enforced against real

1 and personal property under the child support statutes of this or any
2 other state, without further notice to the person required to pay
3 support at any time after entry of the court order, unless:

4 (A) One of the parties demonstrates, and the court finds, that
5 there is good cause not to require immediate income withholding and
6 that withholding should be delayed until a payment is past due; or

7 (B) The parties reach a written agreement that is approved by the
8 court that provides for an alternate arrangement;

9 (ii) A statement that the payee under the order or the person
10 entitled to receive support may be required to submit an accounting
11 of how the support is being spent to benefit the child;

12 (iii) A statement that any party to the order required to provide
13 health care coverage for the child or children covered by the order
14 must notify the division of child support and the other party to the
15 order when the coverage terminates; and

16 (iv) A statement that a party to the order seeking to enforce the
17 other party's obligation to provide health care coverage may:

18 (A) File a motion in the underlying superior court action; or

19 (B) If there is not already an underlying superior court action,
20 initiate an action in the superior court.

21 As used in this subsection, "good cause not to require immediate
22 income withholding" is any reason that the court finds appropriate.

23 (b) The superior court may order immediate or delayed income
24 withholding as follows:

25 (i) Immediate income withholding may be ordered if the person
26 required to pay support has earnings. If immediate income withholding
27 is ordered under this subsection, all support payments shall be paid
28 to the Washington state support registry. The superior court shall
29 issue a mandatory wage assignment order as set forth in chapter 26.18
30 RCW when the support order is signed by the court. The payee under
31 the order or the person entitled to receive the transfer payment is
32 responsible for serving the employer with the order and for its
33 enforcement as set forth in chapter 26.18 RCW.

34 (ii) If immediate income withholding is not ordered, the court
35 shall require that income withholding be delayed until a payment is
36 past due. The support order shall contain a statement that
37 withholding action may be taken against wages, earnings, assets, or
38 benefits, and liens enforced against real and personal property under
39 the child support statutes of this or any other state, without

1 further notice to the person required to pay support, after a payment
2 is past due.

3 (c) If a mandatory income withholding order under chapter 26.18
4 RCW is issued under this subsection and the division of child support
5 provides support enforcement services under RCW 26.23.045, the
6 existing wage withholding assignment is prospectively superseded upon
7 the division of child support's subsequent service of an income
8 withholding order.

9 (3) The office of administrative hearings and the department of
10 social and health services shall require that all support obligations
11 established as administrative orders include a provision which orders
12 and directs that the person required to pay support shall make all
13 support payments to the Washington state support registry. All
14 administrative orders shall also state that any privilege of the
15 person required to pay support to obtain and maintain a license, as
16 defined in RCW 74.20A.320, may not be renewed, or may be suspended if
17 the person is not in compliance with a support order as provided in
18 RCW 74.20A.320. All administrative orders shall also state that
19 withholding action may be taken against wages, earnings, assets, or
20 benefits, and liens enforced against real and personal property under
21 the child support statutes of this or any other state without further
22 notice to the person required to pay support at any time after entry
23 of the order, unless:

24 (a) One of the parties demonstrates, and the presiding officer
25 finds, that there is good cause not to require immediate income
26 withholding; or

27 (b) The parties reach a written agreement that is approved by the
28 presiding officer that provides for an alternate agreement.

29 (4) If the support order does not include the provision ordering
30 and directing that all payments be made to the Washington state
31 support registry and a statement that withholding action may be taken
32 against wages, earnings, assets, or benefits if a support payment is
33 past due or at any time after the entry of the order, or that
34 licensing privileges of the person required to pay support may not be
35 renewed, or may be suspended, the division of child support may serve
36 a notice on the person stating such requirements and authorizations.
37 Service may be by personal service or any form of mail requiring a
38 return receipt.

39 (5) Every support order shall state:

40 (a) The address where the support payment is to be sent;

1 (b) That withholding action may be taken against wages, earnings,
2 assets, or benefits, and liens enforced against real and personal
3 property under the child support statutes of this or any other state,
4 without further notice to the person required to pay support at any
5 time after entry of a support order, unless:

6 (i) One of the parties demonstrates, and the court finds, that
7 there is good cause not to require immediate income withholding; or

8 (ii) The parties reach a written agreement that is approved by
9 the court that provides for an alternate arrangement;

10 (c) The income of the parties, if known, or that their income is
11 unknown and the income upon which the support award is based;

12 (d) The support award as a sum certain amount;

13 (e) The specific day or date on which the support payment is due;

14 (f) The names and ages of the dependent children;

15 (g) A provision requiring both the person required to pay
16 support, and the payee under the order or the person entitled to
17 receive support who is a parent of the child or children covered by
18 the order, to keep the Washington state support registry informed of
19 whether he or she has access to health care coverage at reasonable
20 cost and, if so, the health care coverage information;

21 (h) That either or both the person required to pay support, and
22 the payee under the order or the person entitled to receive support
23 who is a parent of the child or children covered by the order, shall
24 be obligated to provide medical support for a child or children
25 covered by the order through health care coverage if:

26 (i) The person obligated to provide medical support provides
27 accessible coverage for the child or children through private or
28 public health care coverage; or

29 (ii) Coverage that can be extended to cover the child or children
30 is or becomes available to the person obligated to provide medical
31 support through employment or is union-related; or

32 (iii) In the absence of such coverage, through an additional sum
33 certain amount, as that obligated person's monthly payment toward the
34 premium as provided under RCW 26.09.105;

35 (i) That a person obligated to provide medical support who is
36 providing health care coverage must notify both the division of child
37 support and the other party to the order when coverage terminates;

38 (j) That if proof of health care coverage or proof that the
39 coverage is unavailable is not provided within twenty days, the
40 person seeking enforcement or the department may seek direct

1 enforcement of the coverage through the employer or union of the
2 person required to provide medical support without further notice to
3 the person as provided under chapter 26.18 RCW;

4 (k) The reasons for not ordering health care coverage if the
5 order fails to require such coverage;

6 (l) That any privilege of the person required to pay support to
7 obtain and maintain a license, as defined in RCW 74.20A.320, may not
8 be renewed, or may be suspended if the person is not in compliance
9 with a support order as provided in RCW 74.20A.320;

10 (m) That each party to the support order must:

11 (i) Promptly file with the court and update as necessary the
12 confidential information form required by subsection (7) of this
13 section; and

14 (ii) Provide the state case registry and update as necessary the
15 information required by subsection (7) of this section; and

16 (n) That parties to administrative support orders shall provide
17 to the state case registry and update as necessary their residential
18 addresses and the address of the employer of the person required to
19 pay support. The division of child support may adopt rules that
20 govern the collection of parties' current residence and mailing
21 addresses, telephone numbers, dates of birth, social security
22 numbers, the names of the children, social security numbers of the
23 children, dates of birth of the children, driver's license numbers,
24 and the names, addresses, and telephone numbers of the parties'
25 employers to enforce an administrative support order. The division of
26 child support shall not release this information if the division of
27 child support determines that there is reason to believe that release
28 of the information may result in physical or emotional harm to the
29 party or to the child, or a restraining order or protective order is
30 in effect to protect one party from the other party.

31 (6) After the person required to pay support has been ordered or
32 notified to make payments to the Washington state support registry
33 under this section, that person shall be fully responsible for making
34 all payments to the Washington state support registry and shall be
35 subject to payroll deduction or other income-withholding action. The
36 person required to pay support shall not be entitled to credit
37 against a support obligation for any payments made to a person or
38 agency other than to the Washington state support registry except as
39 provided under RCW 74.20.101. A civil action may be brought by the
40 person required to pay support to recover payments made to persons or

1 agencies who have received and retained support moneys paid contrary
2 to the provisions of this section.

3 (7) All petitioners and parties to all court actions under
4 chapters 26.09, (~~26.10,~~) 26.12, 26.18, 26.21A, 26.23, 26.26A,
5 26.26B, and 26.27 RCW and minor guardianships under chapter 11.130
6 RCW shall complete to the best of their knowledge a verified and
7 signed confidential information form or equivalent that provides the
8 parties' current residence and mailing addresses, telephone numbers,
9 dates of birth, social security numbers, driver's license numbers,
10 and the names, addresses, and telephone numbers of the parties'
11 employers, to ensure that the parties' information is added to the
12 judicial information system's person database. The clerk of the court
13 shall not accept petitions, except in parentage actions initiated by
14 the state, orders of child support, decrees of dissolution, or
15 parentage orders for filing in such actions unless accompanied by the
16 confidential information form or equivalent, or unless the
17 confidential information form or equivalent is already on file with
18 the court clerk. In lieu of or in addition to requiring the parties
19 to complete a separate confidential information form, the clerk may
20 collect the information in electronic form. The clerk of the court
21 shall transmit the confidential information form or its data to the
22 division of child support with a copy of the order of child support
23 or parentage order, and may provide copies of the confidential
24 information form or its data and any related findings, decrees,
25 parenting plans, orders, or other documents to the state
26 administrative agency that administers Title IV-A, IV-D, IV-E, or XIX
27 of the federal social security act. In state initiated parentage
28 actions, the parties adjudicated the parents of the child or children
29 shall complete the confidential information form or equivalent or the
30 state's attorney of record may complete that form to the best of the
31 attorney's knowledge.

32 (8) The department has rule-making authority to enact rules
33 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
34 as amended by section 7307 of the deficit reduction act of 2005.
35 Additionally, the department has rule-making authority to implement
36 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
37 308.

38 **Sec. 5.** RCW 11.130.010 and 2020 c 312 s 301 are each amended to
39 read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Adult" means an individual at least eighteen years of age or
4 an emancipated individual under eighteen years of age.

5 (2) "Adult subject to conservatorship" means an adult for whom a
6 conservator has been appointed under this chapter.

7 (3) "Adult subject to guardianship" means an adult for whom a
8 guardian has been appointed under this chapter.

9 (4) "Claim" includes a claim against an individual or
10 conservatorship estate, whether arising in contract, tort, or
11 otherwise.

12 (5) "Conservator" means a person appointed by a court to make
13 decisions with respect to the property or financial affairs of an
14 individual subject to conservatorship. The term includes a co-
15 conservator.

16 (6) "Conservatorship estate" means the property subject to
17 conservatorship under this chapter.

18 (7) "Court visitor" means the person appointed by the court
19 pursuant to this chapter.

20 (8) "Evaluation and treatment facility" has the same meaning as
21 provided in RCW 71.05.020.

22 (9) "Full conservatorship" means a conservatorship that grants
23 the conservator all powers available under this chapter.

24 (10) "Full guardianship" means a guardianship that grants the
25 guardian all powers available under this chapter.

26 (11) "Guardian" means a person appointed by the court to make
27 decisions with respect to the personal affairs of an individual. The
28 term includes a co-guardian but does not include a guardian ad litem.

29 (12) "Guardian ad litem" means a person appointed to inform the
30 court about, (~~and~~) or to represent, the needs and best interests of
31 a minor.

32 (13) "Individual subject to conservatorship" means an adult or
33 minor for whom a conservator has been appointed under this chapter.

34 (14) "Individual subject to guardianship" means an adult or minor
35 for whom a guardian has been appointed under this chapter.

36 (15) "Less restrictive alternative" means an approach to meeting
37 an individual's needs which restricts fewer rights of the individual
38 than would the appointment of a guardian or conservator. The term
39 includes supported decision making, appropriate technological
40 assistance, appointment of a representative payee, and appointment of

1 an agent by the individual, including appointment under a power of
2 attorney for health care or power of attorney for finances.

3 (16) "Letters of office" means a record issued by a court
4 certifying a guardian's or conservator's authority to act.

5 (17) "Limited conservatorship" means a conservatorship that
6 grants the conservator less than all powers available under this
7 chapter, grants powers over only certain property, or otherwise
8 restricts the powers of the conservator.

9 (18) "Limited guardianship" means a guardianship that grants the
10 guardian less than all powers available under this chapter or
11 otherwise restricts the powers of the guardian.

12 (19) "Long-term care facility" has the same meaning as provided
13 in RCW 70.129.010.

14 (20) "Minor" means an unemancipated individual under eighteen
15 years of age.

16 (21) "Minor subject to conservatorship" means a minor for whom a
17 conservator has been appointed under this chapter.

18 (22) "Minor subject to guardianship" means a minor for whom a
19 guardian has been appointed under this chapter.

20 (23) "Notice party" means a person entitled to notice under this
21 chapter or otherwise determined by the court to be entitled to
22 notice.

23 (24) "Parent" does not include an individual whose parental
24 rights have been terminated.

25 (25) "Person" means an individual, estate, business or nonprofit
26 entity, public corporation, government or governmental subdivision,
27 agency, or instrumentality, or other legal entity.

28 (26) "Professional guardian or conservator" means a guardian or
29 conservator appointed under this chapter who is not a relative of the
30 person subject to guardianship or conservatorship established under
31 this chapter and who charges fees for carrying out the duties of
32 court-appointed guardian or conservator for three or more persons.

33 (27) "Property" includes tangible and intangible property.

34 (28) "Protective arrangement instead of conservatorship" means a
35 court order entered under RCW 11.130.590.

36 (29) "Protective arrangement instead of guardianship" means a
37 court order entered under RCW 11.130.585.

38 (30) "Protective arrangement under Article 5 of this chapter"
39 means a court order entered under RCW 11.130.585 or 11.130.590.

1 (31) "Record," used as a noun, means information that is
2 inscribed on a tangible medium or that is stored in an electronic or
3 other medium and is retrievable in perceivable form.

4 (32) "Relative" means any person related by blood or by law to
5 the person subject to guardianship, conservatorship, or other
6 protective arrangements.

7 (33) "Respondent" means an individual for whom appointment of a
8 guardian or conservator or a protective arrangement instead of
9 guardianship or conservatorship is sought.

10 (34) "Sign" means, with present intent to authenticate or adopt a
11 record:

12 (a) To execute or adopt a tangible symbol; or

13 (b) To attach to or logically associate with the record an
14 electronic symbol, sound, or process.

15 (35) "Special agent" means the person appointed by the court
16 pursuant to RCW 11.130.375 or 11.130.635.

17 (36) "Standby guardian" means a person appointed by the court
18 under RCW 11.130.220.

19 (37) "State" means a state of the United States, the District of
20 Columbia, Puerto Rico, the United States Virgin Islands, or any
21 territory or insular possession subject to the jurisdiction of the
22 United States. The term includes a federally recognized Indian tribe.

23 (38) "Supported decision making" means assistance from one or
24 more persons of an individual's choosing in understanding the nature
25 and consequences of potential personal and financial decisions, which
26 enables the individual to make the decisions, and in communicating a
27 decision once made if consistent with the individual's wishes.

28 (39) "Verified receipt" is a verified receipt signed by the
29 custodian of funds stating that a savings and loan association or
30 bank, trust company, escrow corporation, or other corporations
31 approved by the court hold the cash or securities of the individual
32 subject to conservatorship subject to withdrawal only by order of the
33 court.

34 (40) "Visitor" means a court visitor.

35 **Sec. 6.** RCW 11.130.085 and 2019 c 437 s 117 are each amended to
36 read as follows:

37 (1) Before accepting appointment as a guardian or conservator, a
38 person shall disclose to the court whether the person:

1 (a) Is or has been a debtor in a bankruptcy, insolvency, or
2 receivership proceeding;

3 (b) Has been convicted of:

4 (i) A felony;

5 (ii) A crime involving dishonesty, neglect, violence, or use of
6 physical force; or

7 (iii) Other crimes relevant to the functions the individual would
8 assume as guardian or conservator; or

9 (c) Has any court finding of a breach of fiduciary duty or a
10 violation of any state's consumer protection act, or violation of any
11 other statute proscribing unfair or deceptive acts or practices in
12 the conduct of any business.

13 (2) A guardian or conservator that engages or anticipates
14 engaging an agent the guardian or conservator knows has been
15 convicted of a felony, a crime involving dishonesty, neglect,
16 violence, or use of physical force, or other crimes relevant to the
17 functions the agent is being engaged to perform promptly shall
18 disclose that knowledge to the court.

19 (3) If a conservator engages or anticipates engaging an agent to
20 manage finances of the individual subject to conservatorship and
21 knows the agent is or has been a debtor in a bankruptcy, insolvency,
22 or receivership proceeding, the conservator promptly shall disclose
23 that knowledge to the court.

24 (4) If a guardian or conservator that engages or anticipates
25 engaging an agent and knows the agent has any court finding of a
26 breach of fiduciary duty or a violation of any state's consumer
27 protection act, or violation of any other statute proscribing unfair
28 or deceptive acts or practices in the conduct of any business, the
29 guardian or conservator promptly shall disclose that knowledge to the
30 court.

31 (5) A court may not be able to access certain databases. The
32 parties and not the court are responsible for confirming the accuracy
33 of what is represented.

34 **Sec. 7.** RCW 11.130.210 and 2020 c 312 s 105 are each amended to
35 read as follows:

36 (1) Before granting any order under this chapter, the court must
37 consult the judicial information system, if available, to determine
38 the existence of any information and proceedings that are relevant to
39 the placement of the child.

1 (2) Before entering a final order, the court must:

2 (a) Direct the department of children, youth, and families to
3 release information regarding all proposed guardians and all adult
4 members of any proposed guardian's household as provided under RCW
5 13.50.100; and

6 (b) Require the petitioner to provide the results of an
7 examination of state and national criminal identification data
8 provided by the Washington state patrol criminal identification
9 system as described in chapter 43.43 RCW for (~~the petitioner and~~)
10 all proposed guardians as well as all adult members of the
11 (~~petitioner's~~) proposed guardian's household.

12 **Sec. 8.** RCW 11.130.215 and 2020 c 312 s 106 are each amended to
13 read as follows:

14 (1) After a hearing under RCW 11.130.195, the court may appoint a
15 guardian for a minor, if appointment is proper under RCW 11.130.185,
16 dismiss the proceeding, or take other appropriate action consistent
17 with this chapter or law of this state other than this chapter.

18 (2) In appointing a guardian under subsection (1) of this
19 section, the following rules apply:

20 (a) The court shall appoint a person nominated as guardian by a
21 parent of the minor in a probated will or other record unless the
22 court finds the appointment is contrary to the best interest of the
23 minor. Any "other record" must be a declaration or other sworn
24 document and may include a power of attorney or other sworn statement
25 as to the care, custody, or control of the minor child.

26 (b) If multiple parents have nominated different persons to serve
27 as guardian, the court shall appoint the nominee whose appointment is
28 in the best interest of the minor, unless the court finds that
29 appointment of none of the nominees is in the best interest of the
30 minor.

31 (c) If a guardian is not appointed under (a) or (b) of this
32 subsection, the court shall appoint the person nominated by the minor
33 if the minor is twelve years of age or older unless the court finds
34 that appointment is contrary to the best interest of the minor. In
35 that case, the court shall appoint as guardian a person whose
36 appointment is in the best interest of the minor.

37 (3) In the interest of maintaining or encouraging involvement by
38 a minor's parent in the minor's life, developing self-reliance of the
39 minor, or for other good cause, the court, at the time of appointment

1 of a guardian for the minor or later, on its own or on motion of the
2 minor or other interested person, may create a limited guardianship
3 by limiting the powers otherwise granted by this article to the
4 guardian. Following the same procedure, the court may grant
5 additional powers or withdraw powers previously granted.

6 (4) The court, as part of an order appointing a guardian for a
7 minor, shall state rights retained by any parent of the minor, which
8 shall preserve the parent-child relationship through an order for
9 parent-child visitation and other contact, unless the court finds the
10 relationship should be limited or restricted under RCW 26.09.191; and
11 which may include decision making regarding the minor's health care,
12 education, or other matter, or access to a record regarding the
13 minor.

14 (5) An order granting a guardianship for a minor must state that
15 each parent of the minor is entitled to notice that:

16 (a) The guardian has delegated custody of the minor subject to
17 guardianship;

18 (b) The court has modified or limited the powers of the guardian;
19 or

20 (c) The court has removed the guardian.

21 (6) An order granting a guardianship for a minor must identify
22 any person in addition to a parent of the minor which is entitled to
23 notice of the events listed in subsection (5) of this section.

24 (7) An order granting guardianship for a minor must direct the
25 clerk of the court to issue letters of office to the guardian
26 containing an expiration date which should be the minor's eighteenth
27 birthday.

28 NEW SECTION. **Sec. 9.** Section 4 of this act takes effect January
29 1, 2023."

30 Correct the title.

EFFECT: Provides the delayed effective date of January 1, 2023,
for the requirement that all petitioners and parties to minor
guardianship actions must complete a verified and signed confidential
information form or equivalent that contains certain information
about the parties. Specifies that this requirement is to ensure that

the parties' information is added to the Judicial Information System's person database.

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