

2SSB 5825 - H COMM AMD

By Committee on Civil Rights & Judiciary

ADOPTED 02/29/2024

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

3 **"Sec. 1.** RCW 11.130.090 and 2019 c 437 s 118 are each amended to
4 read as follows:

5 (1) Any suitable person over the age of (~~twenty-one~~) 21 years,
6 or any parent under the age of (~~twenty-one~~) 21 years or, if the
7 petition is for appointment of a professional guardian or
8 conservator, any individual or guardianship or conservatorship
9 service that meets any certification requirements established by the
10 administrator for the courts, may, if not otherwise disqualified, be
11 appointed guardian or conservator of a person subject to
12 guardianship, conservatorship, or both. A financial institution
13 subject to the jurisdiction of the department of financial
14 institutions and authorized to exercise trust powers, and a federally
15 chartered financial institution when authorized to do so, may be
16 appointed to act as a guardian or conservator of a person subject to
17 guardianship, conservatorship, or both without having to meet the
18 certification requirements established by the administrator for the
19 courts. No person is qualified to serve as a guardian or conservator
20 who is:

21 (a) Under (~~eighteen~~) 18 years of age except as otherwise
22 provided herein;

23 (b) (i) Except as provided otherwise in (b) (ii) of this
24 subsection, convicted of a crime involving dishonesty, neglect, or
25 use of physical force or other crime relevant to the functions the
26 individual would assume as guardian;

27 (ii) A court may, upon consideration of the facts, find that a
28 relative convicted of a crime is qualified to serve as a guardian or
29 conservator;

30 (c) A nonresident of this state who has not appointed a resident
31 agent to accept service of process in all actions or proceedings with

1 respect to the estate and caused such appointment to be filed with
2 the court;

3 (d) A corporation not authorized to act as a fiduciary, guardian,
4 or conservator in the state;

5 (e) A person whom the court finds unsuitable.

6 (2) If a guardian, or conservator is not a certified professional
7 guardian, conservator, or financial institution authorized under this
8 section, the guardian or conservator must complete any standardized
9 training video or web cast for lay guardians or conservators made
10 available by the administrative office of the courts and the superior
11 court where the petition is filed unless granted a waiver by the
12 court. The training video or web cast must be provided at no cost to
13 the guardian, or conservator.

14 (a) If a petitioner requests the appointment of a specific
15 individual to act as a guardian or conservator, the petition for
16 guardianship or conservatorship must include evidence of the
17 successful completion of the required training video or web cast by
18 the proposed guardian or conservator. The superior court may defer
19 the completion of the training requirement to a date no later than
20 ninety days after appointment if the petitioner requests expedited
21 appointment due to emergent circumstances.

22 (b) If no person is identified to be appointed guardian or
23 conservator at the time the petition is filed, then the court must
24 require that the petitioner identify within (~~fourteen~~) 30 days from
25 the filing of the petition a specific individual to act as guardian
26 or conservator subject to the training requirements set forth herein.
27 If the petitioner fails to identify a guardian or conservator within
28 30 days of filing, the court shall dismiss the guardianship or
29 conservatorship.

30 **Sec. 2.** RCW 11.130.100 and 2020 c 312 s 304 are each amended to
31 read as follows:

32 (1) Unless otherwise compensated or reimbursed, an attorney for a
33 respondent in a proceeding under this chapter is entitled to
34 reasonable compensation for services and reimbursement of reasonable
35 expenses from the property of the respondent.

36 (2) Unless otherwise compensated or reimbursed, an attorney, or
37 other person whose services resulted in an order beneficial to an
38 individual subject to guardianship or conservatorship or for whom a
39 protective arrangement under Article 5 of this chapter was ordered,

1 is entitled to reasonable compensation for services and reimbursement
2 of reasonable expenses from the property of the individual.

3 (3) Where the person subject to guardianship or conservatorship
4 is a department of social and health services client, or health care
5 authority client, and is required to contribute a portion of their
6 income towards the cost of long-term care services or room and board,
7 the amount of compensation or reimbursement shall not exceed the
8 amount allowed by the department of social and health services or
9 health care authority by rule.

10 (4) Where the person subject to guardianship or conservatorship
11 receives guardianship, conservatorships, or other protective services
12 from the office of public guardianship, the amount of compensation or
13 reimbursement shall not exceed the amount allowed by the office of
14 public guardianship.

15 (5) The court must approve compensation and expenses payable
16 under this section before payment. Approval is not required before a
17 service is provided or an expense is incurred.

18 (6) If the court dismisses a petition under this chapter and
19 determines the petition was filed in bad faith, the court may assess
20 the cost of any court-ordered professional evaluation, court-
21 appointed attorney, or court visitor against the petitioner.

22 **Sec. 3.** RCW 11.130.270 and 2019 c 437 s 302 are each amended to
23 read as follows:

24 (1) A person interested in an adult's welfare, including the
25 adult for whom the order is sought, may petition for appointment of a
26 guardian for the adult.

27 (2) A person interested in the welfare of a minor who, within 45
28 days of the filing of the petition, will attain the age of majority,
29 may petition for appointment of a guardian for the minor. The minor
30 may petition on the minor's own behalf.

31 (3) A petition under subsection (1) or (2) of this section must
32 state the petitioner's name, principal residence, current street
33 address, if different, relationship to the respondent, interest in
34 the appointment, the name and address of any attorney representing
35 the petitioner, and, to the extent known, the following:

36 (a) The respondent's name, age, principal residence, current
37 street address, if different, and, if different, address of the
38 dwelling in which it is proposed the respondent will reside if the
39 petition is granted;

1 (b) The name and address of the respondent's:

2 (i) Spouse or domestic partner or, if the respondent has none, an
3 adult with whom the respondent has shared household responsibilities
4 for more than six months in the (~~twelve~~) 12-month period
5 immediately before the filing of the petition;

6 (ii) Adult children or, if none, each parent and adult sibling of
7 the respondent, or, if none, at least one adult nearest in kinship to
8 the respondent who can be found with reasonable diligence; (~~and~~)

9 (iii) Adult stepchildren whom the respondent actively parented
10 during the stepchildren's minor years and with whom the respondent
11 had an ongoing relationship in the two-year period immediately before
12 the filing of the petition; and

13 (iv) Parents, if living and involved in the respondent's life;

14 (c) The name and current address of each of the following, if
15 applicable:

16 (i) A person responsible for care of the respondent;

17 (ii) Any attorney currently representing the respondent;

18 (iii) Any representative payee appointed by the social security
19 administration for the respondent;

20 (iv) A guardian or conservator acting for the respondent in this
21 state or in another jurisdiction;

22 (v) A trustee or custodian of a trust or custodianship of which
23 the respondent is a beneficiary;

24 (vi) Any fiduciary for the respondent appointed by the department
25 of veterans affairs;

26 (vii) An agent designated under a power of attorney for health
27 care in which the respondent is identified as the principal;

28 (viii) An agent designated under a power of attorney for finances
29 in which the respondent is identified as the principal;

30 (ix) A person nominated as guardian by the respondent;

31 (x) A person nominated as guardian by the respondent's parent or
32 spouse or domestic partner in a will or other signed record;

33 (xi) A proposed guardian and the reason the proposed guardian
34 should be selected; and

35 (xii) A person known to have routinely assisted the respondent
36 with decision making during the six months immediately before the
37 filing of the petition;

38 (d) The reason a guardianship is necessary, including a brief
39 description of:

40 (i) The nature and extent of the respondent's alleged need;

1 (ii) Any protective arrangement instead of guardianship or other
2 less restrictive alternatives for meeting the respondent's alleged
3 need which have been considered or implemented;

4 (iii) If no protective arrangement instead of guardianship or
5 other less restrictive alternatives have been considered or
6 implemented, the reason they have not been considered or implemented;
7 and

8 (iv) The reason a protective arrangement instead of guardianship
9 or other less restrictive alternative is insufficient to meet the
10 respondent's alleged need;

11 (e) Whether the petitioner seeks a limited guardianship or full
12 guardianship;

13 (f) If the petitioner seeks a full guardianship, the reason a
14 limited guardianship or protective arrangement instead of
15 guardianship is not appropriate;

16 (g) If a limited guardianship is requested, the powers to be
17 granted to the guardian;

18 (h) The name and current address, if known, of any person with
19 whom the petitioner seeks to limit the respondent's contact;

20 (i) If the respondent has property other than personal effects, a
21 general statement of the respondent's property, with an estimate of
22 its value, including any insurance or pension, and the source and
23 amount of other anticipated income or receipts; and

24 (j) Whether the respondent needs an interpreter, translator, or
25 other form of support to communicate effectively with the court or
26 understand court proceedings.

27 **Sec. 4.** RCW 11.130.280 and 2020 c 312 s 309 are each amended to
28 read as follows:

29 (1) On receipt of a petition under RCW 11.130.270 for appointment
30 of a guardian for an adult, the court shall appoint a court visitor.
31 The court visitor must be an individual with training or experience
32 in the type of abilities, limitations, and needs alleged in the
33 petition.

34 (2) The court, in the order appointing a court visitor, shall
35 specify the hourly rate the court visitor may charge for his or her
36 services, and shall specify the maximum amount the court visitor may
37 charge without additional court review and approval. The fee shall be
38 charged to the person subject to a guardianship or conservatorship
39 proceeding unless the court finds that such payment would result in

1 substantial hardship upon such person, in which case the county shall
2 be responsible for such costs: PROVIDED, That the court may charge
3 such fee to the petitioner, the person subject to a guardianship or
4 conservatorship proceeding, or any person who has appeared in the
5 action; or may allocate the fee, as it deems just. If the petition is
6 found to be frivolous or not brought in good faith, the court visitor
7 fee shall be charged to the petitioner. The court shall not be
8 required to provide for the payment of a fee to any salaried employee
9 of a public agency.

10 (3)(a) The court visitor appointed under subsection (1) of this
11 section shall within five days of receipt of notice of appointment
12 file with the court and serve, either personally or by certified mail
13 with return receipt, the respondent or his or her legal counsel, the
14 petitioner or his or her legal counsel, and any interested party
15 entitled to notice under RCW 11.130.080 with a statement including:
16 His or her training relating to the duties as a court visitor; his or
17 her criminal history as defined in RCW 9.94A.030 for the period
18 covering (~~ten~~) 10 years prior to the appointment; his or her hourly
19 rate, if compensated; whether the court visitor has had any contact
20 with a party to the proceeding prior to his or her appointment; and
21 whether he or she has an apparent conflict of interest. Within three
22 days of the later of the actual service or filing of the court
23 visitor's statement, any party may set a hearing and file and serve a
24 motion for an order to show cause why the court visitor should not be
25 removed for one of the following three reasons:

26 (i) Lack of expertise necessary for the proceeding;

27 (ii) An hourly rate higher than what is reasonable for the
28 particular proceeding; or

29 (iii) A conflict of interest.

30 (b) Notice of the hearing shall be provided to the court visitor
31 and all parties. If, after a hearing, the court enters an order
32 replacing the court visitor, findings shall be included, expressly
33 stating the reasons for the removal. If the court visitor is not
34 removed, the court has the authority to assess to the moving party
35 attorneys' fees and costs related to the motion. The court shall
36 assess attorneys' fees and costs for frivolous motions.

37 (4) A court visitor appointed under subsection (1) of this
38 section shall interview the respondent in person and, in a manner the
39 respondent is best able to understand:

1 (a) Explain to the respondent the substance of the petition, the
2 nature, purpose, and effect of the proceeding, the respondent's
3 rights at the hearing on the petition, the right to counsel of choice
4 and to a jury trial, and the general powers and duties of a guardian;

5 (b) Determine whether the respondent would like to request the
6 appointment of an attorney, and determine the respondent's views
7 about the appointment sought by the petitioner, including views about
8 a proposed guardian, the guardian's proposed powers and duties, and
9 the scope and duration of the proposed guardianship; and

10 (c) Inform the respondent that all costs and expenses of the
11 proceeding, including the respondent's attorney's fees, may be paid
12 from the respondent's assets.

13 (5) If the respondent objects to the petition or requests
14 appointment of an attorney, the court visitor shall petition the
15 court to have an attorney appointed within five days of meeting the
16 respondent.

17 (6) The court visitor appointed under subsection (1) of this
18 section shall:

19 (a) Interview the petitioner and proposed guardian, if any;

20 (b) Visit the respondent's present dwelling and any dwelling in
21 which it is reasonably believed the respondent will live if the
22 appointment is made;

23 (c) Obtain information from any physician or other person known
24 to have treated, advised, or assessed the respondent's relevant
25 physical or mental condition; and

26 (d) Investigate the allegations in the petition and any other
27 matter relating to the petition the court directs.

28 ~~((6))~~ (7) A court visitor appointed under subsection (1) of
29 this section shall file a report in a record with the court and
30 provide a copy of the report to the respondent, petitioner, and any
31 interested party entitled to notice under RCW 11.130.080 at least
32 ~~((fifteen))~~ 15 days prior to the hearing on the petition filed under
33 RCW 11.130.270, which must include:

34 (a) A summary of self-care and independent living tasks the
35 respondent can manage without assistance or with existing supports,
36 could manage with the assistance of appropriate supportive services,
37 technological assistance, or supported decision making, and cannot
38 manage;

39 (b) A recommendation regarding the appropriateness of
40 guardianship, including whether a protective arrangement instead of

1 guardianship or other less restrictive alternative for meeting the
2 respondent's needs is available and:

3 (i) If a guardianship is recommended, whether it should be full
4 or limited; and

5 (ii) If a limited guardianship is recommended, the powers to be
6 granted to the guardian;

7 (c) A statement of the qualifications of the proposed guardian
8 and whether the respondent approves or disapproves of the proposed
9 guardian;

10 (d) A statement whether the proposed dwelling meets the
11 respondent's needs and whether the respondent has expressed a
12 preference as to residence;

13 (e) A statement whether the respondent declined a professional
14 evaluation under RCW 11.130.290 and what other information is
15 available to determine the respondent's needs and abilities without
16 the professional evaluation;

17 (f) A statement whether the respondent is able to attend a
18 hearing at the location court proceedings typically are held;

19 (g) A statement whether the respondent is able to participate in
20 a hearing and which identifies any technology or other form of
21 support that would enhance the respondent's ability to participate;
22 and

23 (h) Any other matter the court directs.

24 ~~((7))~~ (8) The appointment of a court visitor has no effect on
25 the determination of the adult respondent's legal capacity and does
26 not overcome the presumption of legal capacity or full legal and
27 civil rights of the adult respondent.

28 **Sec. 5.** RCW 11.130.315 and 2019 c 437 s 311 are each amended to
29 read as follows:

30 ~~((1) A guardian appointed under RCW 11.130.305 shall give the
31 adult subject to guardianship and all other persons given notice
32 under RCW 11.130.275 a copy of the order of appointment, together
33 with notice of the right to request termination or modification. The
34 order and notice must be given not later than fourteen days after the
35 appointment.~~

36 ~~(2))~~ Not later than ~~((thirty))~~ 14 days after appointment of a
37 guardian under RCW 11.130.305, the guardian shall give to the adult
38 subject to guardianship and any other person entitled to notice under
39 RCW 11.130.310 (5) or (6) or a subsequent order a copy of the order

1 of appointment and a statement of the rights of the adult subject to
2 guardianship and procedures to seek relief if the adult is denied
3 those rights. The statement must be in at least sixteen-point font,
4 in plain language, and, to the extent feasible, in a language in
5 which the adult subject to guardianship is proficient. The statement
6 must notify the adult subject to guardianship of the right to:

7 ~~((a))~~ (1) Seek termination or modification of the guardianship,
8 or removal of the guardian, and choose an attorney to represent the
9 adult in these matters;

10 ~~((b))~~ (2) Be involved in decisions affecting the adult,
11 including decisions about the adult's care, dwelling, activities, or
12 social interactions, to the extent reasonably feasible;

13 ~~((c))~~ (3) Be involved in health care decision making to the
14 extent reasonably feasible and supported in understanding the risks
15 and benefits of health care options to the extent reasonably
16 feasible;

17 ~~((d))~~ (4) Be notified at least fourteen days before a change in
18 the adult's primary dwelling or permanent move to a nursing home,
19 mental health facility, or other facility that places restrictions on
20 the individual's ability to leave or have visitors unless the change
21 or move is proposed in the guardian's plan under RCW 11.130.340 or
22 authorized by the court by specific order;

23 ~~((e))~~ (5) Object to a change or move described in ~~((d) of~~
24 ~~this))~~ subsection (4) of this section and the process for objecting;

25 ~~((f))~~ (6) Communicate, visit, or interact with others,
26 including receiving visitors, and making or receiving telephone
27 calls, personal mail, or electronic communications, including through
28 social media, unless:

29 ~~((i))~~ (a) The guardian has been authorized by the court by
30 specific order to restrict communications, visits, or interactions;

31 ~~((ii))~~ (b) A protective order or protective arrangement instead
32 of guardianship is in effect that limits contact between the adult
33 and a person; or

34 ~~((iii))~~ (c) The guardian has good cause to believe restriction
35 is necessary because interaction with a specified person poses a risk
36 of significant physical, psychological, or financial harm to the
37 adult, and the restriction is:

38 ~~((A))~~ (i) For a period of not more than seven business days if
39 the person has a relative or preexisting social relationship with the
40 adult; or

- 1 ~~((B))~~ (ii) For a period of not more than sixty days if the
2 person does not have a relative or preexisting social relationship
3 with the adult;
- 4 ~~((g))~~ (7) Receive a copy of the guardian's plan under RCW
5 11.130.340 and the guardian's report under RCW 11.130.345;
- 6 ~~((h))~~ (8) Object to the guardian's plan or report; and
- 7 ~~((i))~~ (9) Associate with persons of their choosing as provided
8 in RCW 11.130.335(5).

9 **Sec. 6.** RCW 11.130.320 and 2020 c 312 s 204 are each amended to
10 read as follows:

11 (1) A person interested in an adult's welfare, including the
12 adult for whom the order is sought, may petition for appointment of
13 an emergency guardian for the adult.

14 (2) An emergency petition under subsection (1) of this section
15 must state the petitioner's name, principal residence, and current
16 street address, if different, and~~((r))~~ to the extent known, the
17 following:

18 (a) The respondent's name, age, principal residence~~((r))~~ and
19 current street address, if different;

20 (b) The name and address of the respondent's:

21 (i) Spouse or domestic partner or, if the respondent has none, an
22 adult with whom the respondent has shared household responsibilities
23 for more than six months in the twelve-month period immediately
24 before the filing of the emergency petition;

25 (ii) Adult children or, if none, each parent and adult sibling of
26 the respondent, or, if none, at least one adult nearest in kinship to
27 the respondent who can be found with reasonable diligence; and

28 (iii) Adult stepchildren whom the respondent actively parented
29 during the stepchildren's minor years and with whom the respondent
30 had an ongoing relationship in the two-year period immediately before
31 the filing of the emergency petition;

32 (c) The name and current address of each of the following, if
33 applicable:

34 (i) A person responsible for care of the respondent;

35 (ii) Any attorney currently representing the respondent;

36 (iii) Any representative payee appointed by the social security
37 administration for the respondent;

38 (iv) A guardian or conservator acting for the respondent in this
39 state or in another jurisdiction;

1 (v) A trustee or custodian of a trust or custodianship of which
2 the respondent is a beneficiary;

3 (vi) Any fiduciary for the respondent appointed by the department
4 of veterans affairs;

5 (vii) Any representative payee or authorized representative or
6 protective payee;

7 (viii) An agent designated under a power of attorney for health
8 care in which the respondent is identified as the principal;

9 (ix) An agent designated under a power of attorney for finances
10 in which the respondent is identified as the principal;

11 (x) A person nominated as guardian by the respondent;

12 (xi) A person nominated as guardian by the respondent's parent or
13 spouse or domestic partner in a will or other signed record;

14 (xii) A proposed emergency guardian, and the reason the proposed
15 emergency guardian should be selected; and

16 (xiii) A person known to have routinely assisted the respondent
17 with decision making during the six months immediately before the
18 filing of the emergency petition;

19 (d) The reason an emergency guardianship is necessary, including
20 a specific description of:

21 (i) The nature and extent of the emergency situation;

22 (ii) The nature and extent of the respondent's alleged emergency
23 need that arose because of the emergency situation;

24 (iii) The substantial and irreparable harm to the respondent's
25 health, safety, welfare, or rights that is likely to be prevented by
26 the appointment of an emergency guardian;

27 (iv) All protective arrangements or other less restrictive
28 alternatives that have been considered or implemented to meet the
29 respondent's alleged emergency need instead of emergency
30 guardianship;

31 (v) If no protective arrangements or other less restrictive
32 alternatives have been considered or implemented instead of emergency
33 guardianship, the reason they have not been considered or
34 implemented; and

35 (vi) The reason a protective arrangement or other less
36 restrictive alternative instead of emergency guardianship is
37 insufficient to meet the respondent's alleged emergency need;

38 (e) The reason the petitioner believes that a basis for
39 appointment of a guardian under RCW 11.130.265 exists;

1 (f) Whether the petitioner intends to also seek guardianship for
2 an adult under RCW 11.130.270;

3 (g) The reason the petitioner believes that no other person
4 appears to have authority and willingness to act to address the
5 respondent's identified needs caused by the emergency circumstances;

6 (h) The specific powers to be granted to the proposed emergency
7 guardian and a description of how those powers will be used to meet
8 the respondent's alleged emergency need;

9 (i) If the respondent has property other than personal effects, a
10 general statement of the respondent's property, with an estimate of
11 its value, including any insurance or pension, and the source and
12 amount of other anticipated income or receipts; and

13 (j) Whether the respondent needs an interpreter, translator, or
14 other form of support to communicate effectively with the court or
15 understand court proceedings.

16 (3) The requirements of RCW 11.130.090 apply to an emergency
17 guardian appointed for an adult with the following exceptions for any
18 proposed emergency guardian required to complete the training under
19 RCW 11.130.090:

20 (a) The proposed emergency guardian shall present evidence of the
21 successful completion of the required training video or web cast to
22 the court no later than the hearing on the petition for appointment
23 of an emergency guardian for an adult; and

24 (b) The superior court may defer the completion of the training
25 requirement to a date no later than fourteen days after appointment
26 if the petitioner requests an extension of time to complete the
27 training due to emergent circumstances beyond the control of
28 (~~the~~) the petitioner.

29 (4) On its own after a petition has been filed under RCW
30 11.130.270, or on petition for appointment of an emergency guardian
31 for an adult, the court may appoint an emergency guardian for the
32 adult if the court makes specific findings based on clear and
33 convincing evidence that:

34 (a) An emergency exists such that appointment of an emergency
35 guardian is likely to prevent substantial and irreparable harm to the
36 adult's physical health, safety, or welfare;

37 (b) The respondent's identified needs caused by the emergency
38 cannot be met by a protective arrangement or other less restrictive
39 alternative instead of emergency guardianship;

1 (c) No other person appears to have authority and willingness to
2 act to address the respondent's identified needs caused by the
3 emergency circumstances; and

4 (d) There is reason to believe that a basis for appointment of a
5 guardian under RCW 11.130.265 exists.

6 (5) If the court acts on its own to appoint an emergency guardian
7 after a petition has been filed under RCW 11.130.270, all
8 requirements of this section shall be met.

9 (6) A court order appointing an emergency guardian for an adult
10 shall:

11 (a) Grant only the specific powers necessary to meet the adult's
12 identified emergency need and to prevent substantial and irreparable
13 harm to the adult's physical health, safety, or welfare;

14 (b) Include a specific finding that clear and convincing evidence
15 established that an emergency exists such that appointment of an
16 emergency guardian is likely to prevent substantial and irreparable
17 harm to the respondent's health, safety, or welfare;

18 (c) Include a specific finding that the identified emergency need
19 of the respondent cannot be met by a protective arrangement instead
20 of guardianship or other less restrictive alternative, including any
21 relief available under chapter 74.34 RCW or use of appropriate
22 supportive services, technological assistance, or supported decision
23 making;

24 (d) Include a specific finding that clear and convincing evidence
25 established the respondent was given proper notice of the hearing on
26 the petition;

27 (e) State that the adult subject to emergency guardianship
28 retains all rights the adult enjoyed prior to the emergency
29 guardianship with the exception of the rights not retained during the
30 period of emergency guardianship;

31 (f) Include the date that the sixty-day period of emergency
32 guardianship ends, and the date the emergency guardian's report,
33 required by this section, is due to the court; and

34 (g) Identify any person or notice party that subsequently is
35 entitled to:

36 (i) Notice of the rights of the adult;

37 (ii) Notice of a change in the primary dwelling of the adult;

38 (iii) Notice of the removal of the guardian;

39 (iv) A copy of the emergency guardian's plan and the emergency
40 guardian's report under this section;

1 (v) Access to court records relating to the emergency
2 guardianship;

3 (vi) Notice of the death or significant change in the condition
4 of the adult;

5 (vii) Notice that the court has limited or modified the powers of
6 the emergency guardian; and

7 (viii) Notice of the removal of the emergency guardian.

8 (7) A spouse, a domestic partner, and adult children of an adult
9 subject to emergency guardianship are entitled to notice under this
10 section unless the court orders otherwise based on good cause. Good
11 cause includes the court's determination that notice would be
12 contrary to the preferences or prior directions of the adult subject
13 to emergency guardianship or not in the best interest of the adult
14 subject to the emergency guardianship.

15 (8) The duration of authority of an emergency guardian for an
16 adult may not exceed sixty days, and the emergency guardian may
17 exercise only the powers specified in the order of appointment. Upon
18 a motion by the petitioner, adult subject to emergency guardianship,
19 court visitor, or the emergency guardian, with notice served upon all
20 applicable notice parties, the emergency guardian's authority may be
21 extended once for not more than sixty days if the court finds that
22 the conditions for appointment of an emergency guardian in subsection
23 (4) of this section continue.

24 (9) Immediately on filing of a petition for appointment of an
25 emergency guardian for an adult, the court shall appoint an attorney
26 to represent the respondent in the proceeding. Except as otherwise
27 provided in subsection (10) of this section, an order appointing an
28 emergency guardian for the respondent may not be entered unless the
29 respondent, the respondent's attorney, and the court visitor
30 appointed under subsection (11) of this section have received a
31 minimum of fourteen days' notice of the date, time, and place of a
32 hearing on the petition. ((A)) The petitioner must cause a copy of
33 the emergency petition and notice of a hearing on the petition (~~must~~
34 ~~be served personally~~) to be personally served on the respondent, the
35 respondent's attorney, and the court visitor not more than two court
36 days after the petition has been filed. The notice must inform the
37 respondent of the respondent's rights at the hearing, including the
38 right to an attorney and to attend the hearing. The notice must
39 include a description of the nature, purpose, and consequences of
40 granting the emergency petition. The court shall not grant the

1 emergency petition if notice substantially complying with this
2 subsection is not served on the respondent.

3 (10) The court may appoint an emergency guardian for an adult
4 without notice to the adult and any attorney for the adult only if
5 the court finds from an affidavit or testimony that the respondent's
6 physical health, safety, or welfare will be substantially harmed
7 before a hearing with notice on the appointment can be held. If the
8 court appoints an emergency guardian without giving notice under
9 subsection (9) of this section, the court must:

10 (a) Give notice of the appointment not later than forty-eight
11 hours after the appointment to:

12 (i) The respondent;

13 (ii) The respondent's attorney; and

14 (iii) Any other person the court determines; and

15 (b) (~~Hold~~) Schedule and hold a hearing on the appropriateness
16 of the appointment not later than five days after the appointment.

17 (11) On receipt of a petition for appointment of emergency
18 guardian for an adult, the court shall appoint a court visitor.

19 (~~Notice~~) The petitioner must cause notice of appointment of the
20 court visitor (~~must~~) to be served upon the court visitor within two
21 days of appointment. The court visitor must be an individual with
22 training or experience in the type of abilities, limitations, and
23 needs alleged in the emergency petition. The court, in the order
24 appointing a court visitor, shall specify the hourly rate the
25 (~~court~~) court visitor may charge for his or her services, and
26 shall specify the maximum amount the court visitor may charge without
27 additional court review and approval.

28 (a) The court visitor shall within two days of service of notice
29 of appointment file with the court and serve, either personally or by
30 certified mail with return receipt, the respondent or the
31 respondent's legal counsel, the petitioner or the petitioner's legal
32 counsel, and any notice party with a statement including the court
33 visitor's: Training relating to the duties as a court visitor;
34 criminal history as defined in RCW 9.94A.030 for the period covering
35 ten years prior to the appointment; hourly rate, if compensated;
36 contact, if any, with a party to the proceeding prior to appointment;
37 and apparent or actual conflicts of interest.

38 (b) A court visitor appointed under this section shall use due
39 diligence to attempt to interview the respondent in person and, in a
40 manner the respondent is best able to understand:

1 (i) Explain to the respondent the substance of the emergency
2 petition, the nature, purpose, and effect of the proceeding, the
3 respondent's rights at the hearing on the petition, and the proposed
4 specific powers and duties of the proposed guardian as stated in the
5 emergency petition;

6 (ii) Determine the respondent's views about the emergency
7 appointment sought by the petitioner, including views about a
8 proposed emergency guardian, the emergency guardian's proposed powers
9 and duties, and the scope and duration of the proposed emergency
10 guardianship; and

11 (iii) Inform the respondent that all costs and expenses of the
12 proceeding, including but not limited to the respondent's attorneys'
13 fees, the appointed guardian's fees, and the appointed guardian's
14 attorneys' fees, will be paid from the respondent's assets upon
15 approval by the court.

16 (c) The court visitor appointed under this section shall:

17 (i) Interview the petitioner and proposed emergency guardian;

18 (ii) Use due diligence to attempt to visit the respondent's
19 present dwelling;

20 (iii) Use due diligence to attempt to obtain information from any
21 physician or other person known to have treated, advised, or assessed
22 the respondent's relevant physical or mental condition; and

23 (iv) Investigate the allegations in the emergency petition and
24 any other matter relating to the emergency petition the court
25 directs.

26 (d) A court visitor appointed under this section shall file a
27 report in a record with the court and provide a copy of the report to
28 the respondent, petitioner, and any notice party at least seven days
29 prior to the hearing on the emergency petition, which must include:

30 (i) A summary of self-care and independent living tasks the
31 respondent can manage without assistance or with existing supports,
32 could manage with the assistance of appropriate supportive services,
33 technological assistance, or supported decision making, and cannot
34 manage;

35 (ii) A recommendation regarding the appropriateness of emergency
36 guardianship, including whether a protective arrangement instead of
37 guardianship or other less restrictive alternative for meeting the
38 respondent's needs is available, and if an emergency guardianship is
39 recommended;

1 (iii) A detailed summary of the alleged emergency and the
2 substantial and irreparable harm to the respondent's health, safety,
3 welfare, or rights that is likely to be prevented by the appointment
4 of an emergency guardian;

5 (iv) A statement as to whether the alleged emergency and the
6 respondent's alleged needs are likely to require an extension of
7 sixty days as authorized under this section;

8 (v) The specific powers to be granted to the emergency guardian
9 and how the specific powers will address the alleged emergency and
10 the respondent's alleged need;

11 (vi) A recommendation regarding the appropriateness of an ongoing
12 guardianship for an adult, including whether a protective arrangement
13 instead of guardianship or other less restrictive alternative for
14 meeting the respondent's needs is available;

15 (vii) A statement of the qualifications of the proposed emergency
16 guardian and whether the respondent approves or disapproves of the
17 proposed emergency guardian, and the reasons for such approval or
18 disapproval;

19 (viii) A recommendation whether a professional evaluation under
20 RCW 11.130.290 is necessary;

21 (ix) A statement whether the respondent is able to attend a
22 hearing at the location court proceedings typically are held;

23 (x) A statement whether the respondent is able to participate in
24 a hearing which identifies any technology or other form of support
25 that would enhance the respondent's ability to participate;

26 (xi) A statement, as needed when the petition seeks emergency
27 authority to change the respondent's place of dwelling, as to whether
28 the proposed dwelling meets the respondent's needs and whether the
29 respondent has expressed a preference as to residence; and

30 (xii) Any other matter the court directs.

31 (12) An emergency guardian shall:

32 (a) Comply with the requirements of RCW 11.130.325, the
33 requirements regarding the adult's right to association under RCW
34 11.130.335, and the requirements of this chapter that pertain to the
35 rights of an adult subject to guardianship;

36 (b) Not have authority to make decisions or take actions that a
37 guardian for an adult is prohibited by law from having; and

38 (c) Be subject to the same special limitations on a guardian's
39 power that apply to a guardian for an adult.

1 (13) Appointment of an emergency guardian under this section is
2 not a determination that a basis exists for appointment of a guardian
3 under RCW 11.130.265.

4 (14) The court may remove an emergency guardian appointed under
5 this section at any time.

6 (15) The emergency guardian shall file a report in a record with
7 the court and provide a copy of the report to the adult subject to
8 emergency guardianship, and any notice party no later than forty-five
9 days after appointment. The report shall include specific and updated
10 information regarding the emergency alleged in the emergency
11 petition, the adult's emergency needs, all actions and decisions by
12 the emergency guardian, and a recommendation as to whether a guardian
13 for an adult should be appointed. If the appointment of the emergency
14 guardian is extended for an additional sixty days, the emergency
15 guardian shall file a second report in a record with the court and
16 provide a copy of the report to the adult subject to emergency
17 guardianship, and any notice party no later than forty-five days
18 after extension of the appointment is granted by the court, which
19 shall include the same information required for the first report. The
20 emergency guardian shall make any other report the court requires.

21 (16) The court shall issue letters of emergency guardianship to
22 the emergency guardian in compliance with RCW 11.130.040. Such
23 letters shall be issued on an expedited basis.

24 **Sec. 7.** RCW 11.130.345 and 2020 c 312 s 208 are each amended to
25 read as follows:

26 (1) A guardian for an adult shall file with the court by the date
27 established by the court a report in a record regarding the condition
28 of the adult and accounting for funds and other property in the
29 guardian's possession or subject to the guardian's control. The
30 guardian shall provide a copy of the report to the adult subject to
31 guardianship and any other notice party.

32 (2) A report under subsection (1) of this section must state or
33 contain:

34 (a) The mental, physical, and social condition of the adult;

35 (b) The living arrangements of the adult during the reporting
36 period;

37 (c) A summary of the supported decision making, technological
38 assistance, medical services, educational and vocational services,

1 and other supports and services provided to the adult and the
2 guardian's opinion as to the adequacy of the adult's care;

3 (d) A summary of the guardian's visits with the adult, including
4 the dates of the visits;

5 (e) Action taken on behalf of the adult;

6 (f) The extent to which the adult has participated in decision
7 making;

8 (g) If the adult is living in a care setting, whether the
9 guardian considers the facility's current plan for support, care,
10 treatment, or habilitation consistent with the adult's preferences,
11 values, prior directions, and best interests;

12 (h) Anything of more than de minimis value which the guardian,
13 any individual who resides with the guardian, or the spouse, domestic
14 partner, parent, child, or sibling of the guardian has received from
15 an individual providing goods or services to the adult. A
16 professional guardian must abide by the standards of practice
17 regarding the acceptance of gifts;

18 (i) If the guardian delegated a power to an agent, the power
19 delegated and the reason for the delegation;

20 (j) Any business relation the guardian has with a person the
21 guardian has paid or that has benefited from the property of the
22 adult;

23 (k) A copy of the guardian's most recently approved plan under
24 RCW 11.130.340 and a statement whether the guardian has deviated from
25 the plan and, if so, how the guardian has deviated and why;

26 (l) Plans for future care and support of the adult;

27 (m) A recommendation as to the need for continued guardianship
28 and any recommended change in the scope of the guardianship; and

29 (n) Whether any co-guardian or successor guardian appointed to
30 serve when a designated event occurs is alive and able to serve.

31 (3) The court may appoint a court visitor to review a report
32 submitted under this section or a guardian's plan submitted under RCW
33 11.130.340, interview the guardian or adult subject to guardianship,
34 or investigate any other matter involving the guardianship.

35 (4) Notice of the filing under this section of a guardian's
36 report, together with a copy of the report, must be given to the
37 adult subject to guardianship and any other notice party. The notice
38 and report must be given not later than fourteen days after the
39 filing.

1 (5) The court shall establish procedures for monitoring a report
2 submitted under this section and review each report to determine
3 whether:

4 (a) The report provides sufficient information to establish the
5 guardian has complied with the guardian's duties;

6 (b) The guardianship should continue; and

7 (c) The guardian's requested fees, if any, should be approved.

8 (6) If the court determines there is reason to believe a guardian
9 for an adult has not complied with the guardian's duties or the
10 guardianship should be modified or terminated, the court:

11 (a) Shall notify the adult, the guardian, and any other person
12 entitled to notice under RCW 11.130.310(5) or a subsequent order;

13 (b) May require additional information from the guardian;

14 (c) May appoint a court visitor to interview the adult or
15 guardian or investigate any matter involving the guardianship; and

16 (d) Consistent with this section and RCW 11.130.350, may hold a
17 hearing to consider removal of the guardian, termination of the
18 guardianship, or a change in the powers granted to the guardian or
19 terms of the guardianship.

20 (7) If the court has reason to believe fees requested by a
21 guardian for an adult are not reasonable, the court shall hold a
22 hearing to determine whether to adjust the requested fees.

23 (8) A guardian for an adult must petition the court for approval
24 of a report filed under this section. The court after review may
25 approve the report. If the court approves the report, there is a
26 rebuttable presumption the report is accurate as to a matter
27 adequately disclosed in the report.

28 (9) If the court approves a report filed under this section, the
29 order approving the report shall set the due date for the filing of
30 the next report to be filed under this section. The court may set the
31 review interval at annual, biennial, or triennial with the report due
32 date to be within ninety days of the anniversary date of appointment.
33 When determining the report interval, the court can consider: The
34 length of time the guardian has been serving the person under
35 guardianship; whether the guardian has timely filed all required
36 reports with the court; whether the guardian is monitored by other
37 state or local agencies; and whether there have been any allegations
38 of abuse, neglect, or a breach of fiduciary duty against the
39 guardian.

1 (10) If the court approves a report filed under this section, the
2 order approving the report shall contain a guardianship summary or be
3 accompanied by a guardianship summary in the form or substantially in
4 the same form as set forth in RCW 11.130.665.

5 (11) If the court approves a report filed under this section, the
6 order approving the report shall direct the clerk of the court to
7 reissue letters of office in the form or substantially in the same
8 form as set forth in RCW 11.130.660 to the guardian containing an
9 expiration date which will be within (~~one hundred twenty~~) 180 days
10 (~~(after the date the court directs the guardian file its next~~
11 ~~report)~~) of the anniversary date of appointment.

12 (12) Any requirement to establish a monitoring program under this
13 section is subject to appropriation.

14 **Sec. 8.** RCW 11.130.365 and 2019 c 437 s 402 are each amended to
15 read as follows:

16 (1) The following may petition for the appointment of a
17 conservator:

18 (a) The individual for whom the order is sought;

19 (b) A person interested in the estate, financial affairs, or
20 welfare of the individual, including a person that would be adversely
21 affected by lack of effective management of property or financial
22 affairs of the individual; or

23 (c) The guardian for the individual.

24 (2) A petition under subsection (1) of this section must state
25 the petitioner's name, principal residence, current street address,
26 if different, relationship to the respondent, interest in the
27 appointment, the name and address of any attorney representing the
28 petitioner, and, to the extent known, the following:

29 (a) The respondent's name, age, principal residence, current
30 street address, if different, and, if different, address of the
31 dwelling in which it is proposed the respondent will reside if the
32 petition is granted;

33 (b) The name and address of the respondent's:

34 (i) Spouse or domestic partner or, if the respondent has none, an
35 adult with whom the respondent has shared household responsibilities
36 for more than six months in the twelve-month period before the filing
37 of the petition;

1 (ii) Adult children or, if none, each parent and adult sibling of
2 the respondent, or, if none, at least one adult nearest in kinship to
3 the respondent who can be found with reasonable diligence; (~~and~~)

4 (iii) Adult stepchildren whom the respondent actively parented
5 during the stepchildren's minor years and with whom the respondent
6 had an ongoing relationship during the two years immediately before
7 the filing of the petition; and

8 (iv) Parents, if living and involved in the respondent's life;

9 (c) The name and current address of each of the following, if
10 applicable:

11 (i) A person responsible for the care or custody of the
12 respondent;

13 (ii) Any attorney currently representing the respondent;

14 (iii) The representative payee appointed by the social security
15 administration for the respondent;

16 (iv) A guardian or conservator acting for the respondent in this
17 state or another jurisdiction;

18 (v) A trustee or custodian of a trust or custodianship of which
19 the respondent is a beneficiary;

20 (vi) The fiduciary appointed for the respondent by the department
21 of veterans affairs;

22 (vii) An agent designated under a power of attorney for health
23 care in which the respondent is identified as the principal;

24 (viii) An agent designated under a power of attorney for finances
25 in which the respondent is identified as the principal;

26 (ix) A person known to have routinely assisted the respondent
27 with decision making in the six-month period immediately before the
28 filing of the petition;

29 (x) Any proposed conservator, including a person nominated by the
30 respondent, if the respondent is twelve years of age or older; and

31 (xi) If the individual for whom a conservator is sought is a
32 minor:

33 (A) An adult not otherwise listed with whom the minor resides;
34 and

35 (B) Each person not otherwise listed that had primary care or
36 custody of the minor for at least sixty days during the two years
37 immediately before the filing of the petition or for at least seven
38 hundred thirty days during the five years immediately before the
39 filing of the petition;

1 (d) A general statement of the respondent's property with an
2 estimate of its value, including any insurance or pension, and the
3 source and amount of other anticipated income or receipts;

4 (e) The reason conservatorship is necessary, including a brief
5 description of:

6 (i) The nature and extent of the respondent's alleged need;

7 (ii) If the petition alleges the respondent is missing, detained,
8 or unable to return to the United States, the relevant circumstances,
9 including the time and nature of the disappearance or detention and
10 any search or inquiry concerning the respondent's whereabouts;

11 (iii) Any protective arrangement instead of conservatorship or
12 other less restrictive alternative for meeting the respondent's
13 alleged need which has been considered or implemented;

14 (iv) If no protective arrangement or other less restrictive
15 alternatives have been considered or implemented, the reason it has
16 not been considered or implemented; and

17 (v) The reason a protective arrangement or other less restrictive
18 alternative is insufficient to meet the respondent's need;

19 (f) Whether the petitioner seeks a limited conservatorship or a
20 full conservatorship;

21 (g) If the petitioner seeks a full conservatorship, the reason a
22 limited conservatorship or protective arrangement instead of
23 conservatorship is not appropriate;

24 (h) If the petition includes the name of a proposed conservator,
25 the reason the proposed conservator should be appointed;

26 (i) If the petition is for a limited conservatorship, a
27 description of the property to be placed under the conservator's
28 control and any requested limitation on the authority of the
29 conservator;

30 (j) Whether the respondent needs an interpreter, translator, or
31 other form of support to communicate effectively with the court or
32 understand court proceedings; and

33 (k) The name and address of an attorney representing the
34 petitioner, if any.

35 **Sec. 9.** RCW 11.130.380 and 2020 c 312 s 310 are each amended to
36 read as follows:

37 (1) If the respondent in a proceeding to appoint a conservator is
38 a minor, the court may appoint a court visitor to investigate a

1 matter related to the petition or inform the minor or a parent of the
2 minor about the petition or a related matter.

3 (2) If the respondent in a proceeding to appoint a conservator is
4 an adult, the court shall appoint a court visitor. The duties and
5 reporting requirements of the court visitor are limited to the relief
6 requested in the petition. The court visitor must be an individual
7 with training or experience in the type of abilities, limitations,
8 and needs alleged in the petition.

9 (3) The court, in the order appointing court visitor, shall
10 specify the hourly rate the court visitor may charge for his or her
11 services, and shall specify the maximum amount the court visitor may
12 charge without additional court review and approval. The fee shall be
13 charged to the person subject to a guardianship or conservatorship
14 proceeding unless the court finds that such payment would result in
15 substantial hardship upon such person, in which case the county shall
16 be responsible for such costs: PROVIDED, That the court may charge
17 such fee to the petitioner, the person subject to a guardianship or
18 conservatorship proceeding, or any person who has appeared in the
19 action; or may allocate the fee, as it deems just. If the petition is
20 found to be frivolous or not brought in good faith, the court visitor
21 fee shall be charged to the petitioner. The court shall not be
22 required to provide for the payment of a fee to any salaried employee
23 of a public agency.

24 (4) (a) The court visitor appointed under subsection (1) or (2) of
25 this section shall within five days of receipt of notice of
26 appointment file with the court and serve, either personally or by
27 certified mail with return receipt, the respondent or his or her
28 legal counsel, the petitioner or his or her legal counsel, and any
29 interested party entitled to notice under RCW 11.130.080 with a
30 statement including: His or her training relating to the duties as a
31 court visitor; his or her criminal history as defined in RCW
32 9.94A.030 for the period covering ten years prior to the appointment;
33 his or her hourly rate, if compensated; whether the court visitor has
34 had any contact with a party to the proceeding prior to his or her
35 appointment; and whether he or she has an apparent conflict of
36 interest. Within three days of the later of the actual service or
37 filing of the court visitor's statement, any party may set a hearing
38 and file and serve a motion for an order to show cause why the court
39 visitor should not be removed for one of the following three reasons:

40 (i) Lack of expertise necessary for the proceeding;

1 (ii) An hourly rate higher than what is reasonable for the
2 particular proceeding; or

3 (iii) A conflict of interest.

4 (b) Notice of the hearing shall be provided to the court visitor
5 and all parties. If, after a hearing, the court enters an order
6 replacing the court visitor, findings shall be included, expressly
7 stating the reasons for the removal. If the court visitor is not
8 removed, the court has the authority to assess to the moving party
9 attorneys' fees and costs related to the motion. The court shall
10 assess attorneys' fees and costs for frivolous motions.

11 (5) A court visitor appointed under subsection (2) of this
12 section for an adult shall interview the respondent in person and in
13 a manner the respondent is best able to understand:

14 (a) Explain to the respondent the substance of the petition, the
15 nature, purpose, and effect of the proceeding, the respondent's
16 rights at the hearing on the petition, the right to counsel of choice
17 and to a jury trial, and the general powers and duties of a
18 conservator;

19 (b) Determine whether the respondent would like to request the
20 appointment of an attorney, and determine the respondent's views
21 about the appointment sought by the petitioner, including views about
22 a proposed conservator, the conservator's proposed powers and duties,
23 and the scope and duration of the proposed conservatorship; and

24 (c) Inform the respondent that all costs and expenses of the
25 proceeding, including respondent's attorneys' fees, may be paid from
26 the respondent's assets.

27 (6) If the respondent objects to the petition or requests
28 appointment of an attorney, the court visitor shall petition the
29 court to have an attorney appointed within five days of meeting the
30 respondent.

31 (7) A court visitor appointed under subsection (2) of this
32 section for an adult shall:

33 (a) Interview the petitioner and proposed conservator, if any;

34 (b) Review financial records of the respondent, if relevant to
35 the court visitor's recommendation under subsection (~~(7)~~) (8)(b) of
36 this section;

37 (c) Investigate whether the respondent's needs could be met by a
38 protective arrangement instead of conservatorship or other less
39 restrictive alternative and, if so, identify the arrangement or other
40 less restrictive alternative; and

1 (d) Investigate the allegations in the petition and any other
2 matter relating to the petition the court directs.

3 (~~(7)~~) (8) A court visitor appointed under subsection (2) of
4 this section for an adult shall file a report in a record with the
5 court and provide a copy of the report to the respondent, petitioner,
6 and any interested party entitled to notice under RCW 11.130.080 at
7 least fifteen days prior to the hearing on the petition filed under
8 RCW 11.130.365, which must include:

9 (a) A recommendation:

10 (i) Regarding the appropriateness of conservatorship, or whether
11 a protective arrangement instead of conservatorship or other less
12 restrictive alternative for meeting the respondent's needs is
13 available;

14 (ii) If a conservatorship is recommended, whether it should be
15 full or limited;

16 (iii) If a limited conservatorship is recommended, the powers to
17 be granted to the conservator, and the property that should be placed
18 under the conservator's control; and

19 (iv) If a conservatorship is recommended, the amount of the bond
20 or other verified receipt needed under RCW 11.130.445 and 11.130.500;

21 (b) A statement of the qualifications of the proposed conservator
22 and whether the respondent approves or disapproves of the proposed
23 conservator;

24 (c) A statement whether the respondent declined a professional
25 evaluation under RCW 11.130.390 and what other information is
26 available to determine the respondent's needs and abilities without
27 the professional evaluation;

28 (d) A statement whether the respondent is able to attend a
29 hearing at the location court proceedings typically are held;

30 (e) A statement whether the respondent is able to participate in
31 a hearing and which identifies any technology or other form of
32 support that would enhance the respondent's ability to participate;
33 and

34 (f) Any other matter the court directs.

35 (~~(8)~~) (9) The appointment of a court visitor has no effect on
36 the determination of the adult respondent's legal capacity and does
37 not overcome the presumption of legal capacity or full legal and
38 civil rights of the adult respondent.

1 **Sec. 10.** RCW 11.130.425 and 2020 c 312 s 216 are each amended to
2 read as follows:

3 (1) (~~(A conservator appointed under RCW 11.130.420 shall give to~~
4 ~~the individual subject to conservatorship and to all other persons~~
5 ~~entitled to notice pursuant to an order under RCW 11.130.420(6) or a~~
6 ~~subsequent order a copy of the order of appointment, together with~~
7 ~~notice of the right to request termination or modification. The order~~
8 ~~and notice must be given not later than fourteen days after the~~
9 ~~appointment.~~

10 ~~(2))~~) Not later than thirty days after appointment of a
11 conservator under RCW 11.130.420, the conservator shall give to the
12 individual subject to conservatorship and any other person entitled
13 to notice under RCW 11.130.420 (6) and (7) a copy of the order of
14 appointment and a statement of the rights of the individual subject
15 to conservatorship and procedures to seek relief if the individual is
16 denied those rights. The statement must be in plain language, in at
17 least sixteen-point font, and to the extent feasible, in a language
18 in which the individual subject to conservatorship is proficient. The
19 statement must notify the individual subject to conservatorship of
20 the right to:

21 (a) Seek termination or modification of the conservatorship, or
22 removal of the conservator, and choose an attorney to represent the
23 individual in these matters;

24 (b) Participate in decision making to the extent reasonably
25 feasible;

26 (c) Receive a copy of the conservator's plan under RCW
27 11.130.510, the conservator's inventory under RCW 11.130.515, and the
28 conservator's report under RCW 11.130.530; and

29 (d) Object to the conservator's inventory, plan, or report.

30 (~~(3))~~) (2) If a conservator is appointed for the reasons stated
31 in RCW 11.130.360(2)(a)(ii) and the individual subject to
32 conservatorship is missing, notice under this section to the
33 individual is not required.

34 **Sec. 11.** RCW 11.130.430 and 2020 c 312 s 217 are each amended to
35 read as follows:

36 (1) A person interested in an individual's welfare, including the
37 individual for whom the order is sought, may petition for appointment
38 of an emergency conservator for the individual.

1 (2) An emergency petition under subsection (1) of this section
2 must state the petitioner's name, principal residence, and current
3 street address, if different, and ~~(+)~~ to the extent known, the
4 following:

5 (a) The respondent's name, age, principal residence ~~(+)~~ and
6 current street address, if different;

7 (b) The name and address of the respondent's:

8 (i) Spouse or domestic partner or, if the respondent has none, an
9 adult with whom the respondent has shared household responsibilities
10 for more than six months in the twelve-month period immediately
11 before the filing of the emergency petition;

12 (ii) Adult children or, if none, each parent and adult sibling of
13 the respondent, or, if none, at least one adult nearest in kinship to
14 the respondent who can be found with reasonable diligence; and

15 (iii) Adult stepchildren whom the respondent actively parented
16 during the stepchildren's minor years and with whom the respondent
17 had an ongoing relationship in the two-year period immediately before
18 the filing of the emergency petition;

19 (c) The name and current address of each of the following, if
20 applicable:

21 (i) A person responsible for care of the respondent;

22 (ii) Any attorney currently representing the respondent;

23 (iii) Any representative payee appointed by the social security
24 administration for the respondent;

25 (iv) A guardian or conservator acting for the respondent in this
26 state or in another jurisdiction;

27 (v) A trustee or custodian of a trust or custodianship of which
28 the respondent is a beneficiary;

29 (vi) Any fiduciary for the respondent appointed by the department
30 of veterans affairs;

31 (vii) Any representative payee or authorized representative or
32 protective payee;

33 (viii) An agent designated under a power of attorney for health
34 care in which the respondent is identified as the principal;

35 (ix) An agent designated under a power of attorney for finances
36 in which the respondent is identified as the principal;

37 (x) A person nominated as conservator by the respondent;

38 (xi) A person nominated as conservator by the respondent's parent
39 or spouse or domestic partner in a will or other signed record;

1 (xii) A proposed emergency conservator, and the reason the
2 proposed emergency conservator should be selected; and

3 (xiii) A person known to have routinely assisted the respondent
4 with decision making during the six months immediately before the
5 filing of the emergency petition;

6 (d) The reason an emergency conservatorship is necessary,
7 including a specific description of:

8 (i) The nature and extent of the emergency situation;

9 (ii) The nature and extent of the individual's alleged emergency
10 need that arose because of the emergency situation;

11 (iii) The substantial and irreparable harm to the individual's
12 property or financial interests that is likely to be prevented by the
13 appointment of an emergency conservator;

14 (iv) All protective arrangements or other less restrictive
15 alternatives that have been considered or implemented to meet the
16 individual's alleged emergency needs instead of emergency
17 conservatorship;

18 (v) If no protective arrangements or other less restrictive
19 alternatives have been considered or implemented instead of emergency
20 conservatorship, the reason they have not been considered or
21 implemented; and

22 (vi) The reason a protective arrangement or other less
23 restrictive alternative instead of emergency conservatorship is
24 insufficient to meet the individual's alleged emergency need;

25 (e) The reason the petitioner believes that a basis for
26 appointment of a conservator under RCW 11.130.360 exists;

27 (f) Whether the petitioner intends to also seek conservatorship
28 for an individual under RCW 11.130.365;

29 (g) The reason the petitioner believes that no other person
30 appears to have authority and willingness to act to address the
31 individual's identified needs caused by the emergency circumstances;

32 (h) The specific powers to be granted to the proposed emergency
33 conservator and a description of how those powers will be used to
34 meet the individual's alleged emergency need;

35 (i) If the individual has property other than personal effects, a
36 general statement of the individual's property, with an estimate of
37 its value, including any insurance or pension, and the source and
38 amount of other anticipated income or receipts; and

1 (j) Whether the individual needs an interpreter, translator, or
2 other form of support to communicate effectively with the court or
3 understand court proceedings.

4 (3) The requirements of RCW 11.130.090 apply to an emergency
5 conservator appointed for an individual with the following exceptions
6 for any proposed emergency conservator required to complete the
7 training under RCW 11.130.090:

8 (a) The proposed emergency conservator shall present evidence of
9 the successful completion of the required training video or web cast
10 to the court no later than the hearing on the petition for
11 appointment of an emergency conservator for an individual; and

12 (b) The superior court may defer the completion of the training
13 requirement to a date no later than fourteen days after appointment
14 if the petitioner requests an extension of time to complete the
15 training due to emergent circumstances beyond the control of
16 (~~the~~) the petitioner.

17 (4) On its own or on petition for appointment of an emergency
18 conservator for an individual after a petition has been filed under
19 RCW 11.130.365, the court may appoint an emergency conservator for
20 the individual if the court makes specific findings based on clear
21 and convincing evidence that:

22 (a) An emergency exists such that appointment of an emergency
23 conservator is likely to prevent substantial and irreparable harm to
24 the individual's property or financial interests;

25 (b) The individual's identified needs caused by the emergency
26 cannot be met by a protective arrangement or other less restrictive
27 alternative instead of emergency conservatorship;

28 (c) No other person appears to have authority and willingness to
29 act to address the individual's identified needs caused by the
30 emergency circumstances; and

31 (d) There is reason to believe that a basis for appointment of a
32 conservator under RCW 11.130.360 exists.

33 (5) If the court acts on its own to appoint an emergency
34 conservator after a petition has been filed under RCW 11.130.365, all
35 requirements of this section shall be met.

36 (6) A court order appointing an emergency conservator for an
37 individual shall:

38 (a) Grant only the specific powers necessary to meet the
39 individual's identified emergency need and to prevent substantial and
40 irreparable harm to the individual's property or financial interests;

1 (b) Include a specific finding that clear and convincing evidence
2 established that an emergency exists such that appointment of an
3 emergency conservator is likely to prevent substantial and
4 irreparable harm to the individual's property or financial interests;

5 (c) Include a specific finding that the identified emergency need
6 of the individual cannot be met by a protective arrangement instead
7 of conservatorship or other less restrictive alternative, including
8 any relief available under chapter 74.34 RCW or use of appropriate
9 supportive services, technological assistance, or supported decision
10 making;

11 (d) Include a specific finding that clear and convincing evidence
12 established the adult respondent was given proper notice of the
13 hearing on the petition;

14 (e) State that the individual subject to emergency
15 conservatorship retains all rights the individual enjoyed prior to
16 the emergency conservatorship with the exception of the rights not
17 retained during the period of emergency conservatorship;

18 (f) Require the emergency conservator to furnish a bond or other
19 security under RCW 11.130.445;

20 (g) Include the date that the sixty-day period of emergency
21 conservatorship ends, and the date the emergency conservator's
22 report, required by this section, is due to the court; and

23 (h) Identify any person or notice party that subsequently is
24 entitled to:

25 (i) Notice of the rights of the individual;

26 (ii) Notice of a change in the primary dwelling of the
27 individual;

28 (iii) Notice of the removal of the conservator;

29 (iv) A copy of the emergency conservator's plan and the emergency
30 conservator's report under this section;

31 (v) Access to court records relating to the emergency
32 conservatorship;

33 (vi) Notice of the death or significant change in the condition
34 of the individual;

35 (vii) Notice that the court has limited or modified the powers of
36 the emergency conservator; and

37 (viii) Notice of the removal of the emergency conservator.

38 (7) A spouse, a domestic partner, and adult children of an adult
39 subject to emergency conservatorship are entitled to notice under
40 this section unless the court orders otherwise based on good cause.

1 Good cause includes the court's determination that notice would be
2 contrary to the preferences or prior directions of the individual
3 subject to emergency conservatorship or in the best interest of the
4 individual.

5 (8) The duration of authority of an emergency conservator may not
6 exceed sixty days and the emergency conservator may exercise only the
7 powers specified in the order of appointment. Upon a motion by the
8 emergency conservator, with notice served upon all applicable notice
9 parties, the emergency conservator's authority may be extended once
10 for not more than sixty days if the court finds that the conditions
11 for appointment of an emergency conservator under subsection (4) of
12 this section continue.

13 (9) Immediately on filing of a petition for an emergency
14 conservator for an adult, the court shall appoint an attorney to
15 represent the adult in the proceeding. An order appointing an
16 emergency conservator for an adult may not be entered unless the
17 adult respondent, the adult respondent's attorney, and the court
18 visitor appointed under subsection (10) of this section have received
19 a minimum of fourteen days' notice of the date, time, and place of a
20 hearing on the petition. ((A)) The petitioner must personally serve a
21 copy of the emergency petition and notice of a hearing on the
22 petition (~~must be served personally~~) on the adult respondent, the
23 adult respondent's attorney, and the court visitor appointed under
24 subsection (10) of this section not more than two court days after
25 the petition has been filed. The notice must inform the respondent of
26 the adult respondent's rights at the hearing, including the right to
27 an attorney and to attend the hearing. The notice must include a
28 description of the nature, purpose, and consequences of granting the
29 emergency petition. The court shall not grant the emergency petition
30 if notice substantially complying with this subsection is not served
31 on the respondent.

32 (10)(a) On receipt of a petition for appointment of emergency
33 conservator for an individual, the court:

34 (i) Shall appoint a court visitor if an emergency conservator is
35 sought for an adult; or

36 (ii) May appoint a court visitor if an emergency conservator is
37 sought for a minor.

38 (b) Notice of appointment of the court visitor must be served
39 upon the court visitor within two days of appointment by the
40 petitioner. The court visitor must be an individual with training or

1 experience in the type of abilities, limitations, and needs alleged
2 in the emergency petition. The court, in the order appointing a court
3 visitor, shall specify the hourly rate the (~~court~~) court visitor
4 may charge for his or her services, and shall specify the maximum
5 amount the court visitor may charge without additional court review
6 and approval.

7 (c) The court visitor shall within two days of service of notice
8 of appointment file with the court and serve, either personally or by
9 certified mail with return receipt, the respondent or the
10 respondent's legal counsel, the petitioner or the petitioner's legal
11 counsel, and any notice party with a statement including the court
12 visitor's: Training relating to the duties as a court visitor;
13 criminal history as defined in RCW 9.94A.030 for the period covering
14 ten years prior to the appointment; hourly rate, if compensated;
15 contact, if any, with a party to the proceeding prior to appointment;
16 and apparent or actual conflicts of interest.

17 (d) A court visitor appointed under this section shall use due
18 diligence to attempt to interview the adult respondent in person and,
19 in a manner the individual is best able to understand:

20 (i) Explain to the adult respondent the substance of the
21 emergency petition, the nature, purpose, and effect of the
22 proceeding, the respondent's rights at the hearing on the petition,
23 and the proposed specific powers and duties of the proposed
24 conservator as stated in the emergency petition;

25 (ii) Determine the adult respondent's views about the emergency
26 appointment sought by the petitioner, including views about a
27 proposed emergency conservator, the emergency conservator's proposed
28 powers and duties, and the scope and duration of the proposed
29 emergency conservatorship; and

30 (iii) Inform the adult respondent that all costs and expenses of
31 the proceeding, including but not limited to the adult respondent's
32 attorneys' fees, the appointed conservator's fees, and the appointed
33 conservator's attorneys' fees, will be paid from the individual's
34 assets upon approval by the court.

35 (e) The court visitor appointed under this section shall:

36 (i) Interview the petitioner and proposed emergency conservator;

37 (ii) Use due diligence to attempt to visit the adult respondent's
38 present dwelling;

1 (iii) Use due diligence to attempt to obtain information from any
2 physician or other person known to have treated, advised, or assessed
3 the adult respondent's relevant physical or mental condition; and

4 (iv) Investigate the allegations in the emergency petition and
5 any other matter relating to the emergency petition the court
6 directs.

7 (f) A court visitor appointed under this section shall file a
8 report in a record with the court and provide a copy of the report to
9 the petitioner, the adult subject to the emergency conservatorship,
10 and any notice party at least seven days prior to the hearing on the
11 emergency petition, which must include:

12 (i) A recommendation regarding the appropriateness of emergency
13 conservatorship, including whether a protective arrangement instead
14 of conservatorship or other less restrictive alternative for meeting
15 the respondent's needs is available, and if an emergency
16 conservatorship is recommended;

17 (ii) A detailed summary of the alleged emergency and the
18 substantial and irreparable harm to the individual's property or
19 finances that is likely to be prevented by the appointment of an
20 emergency conservator;

21 (iii) A statement as to whether the alleged emergency and the
22 respondent's alleged needs are likely to require an extension of
23 sixty days as authorized under this section;

24 (iv) The specific powers to be granted to the emergency
25 conservator and how the specific powers will address the alleged
26 emergency and the respondent's alleged need;

27 (v) A recommendation regarding the appropriateness of an ongoing
28 conservatorship for an individual, including whether a protective
29 arrangement instead of conservatorship or other less restrictive
30 alternative for meeting the respondent's needs is available;

31 (vi) A statement of the qualifications of the proposed emergency
32 conservator and whether the respondent approves or disapproves of the
33 proposed emergency conservator, and the reasons for such approval or
34 disapproval;

35 (vii) A recommendation whether a professional evaluation under
36 RCW 11.130.390 is necessary;

37 (viii) A statement whether the respondent is able to attend a
38 hearing at the location court proceedings typically are held;

1 (ix) A statement whether the respondent is able to participate in
2 a hearing which identifies any technology or other form of support
3 that would enhance the respondent's ability to participate; and

4 (x) Any other matter the court directs.

5 (11) An emergency conservator shall:

6 (a) Comply with the requirements of RCW 11.130.505 and the
7 requirements of this chapter that pertain to the rights of an
8 individual subject to conservatorship;

9 (b) Not have authority to make decisions or take actions that a
10 conservator for an individual is prohibited by law from having; and

11 (c) Be subject to the same special limitations on a conservator's
12 power that apply to a conservator for an individual.

13 (12) Appointment of an emergency conservator under this section
14 is not a determination that a basis exists for appointment of a
15 conservator under RCW 11.130.360.

16 (13) The court may remove an emergency conservator appointed
17 under this section at any time.

18 (14) The emergency conservator shall file a report in a record
19 with the court and provide a copy of the report to the individual
20 subject to emergency conservatorship, and any notice party no later
21 than forty-five days after appointment. The report shall include
22 specific and updated information regarding the emergency alleged in
23 the emergency petition, the individual's emergency needs, all actions
24 and decisions by the emergency conservator, and a recommendation as
25 to whether a conservator for an individual should be appointed. If
26 the appointment of the emergency conservator is extended for an
27 additional sixty days, the emergency conservator shall file a second
28 report in a record with the court and provide a copy of the report to
29 the individual subject to emergency conservatorship, and any notice
30 party no later than forty-five days after the emergency
31 conservatorship is extended by the court, which shall include the
32 same information required for the first report. The emergency
33 conservator shall make any other report the court requires.

34 (15) The court shall issue letters of emergency conservatorship
35 to the emergency conservator in compliance with RCW 11.130.040.

36 **Sec. 12.** RCW 11.130.435 and 2020 c 312 s 218 are each amended to
37 read as follows:

38 (1) Except as otherwise ordered by the court, a conservator must
39 give notice to persons entitled to notice under RCW 11.130.370(4) and

1 receive specific authorization by the court before the conservator
2 may exercise with respect to the conservatorship the power to:

3 (a) Make a gift, except a gift of de minimis value;

4 (b) Sell, encumber an interest in, or surrender a lease to the
5 primary dwelling of the individual subject to conservatorship;

6 (c) Sell, or encumber an interest in, any other real estate;

7 (d) Convey, release, or disclaim a contingent or expectant
8 interest in property, including marital property and any right of
9 survivorship incident to joint tenancy or tenancy by the entireties;

10 (e) Exercise or release a power of appointment;

11 (f) Create a revocable or irrevocable trust of property of the
12 conservatorship estate, whether or not the trust extends beyond the
13 duration of the conservatorship, or revoke or amend a trust revocable
14 by the individual subject to conservatorship;

15 (g) Exercise a right to elect an option or change a beneficiary
16 under an insurance policy or annuity or surrender the policy or
17 annuity for its cash value;

18 (h) Exercise a right to a quasi-community property share under
19 RCW 26.16.230 or a right to an elective share under other law in the
20 estate of a deceased spouse or domestic partner of the individual
21 subject to conservatorship or renounce or disclaim a property
22 interest;

23 (i) Grant a creditor priority for payment over creditors of the
24 same or higher class if the creditor is providing property or
25 services used to meet the basic living and care needs of the
26 individual subject to conservatorship and preferential treatment
27 otherwise would be impermissible under RCW 11.130.555(5);

28 (j) Make, modify, amend, or revoke the will of the individual
29 subject to conservatorship in compliance with chapter 11.12 RCW;

30 (k) Acquire or dispose of property, including real property in
31 another state, for cash or on credit, at public or private sale, and
32 manage, develop, improve, exchange, partition, change the character
33 of, or abandon property. In all transactions involving the sale of
34 real property, the conservator shall receive additional authority
35 from the court as to the disposition of the proceedings from the sale
36 of the real property;

37 (l) Make ordinary or extraordinary repairs or alterations in a
38 building or other structure, demolish any improvement, or raze an
39 existing or erect a new party wall or building;

1 (m) Subdivide or develop land, dedicate land to public use, make
2 or obtain the vacation of a plat and adjust a boundary, adjust a
3 difference in valuation of land, exchange or partition land by giving
4 or receiving consideration, and dedicate an easement to public use
5 without consideration;

6 (n) Enter for any purpose into a lease of property as lessor or
7 lessee, with or without an option to purchase or renew, for a term
8 within or extending beyond the term of the conservatorship; and

9 (o) Structure the finances of the individual subject to
10 conservatorship to establish eligibility for a public benefit
11 including by making gifts consistent with the individual's
12 preferences, values, and prior directions, if the conservator's
13 action does not jeopardize the individual's welfare and otherwise is
14 consistent with the conservator's duties.

15 (2) In approving a conservator's exercise of a power listed in
16 subsection (1) of this section, the court shall consider primarily
17 the decision the individual subject to conservatorship would make if
18 able, to the extent the decision can be ascertained.

19 (3) To determine under subsection (2) of this section the
20 decision the individual subject to conservatorship would make if
21 able, the court shall consider the individual's prior or current
22 directions, preferences, opinions, values, and actions, to the extent
23 actually known or reasonably ascertainable by the conservator. The
24 court also shall consider:

25 (a) The financial needs of the individual subject to
26 conservatorship and individuals who are in fact dependent on the
27 individual subject to conservatorship for support, and the interests
28 of creditors of the individual;

29 (b) Possible reduction of income, estate, inheritance, or other
30 tax liabilities;

31 (c) Eligibility for governmental assistance;

32 (d) The previous pattern of giving or level of support provided
33 by the individual;

34 (e) Any existing estate plan or lack of estate plan of the
35 individual;

36 (f) The life expectancy of the individual and the probability the
37 conservatorship will terminate before the individual's death; and

38 (g) Any other relevant factor.

39 (4) A conservator may not revoke or amend a power of attorney for
40 finances executed by the individual subject to conservatorship. If a

1 power of attorney for finances is in effect, a decision of the agent
2 within the scope of the agent's authority takes precedence over that
3 of the conservator, unless the court orders otherwise. The court has
4 authority to revoke or amend any power of attorney executed by the
5 adult.

6 **Sec. 13.** RCW 11.130.530 and 2020 c 312 s 222 are each amended to
7 read as follows:

8 (1) A conservator shall file with the court by the date
9 established by the court a report in a record regarding the
10 administration of the conservatorship estate unless the court
11 otherwise directs, on resignation or removal, on termination of the
12 conservatorship, and at any other time the court directs.

13 (2) A report under subsection (1) of this section must state or
14 contain:

15 (a) An accounting that lists property included in the
16 conservatorship estate and the receipts, disbursements, liabilities,
17 and distributions during the period for which the report is made;

18 (b) A list of the services provided to the individual subject to
19 conservatorship;

20 (c) A copy of the conservator's most recently approved plan and a
21 statement whether the conservator has deviated from the plan and, if
22 so, how the conservator has deviated and why;

23 (d) A recommendation as to the need for continued conservatorship
24 and any recommended change in the scope of the conservatorship;

25 (e) To the extent feasible, a copy of the most recent reasonably
26 available financial statements evidencing the status of bank
27 accounts, investment accounts, and mortgages or other debts of the
28 individual subject to conservatorship with all but the last four
29 digits of the account numbers and social security number redacted;

30 (f) Anything of more than de minimis value which the conservator,
31 any individual who resides with the conservator, or the spouse,
32 domestic partner, parent, child, or sibling of the conservator has
33 received from a person providing goods or services to the individual
34 subject to conservatorship;

35 (g) Any business relation the conservator has with a person the
36 conservator has paid or that has benefited from the property of the
37 individual subject to conservatorship; and

38 (h) Whether any co-conservator or successor conservator appointed
39 to serve when a designated event occurs is alive and able to serve.

1 (3) The court may appoint a court visitor to review a report
2 under this section or conservator's plan under RCW 11.130.510,
3 interview the individual subject to conservatorship or conservator,
4 or investigate any other matter involving the conservatorship. In
5 connection with the report, the court may order the conservator to
6 submit the conservatorship estate to appropriate examination in a
7 manner the court directs.

8 (4) Notice of the filing under this section of a conservator's
9 report, together with a copy of the report, must be provided to the
10 individual subject to conservatorship, a person entitled to notice
11 under RCW 11.130.420(6) or a subsequent order, and other persons the
12 court determines. The notice and report must be given not later than
13 fourteen days after filing.

14 (5) The court shall establish procedures for monitoring a report
15 submitted under this section and review each report at least annually
16 to determine whether:

17 (a) The reports provide sufficient information to establish the
18 conservator has complied with the conservator's duties;

19 (b) The conservatorship should continue; and

20 (c) The conservator's requested fees, if any, should be approved.

21 (6) If the court determines there is reason to believe a
22 conservator has not complied with the conservator's duties or the
23 conservatorship should not continue, the court:

24 (a) Shall notify the individual subject to conservatorship, the
25 conservator, and any other person entitled to notice under RCW
26 11.130.420(6) or a subsequent order;

27 (b) May require additional information from the conservator;

28 (c) May appoint a court visitor to interview the individual
29 subject to conservatorship or conservator or investigate any matter
30 involving the conservatorship; and

31 (d) Consistent with RCW 11.130.565 and 11.130.570, may hold a
32 hearing to consider removal of the conservator, termination of the
33 conservatorship, or a change in the powers granted to the conservator
34 or terms of the conservatorship.

35 (7) If the court has reason to believe fees requested by a
36 conservator are not reasonable, the court shall hold a hearing to
37 determine whether to adjust the requested fees.

38 (8) A conservator must petition the court for approval of a
39 report filed under this section. The court after review may approve
40 the report. If the court approves the report, there is a rebuttable

1 presumption the report is accurate as to a matter adequately
2 disclosed in the report.

3 (9) An order, after notice and hearing, approving an interim
4 report of a conservator filed under this section adjudicates
5 liabilities concerning a matter adequately disclosed in the report,
6 as to a person given notice of the report or accounting.

7 (10) If the court approves a report filed under this section, the
8 order approving the report shall set the due date for the filing of
9 the next report to be filed under this section. The court may set the
10 review at annual, biennial, or triennial intervals with the report
11 due date to be within ninety days of the anniversary date of
12 appointment. When determining the report interval, the court can
13 consider: The length of time the conservator has been serving the
14 person under conservatorship; whether the conservator has timely
15 filed all required reports with the court; whether the conservator is
16 monitored by other state or local agencies; the income of the person
17 subject to conservatorship; the value of the property of the person
18 subject to conservatorship; the adequacy of the bond and other
19 verified receipt; and whether there have been any allegations of
20 abuse, neglect, or a breach of fiduciary duty against the
21 conservator.

22 (11) If the court approves a report filed under this section, the
23 order approving the report shall contain a conservatorship summary or
24 accompanied by a conservatorship summary in the form or substantially
25 in the same form as set forth in RCW 11.130.665.

26 (12) If the court approves a report filed under this section, the
27 order approving the report shall direct the clerk of the court to
28 reissue letters of office in the form or substantially in the same
29 form as set forth in RCW 11.130.660 to the conservator containing an
30 expiration date which will be within one hundred eighty days (~~after~~
31 ~~the date the court directs the conservator file its next report~~) of
32 the anniversary date of appointment.

33 (13) An order, after notice and hearing, approving a final report
34 filed under this section discharges the conservator from all
35 liabilities, claims, and causes of action by a person given notice of
36 the report and the hearing as to a matter adequately disclosed in the
37 report.

38 (14) Any requirement to establish a monitoring program under this
39 section is subject to appropriation.

1 NEW SECTION. **Sec. 14.** A new section is added to chapter 11.130
2 RCW to read as follows:

3 The court shall have authority to bring before it, in the manner
4 prescribed by RCW 11.48.070, any person or persons suspected of
5 having in their possession or having concealed, embezzled, conveyed,
6 or disposed of any of the property of the estate of the individual
7 subject to conservatorship subject to administration of this title.

8 NEW SECTION. **Sec. 15.** A new section is added to chapter 2.72
9 RCW to read as follows:

10 (1) Subject to the availability of funds appropriated for this
11 specific purpose, the office shall contract with public or private
12 entities or individuals to provide decision-making assistance
13 services, prioritizing persons who are:

14 (a) Age 18 or older whose income does not exceed 400 percent of
15 the federal poverty level determined annually by the United States
16 department of health and human services or who are eligible to
17 receive long-term care services through the Washington state
18 department of social and health services;

19 (b) In an acute care hospital licensed under chapter 70.41 RCW, a
20 psychiatric hospital licensed under chapter 71.12 RCW, or a state
21 psychiatric hospital licensed under chapter 72.23 RCW, or in a
22 location funded by such a hospital;

23 (c) Medically ready for discharge, or will soon be medically
24 ready for discharge, to a postacute care or community setting; and

25 (d) Without a qualified person who is willing and able to serve
26 as a decision maker.

27 (2) For decision-making assistance services provided pursuant to
28 subsection (1) of this section, the office shall establish a
29 streamlined process to review requests for decision-making assistance
30 for persons who meet the requirement in subsection (1) of this
31 section on a weekly basis.

32 (3) Subject to the availability of funds appropriated for this
33 specific purpose, the office shall establish a navigator service to
34 provide assistance and support for hospitals and persons in
35 hospitals, including assistance to navigate options for guardianship,
36 public conservatorship, decision-making assistance, and estate
37 administration services as appropriate for the person.

38 (4) Subject to the availability of funds appropriated for this
39 specific purpose, the office shall fund training for decision makers

1 regarding considerations for specific populations, including
2 behavioral health, involuntary treatment, disability, family law, and
3 medicaid programs.

4 (5) Subject to the availability of funds appropriated for this
5 specific purpose, the office shall offer low-barrier trainings to
6 certified professional guardians on topics such as aging, mental
7 health, and dementia.

8 NEW SECTION. **Sec. 16.** A new section is added to chapter 2.72
9 RCW to read as follows:

10 (1) By October 1, 2025, and annually thereafter, and in
11 compliance with RCW 43.01.036, the office of public guardianship must
12 submit a report to the legislature regarding the demand for the
13 services provided by the office, barriers to service delivery, and
14 outcomes achieved.

15 (2) The report required in subsection (1) of this section must
16 contain, at a minimum, the following information for the year prior
17 to the report:

18 (a) The number of contract service providers under contract with
19 the office of public guardianship;

20 (b) The caseload of each contract service provider;

21 (c) The number of guardianships, conservatorships, and each of
22 the less restrictive options supported by the office;

23 (d) The total number of persons prioritized pursuant to section
24 15 of this act;

25 (e) For each person prioritized pursuant to section 15 of this
26 act, the number of days between when the person was deemed medically
27 ready for discharge from a hospital to a postacute care or community
28 setting and when the person was discharged from the hospital;

29 (f) A summary of postdischarge outcomes with regard to persons
30 prioritized pursuant to section 15 of this act; and

31 (g) Policy recommendations for consideration by the legislature."

32 Correct the title.

EFFECT: Requires the Office of Public Guardianship (OPG) to submit a report to the Legislature by October 1, 2025, and annually thereafter. Requires that the report include specified information,

including information regarding hospitalized persons who are prioritized for the public services provided by the OPG.

--- END ---