

CERTIFICATION OF ENROLLMENT

SENATE BILL 5788

Chapter 243, Laws of 2022

67th Legislature
2022 Regular Session

GUARDIANSHIP OF MINORS—VARIOUS PROVISIONS

EFFECTIVE DATE: June 9, 2022—Except for section 4, which takes effect January 1, 2023.

Passed by the Senate March 7, 2022
Yeas 48 Nays 1

DENNY HECK

President of the Senate

Passed by the House March 3, 2022
Yeas 97 Nays 1

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 30, 2022 3:01 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5788** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 31, 2022

**Secretary of State
State of Washington**

SENATE BILL 5788

AS AMENDED BY THE HOUSE

Passed Legislature - 2022 Regular Session

State of Washington 67th Legislature 2022 Regular Session

By Senators Pedersen, Padden, Dhingra, and Lovick

Read first time 01/11/22. Referred to Committee on Law & Justice.

1 AN ACT Relating to guardianship of minors; amending RCW
2 11.130.225, 13.04.030, 26.12.172, 26.23.050, 11.130.010, 11.130.085,
3 11.130.210, and 11.130.215; and providing an effective date.

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

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

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

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

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

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

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

5 (a) The minor, if the minor is twelve years of age or older;

6 (b) Any attorney appointed under RCW 11.130.200;

7 (c) Each parent of the minor;

8 (d) Any person, other than a parent, having care or custody of
9 the minor; and

10 (e) Any other person the court determines.

11 (4) The court may appoint an emergency guardian for a minor
12 without notice under subsection (3) of this section and a hearing
13 only if the court finds from an affidavit or testimony that the
14 minor's health, safety, or welfare will be substantially harmed
15 before a hearing with notice on the appointment can be held. If the
16 court appoints an emergency guardian without notice to an
17 unrepresented minor or the attorney for a represented minor, notice
18 of the appointment must be given not later than forty-eight hours
19 after the appointment to the individuals listed in subsection (3) of
20 this section. Not later than five days after the appointment, the
21 court shall hold a hearing on the appropriateness of the appointment.

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

25 (6) The court may remove an emergency guardian appointed under
26 this section at any time. The emergency guardian shall make any
27 report the court requires.

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

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

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

36 (1) Except as provided in this section, the juvenile courts in
37 this state shall have exclusive original jurisdiction over all
38 proceedings:

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

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

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

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

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

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

14 (ii) The statute of limitations applicable to adult prosecution
15 for the offense, traffic or civil infraction, or violation has
16 expired;

17 (iii) The alleged offense or infraction is a traffic, fish,
18 boating, or game offense, or traffic or civil infraction committed by
19 a juvenile sixteen years of age or older and would, if committed by
20 an adult, be tried or heard in a court of limited jurisdiction, in
21 which instance the appropriate court of limited jurisdiction shall
22 have jurisdiction over the alleged offense or infraction, and no
23 guardian ad litem is required in any such proceeding due to the
24 juvenile's age. If such an alleged offense or infraction and an
25 alleged offense or infraction subject to juvenile court jurisdiction
26 arise out of the same event or incident, the juvenile court may have
27 jurisdiction of both matters. The jurisdiction under this subsection
28 does not constitute "transfer" or a "decline" for purposes of RCW
29 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited
30 jurisdiction which confine juveniles for an alleged offense or
31 infraction may place juveniles in juvenile detention facilities under
32 an agreement with the officials responsible for the administration of
33 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

34 (iv) The alleged offense is a traffic or civil infraction, a
35 violation of compulsory school attendance provisions under chapter
36 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
37 has assumed concurrent jurisdiction over those offenses as provided
38 in RCW 13.04.0301; or

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

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

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

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

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

13 (II) The juvenile court shall have exclusive jurisdiction over
14 the disposition of any remaining charges in any case in which the
15 juvenile is found not guilty in the adult criminal court of the
16 charge or charges for which he or she was transferred, or is
17 convicted in the adult criminal court of an offense that is not also
18 an offense listed in (e)(v) of this subsection. The juvenile court
19 shall maintain residual juvenile court jurisdiction up to age twenty-
20 five if the juvenile has turned eighteen years of age during the
21 adult criminal court proceedings but only for the purpose of
22 returning a case to juvenile court for disposition pursuant to RCW
23 13.40.300(3)(d).

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

28 If the juvenile challenges the state's determination of the
29 juvenile's criminal history under (e)(v) of this subsection, the
30 state may establish the offender's criminal history by a
31 preponderance of the evidence. If the criminal history consists of
32 adjudications entered upon a plea of guilty, the state shall not bear
33 a burden of establishing the knowing and voluntariness of the plea;

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

36 (g) Relating to termination of a diversion agreement under RCW
37 13.40.080, including a proceeding in which the divertee has attained
38 eighteen years of age;

39 (h) Relating to court validation of a voluntary consent to an
40 out-of-home placement under chapter 13.34 RCW, by the parent or

1 Indian custodian of an Indian child, except if the parent or Indian
2 custodian and child are residents of or domiciled within the
3 boundaries of a federally recognized Indian reservation over which
4 the tribe exercises exclusive jurisdiction; and

5 (i) Relating to petitions to compel disclosure of information
6 filed by the department of social and health services pursuant to RCW
7 74.13.042.

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

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

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

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

23 Any court rules adopted for the implementation of parenting
24 seminars shall include the following provisions:

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

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

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

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

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

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

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

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

6 (a) A provision that orders and directs the person required to
7 pay support to make all support payments to the Washington state
8 support registry;

9 (b) A statement that withholding action may be taken against
10 wages, earnings, assets, or benefits, and liens enforced against real
11 and personal property under the child support statutes of this or any
12 other state, without further notice to the person required to pay
13 support at any time after entry of the court order, unless:

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

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

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

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

27 (e) A statement that any privilege of the person required to pay
28 support to obtain and maintain a license, as defined in RCW
29 74.20A.320, may not be renewed, or may be suspended if the person is
30 not in compliance with a support order as provided in RCW 74.20A.320;
31 and

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

37 As used in this subsection and subsection (3) of this section,
38 "good cause not to require immediate income withholding" means a
39 written determination of why implementing immediate wage withholding

1 would not be in the child's best interests and, in modification
2 cases, proof of timely payment of previously ordered support.

3 (2) In all other cases not under subsection (1) of this section,
4 the court may order the person required to pay support to make
5 payments directly to the person entitled to receive the payments, to
6 the Washington state support registry, or may order that payments be
7 made in accordance with an alternate arrangement agreed upon by the
8 parties.

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

11 (i) A statement that withholding action may be taken against
12 wages, earnings, assets, or benefits, and liens enforced against real
13 and personal property under the child support statutes of this or any
14 other state, without further notice to the person required to pay
15 support at any time after entry of the court order, unless:

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

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

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

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

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

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

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

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

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

37 (i) Immediate income withholding may be ordered if the person
38 required to pay support has earnings. If immediate income withholding
39 is ordered under this subsection, all support payments shall be paid
40 to the Washington state support registry. The superior court shall

1 issue a mandatory wage assignment order as set forth in chapter 26.18
2 RCW when the support order is signed by the court. The payee under
3 the order or the person entitled to receive the transfer payment is
4 responsible for serving the employer with the order and for its
5 enforcement as set forth in chapter 26.18 RCW.

6 (ii) If immediate income withholding is not ordered, the court
7 shall require that income withholding be delayed until a payment is
8 past due. The support order shall contain a statement that
9 withholding action may be taken against wages, earnings, assets, or
10 benefits, and liens enforced against real and personal property under
11 the child support statutes of this or any other state, without
12 further notice to the person required to pay support, after a payment
13 is past due.

14 (c) If a mandatory income withholding order under chapter 26.18
15 RCW is issued under this subsection and the division of child support
16 provides support enforcement services under RCW 26.23.045, the
17 existing wage withholding assignment is prospectively superseded upon
18 the division of child support's subsequent service of an income
19 withholding order.

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

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

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

1 (4) If the support order does not include the provision ordering
2 and directing that all payments be made to the Washington state
3 support registry and a statement that withholding action may be taken
4 against wages, earnings, assets, or benefits if a support payment is
5 past due or at any time after the entry of the order, or that
6 licensing privileges of the person required to pay support may not be
7 renewed, or may be suspended, the division of child support may serve
8 a notice on the person stating such requirements and authorizations.
9 Service may be by personal service or any form of mail requiring a
10 return receipt.

11 (5) Every support order shall state:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (j) That if proof of health care coverage or proof that the
11 coverage is unavailable is not provided within twenty days, the
12 person seeking enforcement or the department may seek direct
13 enforcement of the coverage through the employer or union of the
14 person required to provide medical support without further notice to
15 the person as provided under chapter 26.18 RCW;

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

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

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

23 (i) Promptly file with the court and update as necessary the
24 confidential information form required by subsection (7) of this
25 section; and

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

28 (n) That parties to administrative support orders shall provide
29 to the state case registry and update as necessary their residential
30 addresses and the address of the employer of the person required to
31 pay support. The division of child support may adopt rules that
32 govern the collection of parties' current residence and mailing
33 addresses, telephone numbers, dates of birth, social security
34 numbers, the names of the children, social security numbers of the
35 children, dates of birth of the children, driver's license numbers,
36 and the names, addresses, and telephone numbers of the parties'
37 employers to enforce an administrative support order. The division of
38 child support shall not release this information if the division of
39 child support determines that there is reason to believe that release
40 of the information may result in physical or emotional harm to the

1 party or to the child, or a restraining order or protective order is
2 in effect to protect one party from the other party.

3 (6) After the person required to pay support has been ordered or
4 notified to make payments to the Washington state support registry
5 under this section, that person shall be fully responsible for making
6 all payments to the Washington state support registry and shall be
7 subject to payroll deduction or other income-withholding action. The
8 person required to pay support shall not be entitled to credit
9 against a support obligation for any payments made to a person or
10 agency other than to the Washington state support registry except as
11 provided under RCW 74.20.101. A civil action may be brought by the
12 person required to pay support to recover payments made to persons or
13 agencies who have received and retained support moneys paid contrary
14 to the provisions of this section.

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

1 shall complete the confidential information form or equivalent or the
2 state's attorney of record may complete that form to the best of the
3 attorney's knowledge.

4 (8) The department has rule-making authority to enact rules
5 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
6 as amended by section 7307 of the deficit reduction act of 2005.
7 Additionally, the department has rule-making authority to implement
8 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
9 308.

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

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

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

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

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

20 (4) "Claim" includes a claim against an individual or
21 conservatorship estate, whether arising in contract, tort, or
22 otherwise.

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

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

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

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

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

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

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

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

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

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

8 (15) "Less restrictive alternative" means an approach to meeting
9 an individual's needs which restricts fewer rights of the individual
10 than would the appointment of a guardian or conservator. The term
11 includes supported decision making, appropriate technological
12 assistance, appointment of a representative payee, and appointment of
13 an agent by the individual, including appointment under a power of
14 attorney for health care or power of attorney for finances.

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

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

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

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

26 (20) "Minor" means an unemancipated individual under eighteen
27 years of age.

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

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

32 (23) "Notice party" means a person entitled to notice under this
33 chapter or otherwise determined by the court to be entitled to
34 notice.

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

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

1 (26) "Professional guardian or conservator" means a guardian or
2 conservator appointed under this chapter who is not a relative of the
3 person subject to guardianship or conservatorship established under
4 this chapter and who charges fees for carrying out the duties of
5 court-appointed guardian or conservator for three or more persons.

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

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

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

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

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

16 (32) "Relative" means any person related by blood or by law to
17 the person subject to guardianship, conservatorship, or other
18 protective arrangements.

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

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

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

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

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

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

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

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

1 (39) "Verified receipt" is a verified receipt signed by the
2 custodian of funds stating that a savings and loan association or
3 bank, trust company, escrow corporation, or other corporations
4 approved by the court hold the cash or securities of the individual
5 subject to conservatorship subject to withdrawal only by order of the
6 court.

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

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

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

12 (a) Is or has been a debtor in a bankruptcy, insolvency, or
13 receivership proceeding;

14 (b) Has been convicted of:

15 (i) A felony;

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

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

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

24 (2) A guardian or conservator that engages or anticipates
25 engaging an agent the guardian or conservator knows has been
26 convicted of a felony, a crime involving dishonesty, neglect,
27 violence, or use of physical force, or other crimes relevant to the
28 functions the agent is being engaged to perform promptly shall
29 disclose that knowledge to the court.

30 (3) If a conservator engages or anticipates engaging an agent to
31 manage finances of the individual subject to conservatorship and
32 knows the agent is or has been a debtor in a bankruptcy, insolvency,
33 or receivership proceeding, the conservator promptly shall disclose
34 that knowledge to the court.

35 (4) If a guardian or conservator that engages or anticipates
36 engaging an agent and knows the agent has any court finding of a
37 breach of fiduciary duty or a violation of any state's consumer
38 protection act, or violation of any other statute proscribing unfair
39 or deceptive acts or practices in the conduct of any business, the

1 guardian or conservator promptly shall disclose that knowledge to the
2 court.

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

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

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

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

13 (a) Direct the department of children, youth, and families to
14 release information regarding all proposed guardians and all adult
15 members of any proposed guardian's household as provided under RCW
16 13.50.100; and

17 (b) Require the petitioner to provide the results of an
18 examination of state and national criminal identification data
19 provided by the Washington state patrol criminal identification
20 system as described in chapter 43.43 RCW for ~~((the petitioner and))~~
21 all proposed guardians as well as all adult members of the
22 ~~((petitioner's))~~ proposed guardian's household.

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

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

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

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

37 (b) If multiple parents have nominated different persons to serve
38 as guardian, the court shall appoint the nominee whose appointment is

1 in the best interest of the minor, unless the court finds that
2 appointment of none of the nominees is in the best interest of the
3 minor.

4 (c) If a guardian is not appointed under (a) or (b) of this
5 subsection, the court shall appoint the person nominated by the minor
6 if the minor is twelve years of age or older unless the court finds
7 that appointment is contrary to the best interest of the minor. In
8 that case, the court shall appoint as guardian a person whose
9 appointment is in the best interest of the minor.

10 (3) In the interest of maintaining or encouraging involvement by
11 a minor's parent in the minor's life, developing self-reliance of the
12 minor, or for other good cause, the court, at the time of appointment
13 of a guardian for the minor or later, on its own or on motion of the
14 minor or other interested person, may create a limited guardianship
15 by limiting the powers otherwise granted by this article to the
16 guardian. Following the same procedure, the court may grant
17 additional powers or withdraw powers previously granted.

18 (4) The court, as part of an order appointing a guardian for a
19 minor, shall state rights retained by any parent of the minor, which
20 shall preserve the parent-child relationship through an order for
21 parent-child visitation and other contact, unless the court finds the
22 relationship should be limited or restricted under RCW 26.09.191; and
23 which may include decision making regarding the minor's health care,
24 education, or other matter, or access to a record regarding the
25 minor.

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

28 (a) The guardian has delegated custody of the minor subject to
29 guardianship;

30 (b) The court has modified or limited the powers of the guardian;
31 or

32 (c) The court has removed the guardian.

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

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

1 NEW SECTION. **Sec. 9.** Section 4 of this act takes effect January
2 1, 2023.

Passed by the Senate March 7, 2022.

Passed by the House March 3, 2022.

Approved by the Governor March 30, 2022.

Filed in Office of Secretary of State March 31, 2022.

--- END ---