

---

**SENATE BILL 5837**

---

**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senators Pedersen, Holy, Nobles, and C. Wilson

Prefiled 12/05/25. Read first time 01/12/26. Referred to Committee on Law & Justice.

1 AN ACT Relating to guardianship, conservatorship, and other  
2 protective arrangements; and amending RCW 11.130.090, 11.130.170,  
3 11.130.195, 11.130.200, 11.130.205, 11.130.210, 11.130.215,  
4 11.130.220, 11.130.225, 11.130.240, 11.130.275, 11.130.280,  
5 11.130.285, 11.130.300, 11.130.310, 11.130.380, 11.130.385,  
6 11.130.400, 11.130.410, 11.130.420, 11.130.425, 11.130.605,  
7 11.130.610, 11.130.620, 11.130.630, 11.130.730, and 11.130.750.

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

9 **Sec. 1.** RCW 11.130.090 and 2024 c 267 s 1 are each amended to  
10 read as follows:

11 (1) Any suitable adult person (~~(over the age of 21 years)~~), or  
12 any parent under the age of 21 years or, if the petition is for  
13 appointment of a professional guardian or conservator, any individual  
14 or guardianship or conservatorship service that meets any  
15 certification requirements established by the administrator for the  
16 courts, may, if not otherwise disqualified, be appointed guardian or  
17 conservator of a person subject to guardianship, conservatorship, or  
18 both. A financial institution subject to the jurisdiction of the  
19 department of financial institutions and authorized to exercise trust  
20 powers, and a federally chartered financial institution when  
21 authorized to do so, may be appointed to act as a guardian or

1 conservator of a person subject to guardianship, conservatorship, or  
2 both without having to meet the certification requirements  
3 established by the administrator for the courts. No person is  
4 qualified to serve as a guardian or conservator who is:

5 (a) Under 18 years of age except as otherwise provided herein;

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

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

13 (c) A nonresident of this state who has not appointed a resident  
14 agent to accept service of process in all actions or proceedings with  
15 respect to the estate and caused such appointment to be filed with  
16 the court;

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

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

20 (2) If a guardian, or conservator is not a certified professional  
21 guardian, conservator, or financial institution authorized under this  
22 section, the guardian or conservator must complete any standardized  
23 training video or web cast for lay guardians or conservators made  
24 available by the administrative office of the courts and the superior  
25 court where the petition is filed unless granted a waiver by the  
26 court. The training video or web cast must be provided at no cost to  
27 the guardian, or conservator.

28 (a) If a petitioner requests the appointment of a specific  
29 individual to act as a guardian or conservator, the petition for  
30 guardianship or conservatorship must include evidence of the  
31 successful completion of the required training video or web cast by  
32 the proposed guardian or conservator. The superior court may defer  
33 the completion of the training requirement to a date no later than  
34 (~~ninety~~) 90 days after appointment if the petitioner requests  
35 expedited appointment due to emergent circumstances.

36 (b) If no person is identified to be appointed guardian or  
37 conservator at the time the petition is filed, then the court must  
38 require that the petitioner identify within 30 days from the filing  
39 of the petition a specific individual to act as guardian or  
40 conservator subject to the training requirements set forth herein. If

1 the petitioner fails to identify a guardian or conservator within 30  
2 days of filing, the court shall dismiss the guardianship or  
3 conservatorship.

4 **Sec. 2.** RCW 11.130.170 and 2019 c 437 s 134 are each amended to  
5 read as follows:

6 (1) (a) The attorney general may petition for the appointment of a  
7 guardian, conservator, or other protective arrangement under RCW  
8 11.130.270, 11.130.365, and 11.130.595 in which there is cause to  
9 believe that a guardianship, conservatorship, or protective  
10 arrangement is necessary and no private party is able and willing to  
11 petition.

12 (b) Prepayment of a filing fee shall not be required in any  
13 guardianship, conservatorship, or protective arrangement proceeding  
14 brought by the attorney general. Payment of the filing fee shall be  
15 ordered from the estate of the respondent person at the hearing on  
16 the merits of the petition, unless in the judgment of the court, such  
17 payment would impose a hardship upon the respondent, in which case  
18 the filing shall be waived.

19 (2) No filing fee shall be charged by the court for filing a  
20 petition for guardianship, conservatorship, or other protective  
21 arrangement filed under RCW 11.130.270, 11.130.365, and 11.130.595 if  
22 the petition alleges that the respondent has total assets of a value  
23 of less than (~~three thousand dollars~~) \$3,000.

24 (3) No filing fee shall be charged by the court for filing a  
25 petition for guardianship or conservatorship filed under Article 2 of  
26 this chapter, where the potential guardian is (~~a relative and~~) not  
27 a professional guardian or conservator.

28 **Sec. 3.** RCW 11.130.195 and 2020 c 312 s 103 are each amended to  
29 read as follows:

30 (1) All petitions filed under RCW 11.130.190 for appointment of a  
31 guardian for a minor shall be heard within 90 days unless extended by  
32 the court for good cause shown.

33 (2) If a petition is filed under RCW 11.130.190, the court shall  
34 schedule a hearing and the petitioner shall:

35 (a) Serve notice of the date, time, and place of the hearing,  
36 together with a copy of the petition and supplemental declaration,  
37 personally on each of the following that is not the petitioner:

1 (i) The minor, if the minor is (~~twelve~~) 12 years of age or  
2 older. The court may, upon a showing of good cause, order that  
3 information concerning the reasons for the guardianship contained in  
4 the petition, the supplemental declaration, and all subsequently  
5 filed pleadings and evidence by any party, not be served on the minor  
6 if the minor is unrepresented. A minor entitled to service under this  
7 subsection may request access to the court pleadings and evidence  
8 filed in the court record;

9 (ii) Each known parent of the minor (~~or, if there is none, the~~  
10 ~~adult nearest in kinship who can be found with reasonable~~  
11 ~~diligence~~));

12 (iii) Any guardian or person with nonparental custody of the  
13 minor issued under chapter 26.10 RCW; and

14 (iv) Any other person the court determines should receive  
15 personal service of notice; and

16 (b) (i) Give notice by mail or other (~~action~~) means reasonably  
17 calculated to give notice under RCW 11.130.065 of the date, time, and  
18 place of the hearing, together with a copy of the petition, to:

19 (A) Any adult with primary care and custody of the minor who is  
20 not a parent, guardian, or person with nonparental custody issued  
21 under chapter 26.10 RCW;

22 (B) Each person that had primary care or custody of the minor for  
23 at least (~~sixty~~) 60 days during the two years immediately before  
24 the filing of the petition or for at least (~~seven hundred thirty~~)  
25 730 days during the five years immediately before the filing of the  
26 petition, if known;

27 (C) Any person nominated as guardian by the minor, if the minor  
28 is (~~twelve~~) 12 years of age or older;

29 (D) Any nominee of a parent;

30 (E) Each grandparent and adult sibling of the minor, if known;

31 (F) Any conservator acting for the minor in any jurisdiction; and

32 (G) Any other person the court determines.

33 (ii) When the court finds that a party entitled to personal  
34 service in (a) of this subsection is unable to be served, the court  
35 may allow service by alternative means including, but not limited to,  
36 mail by the United States postal service, email, text message, social  
37 media applications, or other technologies, with proof of service  
38 subsequently filed with the court detailing such service. Such  
39 service shall be accepted as complete and has the same jurisdictional  
40 effect as service by publication.

1        (iii) The court may waive notice to persons listed under (b)(i)  
2 of this subsection for good cause. Good cause includes an allegation  
3 that giving notice may risk harm to the minor.

4        ~~((+2))~~ (3) Notice required by subsection ~~((+1))~~ (2) of this  
5 section must include a statement of the right to request appointment  
6 of an attorney for the minor or object to appointment of a guardian  
7 and a description of the nature, purpose, and consequences of  
8 appointment of a guardian. Notice for the minor must specifically  
9 state all rights retained by the minor including the right to request  
10 counsel, the right to attend, and the right to participate and  
11 communicate with the court. Notice for the minor must also state  
12 whether the court has entered any prior order limiting information  
13 served upon the minor, and that the minor may ask the court to  
14 reconsider the court's order at any time. Notice for the minor must  
15 include information on how the minor can respond to the petition.

16        ~~((+3))~~ (4) The court may not grant a petition for guardianship  
17 of a minor if notice substantially complying with subsection ~~((+1))~~  
18 (2)(a) of this section is not served on:

19        (a) The minor, if the minor is ~~((twelve))~~ 12 years of age or  
20 older; and

21        (b) Each parent of the minor, unless the court finds by clear and  
22 convincing evidence that the parent cannot with due diligence be  
23 located and served or the parent waived, in a record, the right to  
24 notice.

25        ~~((+4))~~ (5)(a) If a petitioner is unable to serve notice under  
26 subsection ~~((+1))~~ (2)(a) of this section on a parent of a minor or  
27 alleges that the parent waived, in a record, the right to notice  
28 under this section, ~~((and—in))~~ the court shall appoint a court  
29 visitor or guardian ad litem who shall:

30        (i) Report to the court as soon as possible before the 60-day  
31 hearing:

32        (A) Whether the parent cannot be located with due diligence; and

33        (B) Whether the parent consents to the guardian for the minor;

34 and

35        (ii) Investigate any other matter relating to the petition the  
36 court directs.

37        (b) The court visitor or guardian ad litem may assist a minor who  
38 is the sole petitioner in effecting service and notice.

1        (6) (a) In all cases involving a minor ((twelve)) 12 years of age  
2 and older when the minor is unrepresented, the court shall appoint a  
3 court visitor or guardian ad litem who shall:

4        ~~((a))~~ (i) Interview the petitioner and the minor; and

5        ~~((b))~~ (ii) Meet with the minor and explain the rights retained  
6 by the minor under RCW 11.130.200 and 11.130.205 and as outlined in  
7 the notice requirements under this section. The court visitor or  
8 guardian ad litem shall ascertain the minor's views or positions  
9 regarding the guardianship and shall file a report ~~((with the court~~  
10 ~~regarding the minor's views or positions))~~ to the court, including  
11 such views or positions in the report. If the minor wishes the court  
12 to reconsider any prior order limiting information served upon the  
13 minor, the court visitor or guardian ad litem shall inform the court  
14 of the minor's request ~~((~~

15        ~~(c) If the petitioner alleges the parent cannot be located,~~  
16 ~~ascertain whether the parent cannot be located with due diligence;~~

17        ~~(d) Investigate any other matter relating to the petition the~~  
18 ~~court directs; and~~

19        ~~(e) Ascertain whether the parent consents to the guardian for the~~  
20 ~~minor)).~~

21        (b) The court shall determine whether to appoint a court visitor  
22 or guardian ad litem as soon as possible after the filing of the  
23 petition.

24        **Sec. 4.** RCW 11.130.200 and 2019 c 437 s 204 are each amended to  
25 read as follows:

26        (1) The court ~~((is not required, but))~~ may appoint an attorney to  
27 represent a minor who is the subject of a proceeding under RCW  
28 11.130.190 if:

29        (a) Requested by the minor and the minor is ~~((twelve))~~ 12 years  
30 of age or older;

31        (b) Recommended by a guardian ad litem; or

32        (c) The court determines the minor needs representation. The  
33 court may appoint an attorney for a minor, including in modification  
34 and termination actions, or when a minor is under age 12, as the  
35 court determines necessary.

36        (2) The court must appoint an attorney for a minor 12 years of  
37 age or older if the parent of the minor objects to guardianship and  
38 has an attorney, pursuant to subsection (5) or (6) of this section.

1 If the sole petitioner is the minor, the court must provide an  
2 attorney for the minor upon receipt of the petition.

3 (3) An attorney appointed under subsection (1) of this section  
4 shall:

5 (a) Make a reasonable effort to ascertain the minor's wishes;

6 (b) Advocate for the minor's wishes to the extent reasonably  
7 ascertainable; and

8 (c) If the minor's wishes are not reasonably ascertainable,  
9 advocate for the minor's legal rights.

10 ~~((3))~~ (4) A minor who is the subject of a proceeding under RCW  
11 11.130.190 may retain an attorney to represent the minor in the  
12 proceeding.

13 ~~((4))~~ (5) A parent of a minor who is the subject of a  
14 proceeding under RCW 11.130.190 may retain an attorney to represent  
15 the parent in the proceeding.

16 ~~((5))~~ (6) The court must appoint an attorney to represent a  
17 parent of a minor who is the subject of a proceeding under RCW  
18 11.130.190 if:

19 (a) The parent has appeared in the proceeding;

20 (b) The parent is indigent; and

21 (c) Any of the following is true:

22 (i) The parent objects to appointment of a guardian for the  
23 minor; or

24 (ii) The court determines that counsel is needed to ensure that  
25 consent to appointment of a guardian is informed; or

26 (iii) The court otherwise determines the parent needs  
27 representation.

28 ~~((6))~~ (7) The court must inquire about whether a parent is  
29 indigent to ensure that counsel is appointed ~~((in a timely manner))~~  
30 as soon as possible after the filing of the petition. For purposes of  
31 this section, "indigent" has the same meaning as under RCW  
32 10.101.010.

33 ~~((7))~~ (8) The court is not required, but may appoint an  
34 attorney to represent a parent of a minor who is the subject of a  
35 proceeding under RCW 11.130.190, even if the parent is not indigent,  
36 if:

37 (a) The parent objects to appointment of a guardian for the  
38 minor;

39 (b) The court determines that counsel is needed to ensure that  
40 consent to appointment of a guardian is informed; or

1 (c) The court otherwise determines that the parent needs  
2 representation.

3 ~~((+8))~~ (9) A party represented by an attorney in proceedings  
4 under this article, or a guardian ad litem, has the right to  
5 introduce evidence, to be heard in his or her own behalf, and to  
6 examine witnesses. If a party to an action under this article is  
7 represented by counsel, no order may be provided to that party for  
8 signature without prior notice and provision of the order to counsel.

9 (10) The court is not required, but may appoint an attorney to  
10 represent a petitioner of a minor guardianship if:

11 (a) The petitioner is indigent as defined in RCW 10.101.010 and  
12 one or more parties contest the guardianship and have either secured  
13 or been appointed legal counsel;

14 (b) The court determines that such an appointment for the  
15 petitioner is necessary to support the efficiency of ongoing court  
16 proceedings and to ensure that the court has sufficient information  
17 to protect the interests of the minor; or

18 (c) The court otherwise determines that the petitioner needs  
19 representation.

20 **Sec. 5.** RCW 11.130.205 and 2020 c 312 s 104 are each amended to  
21 read as follows:

22 (1) The court shall allow a minor who is the subject of a hearing  
23 under RCW 11.130.195 to attend the hearing, or other proceedings such  
24 as mediation or settlement conferences, and allow the minor to  
25 participate in the ~~((hearing))~~ proceedings unless the court  
26 determines that:

27 (a) The minor lacks the ability or maturity to participate  
28 meaningfully in the hearing; or

29 (b) Attendance would be harmful to the minor.

30 (2) Unless excused by the court for good cause, the person  
31 proposed to be appointed as guardian for a minor shall attend a  
32 hearing under RCW 11.130.195.

33 (3) Each parent of a minor who is the subject of a hearing under  
34 RCW 11.130.195 has the right to attend the hearing.

35 (4) A person may request permission to participate in a hearing  
36 under RCW 11.130.195. The court may grant the request, with or  
37 without hearing, on determining that it is in the best interest of  
38 the minor who is the subject of the hearing. The court may impose  
39 appropriate conditions on the person's participation.

1       **Sec. 6.** RCW 11.130.210 and 2022 c 243 s 7 are each amended to  
2 read as follows:

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

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

8       (a) Direct the department of children, youth, and families to  
9 release information regarding all proposed guardians and all adult  
10 members of any proposed guardian's household (~~as provided under RCW~~  
11 ~~13.50.100~~); (~~and~~)

12       (b) Require the petitioner to provide the results of an  
13 examination of (~~state and national~~) criminal identification data  
14 provided by the Washington state patrol criminal identification  
15 system as described in chapter 43.43 RCW for all proposed guardians  
16 as well as all adult members of the proposed guardian's household;  
17 and

18       (c) When a guardianship is contested, direct the department of  
19 children, youth, and families to release information regarding  
20 parents and any party seeking custody, and all adults in their  
21 households, in regard to any minor.

22       **Sec. 7.** RCW 11.130.215 and 2025 c 166 s 3 are each amended to  
23 read as follows:

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

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

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

36       (b) If multiple parents have nominated different persons to serve  
37 as guardian, the court shall appoint the nominee whose appointment is  
38 in the best interest of the minor, unless the court finds that

1 appointment of none of the nominees is in the best interest of the  
2 minor.

3 (c) If a guardian is not appointed under (a) or (b) of this  
4 subsection, the court shall appoint the person nominated by the minor  
5 if the minor is (~~twelve~~) 12 years of age or older unless the court  
6 finds that appointment is contrary to the best interest of the minor.  
7 In that case, the court shall appoint as guardian a person whose  
8 appointment is in the best interest of the minor.

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

17 (4) The court, as part of an order appointing a guardian for a  
18 minor, shall state rights retained by any parent of the minor, which  
19 shall preserve the parent-child relationship through an order for  
20 parent-child visitation and other contact, unless the court finds the  
21 relationship should be limited or restricted under RCW 26.09.191 or  
22 26.09.192; and which may include decision making regarding the  
23 minor's health care, education, or other matter, or access to a  
24 record regarding the minor. In the absence of court-ordered  
25 restrictions, parents may participate in the care of the child,  
26 receive the child's records, be notified of the child's hospital  
27 care, and attend conferences and events at the child's school.

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

30 (a) The guardian has delegated custody of the minor subject to  
31 guardianship;

32 (b) The court has modified or limited the powers of the guardian;  
33 or

34 (c) The court has removed the guardian.

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

38 (7) An order granting guardianship for a minor must direct the  
39 clerk of the court to issue letters of office to the guardian

1 containing an expiration date which should be the minor's  
2 (~~eighteenth~~) 18th birthday.

3 **Sec. 8.** RCW 11.130.220 and 2020 c 312 s 107 are each amended to  
4 read as follows:

5 (1) A standby guardian appointed under this section may act as  
6 guardian, with all duties and powers of a guardian under RCW  
7 11.130.230 and 11.130.235, when no parent of the minor is willing or  
8 able to exercise the duties and powers granted to the guardian.

9 (2) A parent of a minor, in a signed record, may nominate a  
10 person to be appointed by the court as standby guardian for the  
11 minor. The parent, in a signed record, may state desired limitations  
12 on the powers to be granted the standby guardian. The parent, in a  
13 signed record, may revoke or amend the nomination at any time before  
14 the court appoints a standby guardian.

15 (3) (a) The court may appoint a standby guardian for a minor on:  
16 (~~(a)~~) (i) Petition by a parent of the minor or a person  
17 nominated under subsection (2) of this section; and

18 (~~(b)~~) (ii) Finding that, within two years after the  
19 appointment, no parent of the minor likely will be able or willing to  
20 perform parenting functions as defined in RCW 26.09.004.

21 (b) The court may extend the standby guardianship, for good cause  
22 shown, at the court's discretion.

23 (4) A petition under subsection (3) (a)(i) of this section must  
24 include the same information required under RCW 11.130.190 for the  
25 appointment of a guardian for a minor.

26 (5) On filing a petition under subsection (3) (a)(i) of this  
27 section, the petitioner shall:

28 (a) Serve a copy of the petition personally on:

29 (i) The minor, if the minor is (~~twelve~~) 12 years of age or  
30 older, and the minor's attorney, if any;

31 (ii) Each parent of the minor;

32 (iii) The person nominated as standby guardian; and

33 (iv) Any other person the court determines; and

34 (b) Include with the copy of the petition served under (a) of  
35 this subsection a statement of the right to request appointment of an  
36 attorney for the minor or to object to appointment of the standby  
37 guardian, and a description of the nature, purpose, and consequences  
38 of appointment of a standby guardian.

1 (6) The court may, upon a showing of good cause, order that the  
2 information concerning the reasons for the standby guardianship  
3 contained in the petition and all subsequently filed pleadings and  
4 evidence by any party not be served on the minor if the minor is  
5 unrepresented. A minor entitled to service under this subsection may  
6 request access to the court pleadings and evidence filed in the court  
7 record.

8 (7) A person entitled to notice under subsection (5) of this  
9 section, not later than (~~sixty~~) 60 days after service of the  
10 petition and statement, may object to appointment of the standby  
11 guardian by filing an objection with the court and giving notice of  
12 the objection to each other person entitled to notice under  
13 subsection (5) of this section.

14 (8) If an objection is filed under subsection (7) of this  
15 section, the court shall hold a hearing to determine whether a  
16 standby guardian should be appointed and, if so, the person that  
17 should be appointed. If no objection is filed, the court may make the  
18 appointment.

19 (9) The court may not grant a petition for a standby guardian of  
20 the minor if notice substantially complying with subsection (5) of  
21 this section is not served on:

22 (a) The minor, if the minor is (~~twelve~~) 12 years of age or  
23 older; and

24 (b) Each parent of the minor, unless the court finds by clear and  
25 convincing evidence that the parent, in a record, waived the right to  
26 notice or cannot be located and served with due diligence.

27 (10) If a petitioner is unable to serve notice under subsection  
28 (5) of this section on a parent of the minor or alleges that a parent  
29 of the minor waived the right to notice under this section, the court  
30 shall appoint a court visitor who shall:

31 (a) Interview the petitioner and the minor;

32 (b) If the petitioner alleges the parent cannot be located and  
33 served, ascertain whether the parent cannot be located with due  
34 diligence; and

35 (c) Investigate any other matter relating to the petition the  
36 court directs.

37 (11) If the court finds under subsection (3) of this section that  
38 a standby guardian should be appointed, the following rules apply:

1 (a) The court shall appoint the person nominated under subsection  
2 (2) of this section unless the court finds the appointment is  
3 contrary to the best interest of the minor.

4 (b) If the parents have nominated different persons to serve as  
5 standby guardian, the court shall appoint the nominee whose  
6 appointment is in the best interest of the minor, unless the court  
7 finds that appointment of none of the nominees is in the best  
8 interest of the minor.

9 (12) An order appointing a standby guardian under this section  
10 must state that each parent of the minor is entitled to notice, and  
11 identify any other person entitled to notice, if:

12 (a) The standby guardian assumes the duties and powers of the  
13 guardian;

14 (b) The guardian delegates custody of the minor;

15 (c) The court modifies or limits the powers of the guardian; or

16 (d) The court removes the guardian.

17 (13) Before assuming the duties and powers of a guardian, a  
18 standby guardian must file with the court an acceptance of  
19 appointment as guardian and give notice of the acceptance to:

20 (a) Each parent of the minor, unless the parent, in a record,  
21 waived the right to notice or cannot be located and served with due  
22 diligence;

23 (b) The minor, if the minor is (~~twelve~~) 12 years of age or  
24 older; and

25 (c) Any person, other than the parent, having care or custody of  
26 the minor.

27 (14) A person that receives notice under subsection (13) of this  
28 section or any other person interested in the welfare of the minor  
29 may file with the court an objection to the standby guardian's  
30 assumption of duties and powers of a guardian. The court shall hold a  
31 hearing if the objection supports a reasonable belief that the  
32 conditions for assumption of duties and powers have not been  
33 satisfied.

34 **Sec. 9.** RCW 11.130.225 and 2022 c 243 s 1 are each amended to  
35 read as follows:

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

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

3 (b) No other person appears to have authority, ability, and the  
4 willingness to act to prevent substantial harm to the minor's health,  
5 safety, or welfare.

6 (2) The duration of authority of an emergency guardian for a  
7 minor may not exceed (~~sixty~~) 60 days and the emergency guardian may  
8 exercise only the powers specified in the order of appointment. The  
9 emergency guardian's authority may be extended once for not more than  
10 (~~sixty~~) 60 days if the court finds that the conditions for  
11 appointment of an emergency guardian in subsection (1) of this  
12 section continue.

13 (3) Except as otherwise provided in subsection (4) of this  
14 section, reasonable notice, including by methods described in RCW  
15 11.130.195(2)(b) (ii) and (iii), of the date, time, and place of a  
16 hearing on a motion for or a petition for appointment of an emergency  
17 guardian for a minor must be given to:

18 (a) The minor, if the minor is (~~twelve~~) 12 years of age or  
19 older;

20 (b) Any attorney appointed under RCW 11.130.200;

21 (c) Each parent of the minor;

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

24 (e) Any other person the court determines.

25 (4) The court may appoint an immediate emergency guardian for a  
26 minor without notice under subsection (3) of this section and a  
27 hearing only if the court finds from an affidavit or testimony that  
28 the minor's health, safety, or welfare will be substantially harmed  
29 before a hearing with notice on the appointment can be held. If the  
30 court appoints an immediate emergency guardian without notice to an  
31 unrepresented minor or the attorney for a represented minor, notice  
32 of the appointment must be given not later than (~~forty-eight hours~~)  
33 four days after the appointment to the individuals listed in  
34 subsection (3) of this section. Not later than (~~five~~) 14 days after  
35 the appointment, the court shall hold a hearing on the  
36 appropriateness of the appointment; provided, however, that the 14-  
37 day period may be extended by agreement or for good cause at the  
38 court's discretion.

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

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

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

10 (8) If a petition for guardianship under RCW (~~11.130.215~~)  
11 11.130.190 is pending, or is subsequently filed after a petition  
12 under this section, the cases shall be linked or consolidated.

13 **Sec. 10.** RCW 11.130.240 and 2020 c 312 s 110 are each amended to  
14 read as follows:

15 (1) Guardianship under this chapter for a minor terminates:

16 (a) On the minor's death, adoption, emancipation, or attainment  
17 of majority; or

18 (b) When the court finds that the basis in RCW 11.130.185 for  
19 appointment of a guardian no longer exists, unless the court finds  
20 that:

21 (i) Termination of the guardianship would be harmful to the  
22 minor; and

23 (ii) The minor's interest in the continuation of the guardianship  
24 outweighs the interest of any parent of the minor in restoration of  
25 the parent's right to make decisions for the minor.

26 (2) (a) A minor subject to guardianship or a person interested in  
27 the welfare of the minor, including a parent, may petition the court  
28 to terminate the guardianship, modify the guardianship, remove the  
29 guardian and appoint a successor guardian, or remove a standby  
30 guardian and appoint a different standby guardian.

31 (b) A modification motion may be brought due to changes in  
32 circumstances.

33 (3) A petitioner under subsection (2) of this section shall give  
34 notice of the hearing on the petition to the minor, if the minor is  
35 (~~twelve~~) 12 years of age or older and is not the petitioner, the  
36 guardian, each parent of the minor, and any other person the court  
37 determines.

38 (4) The court shall follow the priorities in RCW 11.130.215(2)  
39 when selecting a successor guardian for a minor.

1 (5) Not later than (~~thirty~~) 30 days after appointment of a  
2 successor guardian for a minor, the court shall give notice of the  
3 appointment to the minor subject to guardianship, if the minor is  
4 (~~twelve~~) 12 years of age or older, each parent of the minor, and  
5 any other person the court determines.

6 (6) When terminating a guardianship for a minor under this  
7 section, the court may issue an order providing for transitional  
8 arrangements that will assist the minor with a transition of custody  
9 and is in the best interest of the minor.

10 (7) A guardian for a minor that is removed shall cooperate with a  
11 successor guardian to facilitate transition of the guardian's  
12 responsibilities and protect the best interest of the minor.

13 **Sec. 11.** RCW 11.130.275 and 2020 c 312 s 201 are each amended to  
14 read as follows:

15 (1) All petitions filed under RCW 11.130.270 for appointment of a  
16 guardian for an adult shall be heard within (~~sixty~~) 60 days unless  
17 an extension of time is requested by a party or the court visitor  
18 within such (~~sixty~~) 60-day period and granted for good cause shown.  
19 If an extension is granted, the court shall set a new hearing date.

20 (2)(a) A copy of a petition under RCW 11.130.270 and notice of a  
21 hearing on the petition must be served personally on the respondent  
22 and the court visitor appointed under RCW 11.130.280 not more than  
23 five court days after the petition under RCW 11.130.270 has been  
24 filed.

25 (b) Notice under this subsection shall include a clear and easily  
26 readable statement of the legal rights of the respondent that could  
27 be restricted or transferred to a guardian by a guardianship order as  
28 well as the right to counsel of choice and to a jury trial on whether  
29 a basis exists under RCW 11.130.265 for the appointment of a guardian  
30 and the issue of the respondent's rights that will be retained or  
31 restricted if a guardian is appointed. Such notice must be in  
32 substantially the same form as set forth in RCW 11.130.657 and must  
33 be double-spaced and in a type size not smaller than (~~sixteen~~) 16  
34 point font. The court may not grant the petition if notice  
35 substantially complying with this subsection is not served on the  
36 respondent.

37 (3) In a proceeding on a petition under RCW 11.130.270, the  
38 notice required under subsection (2) of this section must be given to  
39 the persons required to be listed in the petition under RCW

1 11.130.270(~~(2)~~) (3) (a) through (c) and any other notice party.  
2 Failure to give notice under this subsection does not preclude the  
3 court from appointing a guardian.

4 (4) After the appointment of a guardian, notice of a hearing on a  
5 petition for an order under this article, together with a copy of the  
6 petition, must be given to:

7 (a) The adult subject to guardianship;

8 (b) The guardian; and

9 (c) Any other notice party or person the court determines  
10 pursuant to RCW 11.130.310(5) or a subsequent court order.

11 **Sec. 12.** RCW 11.130.280 and 2024 c 267 s 4 are each amended to  
12 read as follows:

13 (1) On receipt of a petition under RCW 11.130.270 for appointment  
14 of a guardian for an adult, the court shall appoint a court visitor.  
15 The court visitor must be an individual with training or experience  
16 in the type of abilities, limitations, and needs alleged in the  
17 petition.

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

33 (3)(a) The court visitor appointed under subsection (1) of this  
34 section shall within five days of receipt of notice of appointment  
35 file with the court and serve, either personally or by (~~certified~~)  
36 first-class mail (~~with return receipt~~), the respondent or his or  
37 her legal counsel, the petitioner or his or her legal counsel, and  
38 any interested party entitled to notice under RCW 11.130.080 with a  
39 statement including: His or her training relating to the duties as a

1 court visitor; his or her criminal history as defined in RCW  
2 9.94A.030 for the period covering 10 years prior to the appointment;  
3 his or her hourly rate, if compensated; whether the court visitor has  
4 had any contact with a party to the proceeding prior to his or her  
5 appointment; and whether he or she has an apparent conflict of  
6 interest. Within three days of the later of the actual service or  
7 filing of the court visitor's statement, any party may set a hearing  
8 and file and serve a motion for an order to show cause why the court  
9 visitor should not be removed for one of the following three reasons:

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

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

13 (iii) A conflict of interest.

14 (b) Notice of the hearing shall be provided to the court visitor  
15 and all parties. If, after a hearing, the court enters an order  
16 replacing the court visitor, findings shall be included, expressly  
17 stating the reasons for the removal. If the court visitor is not  
18 removed, the court has the authority to assess to the moving party  
19 attorneys' fees and costs related to the motion. The court shall  
20 assess attorneys' fees and costs for frivolous motions.

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

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

28 (b) Determine whether the respondent would like to request the  
29 appointment of an attorney, and determine the respondent's views  
30 about the appointment sought by the petitioner, including views about  
31 a proposed guardian, the guardian's proposed powers and duties, and  
32 the scope and duration of the proposed guardianship; and

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

36 (5) If the respondent objects to the petition or requests  
37 appointment of an attorney, the court visitor shall petition the  
38 court to have an attorney appointed within five days of meeting the  
39 respondent.

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

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

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

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

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

12 (7) A court visitor appointed under subsection (1) of this  
13 section shall file a report in a record with the court and provide a  
14 copy of the report to the respondent, petitioner, and any interested  
15 party entitled to notice under RCW 11.130.080 at least 15 days prior  
16 to the hearing on the petition filed under RCW 11.130.270, which must  
17 include:

18 (a) A summary of self-care and independent living tasks the  
19 respondent can manage without assistance or with existing supports,  
20 could manage with the assistance of appropriate supportive services,  
21 technological assistance, or supported decision making, and cannot  
22 manage;

23 (b) A recommendation regarding the appropriateness of  
24 guardianship, including whether a protective arrangement instead of  
25 guardianship or other less restrictive alternative for meeting the  
26 respondent's needs is available and:

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

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

31 (c) A statement of the qualifications of the proposed guardian  
32 and whether the respondent approves or disapproves of the proposed  
33 guardian;

34 (d) A statement whether the proposed dwelling meets the  
35 respondent's needs and whether the respondent has expressed a  
36 preference as to residence;

37 (e) A statement whether the respondent declined a professional  
38 evaluation under RCW 11.130.290 and what other information is  
39 available to determine the respondent's needs and abilities without  
40 the professional evaluation;

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

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

7 (h) Any other matter the court directs.

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

12 **Sec. 13.** RCW 11.130.285 and 2020 c 312 s 202 are each amended to  
13 read as follows:

14 (1)(a) The respondent shall have the right to be represented by a  
15 willing attorney of their choosing at any stage in guardianship  
16 proceedings. Any attorney purporting to represent a respondent or  
17 person subject to guardianship shall petition the court to be  
18 appointed to represent the respondent or person subject to  
19 guardianship.

20 (b) Unless the respondent in a proceeding for appointment of a  
21 guardian for an adult is represented by an attorney, the court is not  
22 required, but may appoint an attorney to represent the respondent,  
23 regardless of the respondent's ability to pay, except as provided  
24 otherwise in (c) of this subsection.

25 (c)(i) The court must appoint an attorney to represent the  
26 respondent at public expense when (~~either~~) the respondent objects  
27 to the petition or requests appointment of an attorney to the court  
28 visitor, and:

29 (A) The respondent is unable to afford an attorney;

30 (B) The expense of an attorney would result in substantial  
31 hardship to the respondent; or

32 (C) The respondent does not have practical access to funds with  
33 which to pay an attorney. If the respondent can afford an attorney  
34 but lacks practical access to funds, the court must provide an  
35 attorney and may impose a reimbursement requirement as part of a  
36 final order.

37 (ii) When, in the opinion of the court, the rights and interests  
38 of the respondent cannot otherwise be adequately protected and

1 represented, the court on its own motion must appoint an attorney at  
2 any time to represent the respondent.

3 (iii) The court visitor, under the requirements of RCW  
4 11.130.280(4), will advise the court of the need for appointment of  
5 counsel for the respondent within five court days after the meeting  
6 with the respondent unless:

7 (A) Counsel has appeared;

8 (B) The respondent has affirmatively communicated a wish not to  
9 be represented by counsel after being advised of the right to  
10 representation and of the conditions under which court-provided  
11 counsel may be available; or

12 (C) The respondent was unable to communicate at all on the  
13 subject, and the court visitor is satisfied that the respondent does  
14 not affirmatively desire to be represented by counsel.

15 (iv) An attorney must be provided under this subsection (1)(c) as  
16 soon as practicable after a petition is filed and long enough before  
17 any final hearing to allow adequate time for consultation and  
18 preparation. Absent a convincing showing in the record to the  
19 contrary, a period of less than three weeks is presumed by a  
20 reviewing court to be inadequate time for consultation and  
21 preparation.

22 (2) An attorney representing the respondent in a proceeding for  
23 appointment of a guardian for an adult shall:

24 (a) Make reasonable efforts to ascertain the respondent's wishes;

25 (b) Advocate for the respondent's wishes to the extent reasonably  
26 ascertainable; and

27 (c) If the respondent's wishes are not reasonably ascertainable,  
28 advocate for the result that is the least restrictive in type,  
29 duration, and scope, consistent with the respondent's interests.

30 **Sec. 14.** RCW 11.130.300 and 2019 c 437 s 308 are each amended to  
31 read as follows:

32 (1) The existence of a proceeding for or the existence of a  
33 guardianship for an adult is a matter of public record unless the  
34 court seals the record after:

35 (a) The respondent or individual subject to guardianship requests  
36 the record be sealed; and

37 (b) Either:

38 (i) The petition for guardianship is dismissed; or

39 (ii) The guardianship is terminated.

1 (2) An adult subject to a proceeding for a guardianship, whether  
2 or not a guardian is appointed, an attorney designated by the adult,  
3 and a person entitled to notice under RCW 11.130.310(5) or a  
4 subsequent order are entitled to access court records of the  
5 proceeding and resulting guardianship, including the guardian's plan  
6 under RCW 11.130.340 and report under RCW 11.130.345. A person not  
7 otherwise entitled to access court records under this subsection for  
8 good cause may petition the court for access to court records of the  
9 guardianship, including the guardian's report and plan. The court  
10 shall grant access if access is in the best interest of the  
11 respondent or adult subject to guardianship or furthers the public  
12 interest and does not endanger the welfare or financial interests of  
13 the adult.

14 (3) A report under RCW 11.130.280 of a visitor or a professional  
15 evaluation under RCW 11.130.290 is confidential and must be sealed on  
16 filing, but is available to:

17 (a) The court;

18 (b) The individual who is the subject of the report or  
19 evaluation, without limitation as to use;

20 (c) The petitioner, visitor, ~~((and))~~ petitioner's and  
21 respondent's attorneys, and proposed guardians and conservators and  
22 their attorneys, for purposes of the proceeding;

23 (d) Unless the court orders otherwise, an agent appointed under a  
24 power of attorney for health care or power of attorney for finances  
25 in which the respondent is the principal; and

26 (e) Any other person if it is in the public interest or for a  
27 purpose the court orders for good cause.

28 **Sec. 15.** RCW 11.130.310 and 2019 c 437 s 310 are each amended to  
29 read as follows:

30 (1) A court order appointing a guardian for an adult must:

31 (a) Include a specific finding that clear and convincing evidence  
32 established that the identified needs of the respondent cannot be met  
33 by a protective arrangement instead of guardianship or other less  
34 restrictive alternative, including use of appropriate supportive  
35 services, technological assistance, or supported decision making;

36 (b) Include a specific finding that clear and convincing evidence  
37 established the respondent was given proper notice of the hearing on  
38 the petition;

1 (c) State whether the adult subject to guardianship retains the  
2 right to vote and, if the adult does not retain the right to vote,  
3 include findings that support removing that right which must include  
4 a finding that the adult cannot communicate, with or without support,  
5 a specific desire to participate in the voting process; and

6 (d) State whether the adult subject to guardianship retains the  
7 right to marry and, if the adult does not retain the right to marry,  
8 include findings that support removing that right.

9 (2) An adult subject to guardianship retains the right to vote  
10 unless the order under subsection (1) of this section includes the  
11 statement required by subsection (1)(c) of this section. An adult  
12 subject to guardianship retains the right to marry unless the order  
13 under subsection (1) of this section includes the findings required  
14 by subsection (1)(d) of this section.

15 (3) A court order establishing a full guardianship for an adult  
16 must state the basis for granting a full guardianship and include  
17 specific findings that support the conclusion that a limited  
18 guardianship would not meet the functional needs of the adult subject  
19 to guardianship.

20 (4) A court order establishing a limited guardianship for an  
21 adult must state the specific powers granted to the guardian.

22 (5) The court, as part of an order establishing a guardianship  
23 for an adult, shall identify any person that subsequently is entitled  
24 to:

25 (a) Notice of the rights of the adult under RCW  
26 11.130.315(~~(2)~~);

27 (b) Notice of a change in the primary dwelling of the adult;

28 (c) Notice that the guardian has delegated:

29 (i) The power to manage the care of the adult;

30 (ii) The power to make decisions about where the adult lives;

31 (iii) The power to make major medical decisions on behalf of the  
32 adult;

33 (iv) A power that requires court approval under RCW 11.130.335;  
34 or

35 (v) Substantially all powers of the guardian;

36 (d) Notice that the guardian will be unavailable to visit the  
37 adult for more than two months or unavailable to perform the  
38 guardian's duties for more than one month;

39 (e) A copy of the guardian's plan under RCW 11.130.340 and the  
40 guardian's report under RCW 11.130.345;

1 (f) Access to court records relating to the guardianship;  
2 (g) Notice of the death or significant change in the condition of  
3 the adult;  
4 (h) Notice that the court has limited or modified the powers of  
5 the guardian; and  
6 (i) Notice of the removal of the guardian.  
7 (6) A spouse, domestic partner, and adult children of an adult  
8 subject to guardianship are entitled to notice under subsection (5)  
9 of this section unless the court determines notice would be contrary  
10 to the preferences or prior directions of the adult subject to  
11 guardianship or not in the best interest of the adult.  
12 (7) All orders establishing a guardianship for an adult must  
13 contain:  
14 (a) A guardianship summary placed directly below the case caption  
15 or on a separate cover page in the form or substantially the same  
16 form as set forth in RCW 11.130.665;  
17 (b) The date which the limited guardian or guardian must file the  
18 guardian's plan under RCW 11.130.340(1);  
19 (c) ~~((The))~~ A determination of whether the plan must be reviewed,  
20 and if so, the date by which the court will review the guardian's  
21 plan as required by RCW 11.130.340(4);  
22 (d) The report interval which the guardian shall file its  
23 guardian's ~~((plan))~~ report under RCW 11.130.345. The report interval  
24 may be annual, biennial, or triennial;  
25 (e) The date the limited guardian or guardian must file its  
26 guardian's ~~((plan))~~ report under RCW 11.130.345. The due date of the  
27 filing of the report shall be within ~~((ninety))~~ 90 days after the  
28 anniversary date of the appointment;  
29 (f) The date for the court to review the guardian's ~~((plan))~~  
30 report under RCW 11.130.345 and enter its order. The court shall  
31 conduct the review within ~~((one hundred twenty))~~ 120 days after the  
32 anniversary date of the appointment; and  
33 (g) The date on which the original letters of office shall  
34 expire, which date shall be 180 days after the anniversary date of  
35 appointment.

36 **Sec. 16.** RCW 11.130.380 and 2024 c 267 s 9 are each amended to  
37 read as follows:

38 (1) If the respondent in a proceeding to appoint a conservator is  
39 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 (~~eertified~~) first-class mail (~~(with—return—receipt)~~), the  
28 respondent or his or her legal counsel, the petitioner or his or her  
29 legal counsel, and any interested party entitled to notice under RCW  
30 11.130.080 with a statement including: His or her training relating  
31 to the duties as a court visitor; his or her criminal history as  
32 defined in RCW 9.94A.030 for the period covering (~~ten~~) 10 years  
33 prior to the appointment; his or her hourly rate, if compensated;  
34 whether the court visitor has had any contact with a party to the  
35 proceeding prior to his or her appointment; and whether he or she has  
36 an apparent conflict of interest. Within three days of the later of  
37 the actual service or filing of the court visitor's statement, any  
38 party may set a hearing and file and serve a motion for an order to  
39 show cause why the court visitor should not be removed for one of the  
40 following three reasons:

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

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

4 (iii) A conflict of interest.

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

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

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

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

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

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

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

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

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

38 (c) Investigate whether the respondent's needs could be met by a  
39 protective arrangement instead of conservatorship or other less

1 restrictive alternative and, if so, identify the arrangement or other  
2 less restrictive alternative; and

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

5 (8) A court visitor appointed under subsection (2) of this  
6 section for an adult shall file a report in a record with the court  
7 and provide a copy of the report to the respondent, petitioner, and  
8 any interested party entitled to notice under RCW 11.130.080 at least  
9 (~~fifteen~~) 15 days prior to the hearing on the petition filed under  
10 RCW 11.130.365, which must include:

11 (a) A recommendation:

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

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

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

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

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

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

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

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

36 (f) Any other matter the court directs.

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

1       **Sec. 17.** RCW 11.130.385 and 2020 c 312 s 211 are each amended to  
2 read as follows:

3       (1) (a) The respondent shall have the right to be represented by a  
4 willing attorney of their choosing at any stage in conservatorship  
5 proceedings. Any attorney purporting to represent a respondent or  
6 person subject to conservatorship shall petition the court to be  
7 appointed to represent the respondent or person subject to  
8 conservatorship.

9       (b) Unless the respondent in a proceeding for appointment of a  
10 conservator is represented by an attorney, the court (~~is not~~  
11 ~~required, but may~~) must appoint an attorney to represent the  
12 respondent, regardless of the respondent's ability to pay, (~~except~~  
13 ~~as provided otherwise in (c) of this subsection~~) when:

14       (i) The respondent objects to the petition or requests  
15 appointment of an attorney to the court visitor; or

16       (ii) In the opinion of the court, the rights and interests of the  
17 respondent cannot otherwise be adequately protected and represented.

18       (c) (~~(i) The court must appoint an attorney to represent the~~  
19 ~~respondent at public expense when either~~) If an attorney is  
20 appointed for the respondent pursuant to (b) of this subsection, the  
21 attorney shall be appointed at public expense if:

22       (~~(A)~~) (i) The respondent is unable to afford an attorney;

23       (~~(B)~~) (ii) The expense of an attorney would result in  
24 substantial hardship to the respondent; or

25       (~~(C)~~) (iii) The respondent does not have practical access to  
26 funds with which to pay an attorney. If the respondent can afford an  
27 attorney but lacks practical access to funds, the court must provide  
28 an attorney and may impose a reimbursement requirement as part of a  
29 final order.

30       (~~(ii) When, in the opinion of the court, the rights and~~  
31 ~~interests of the respondent cannot otherwise be adequately protected~~  
32 ~~and represented, the court on its own motion must appoint an attorney~~  
33 ~~at any time to represent the respondent.~~

34       (~~(iii)~~) (d) If the respondent objects to the petition or requests  
35 appointment of an attorney, the court visitor, under the requirements  
36 of RCW 11.130.380(6), shall petition the court to have an attorney  
37 appointed within five days of meeting the respondent.

38       (e) An attorney must be provided under (b) of this subsection  
39 (~~(1)(e)~~) as soon as practicable after a petition is filed and long  
40 enough before any final hearing to allow adequate time for

1 consultation and preparation. Absent a convincing showing in the  
2 record to the contrary, a period of less than three weeks is presumed  
3 by a reviewing court to be inadequate time for consultation and  
4 preparation.

5 (2) An attorney representing the respondent in a proceeding for  
6 appointment of a conservator shall:

7 (a) Make reasonable efforts to ascertain the respondent's wishes;

8 (b) Advocate for the respondent's wishes to the extent reasonably  
9 ascertainable; and

10 (c) If the respondent's wishes are not reasonably ascertainable,  
11 advocate for the result that is the least restrictive in type,  
12 duration, and scope, consistent with the respondent's interests.

13 (3) The court is not required, but may appoint an attorney to  
14 represent a parent of a minor who is the subject of a proceeding  
15 under RCW 11.130.365 if:

16 (a) The parent objects to appointment of a conservator;

17 (b) The court determines that counsel is needed to ensure that  
18 consent to appointment of a conservator is informed; or

19 (c) The court otherwise determines the parent needs  
20 representation.

21 **Sec. 18.** RCW 11.130.400 and 2019 c 437 s 408 are each amended to  
22 read as follows:

23 (1) Except as otherwise provided in subsection (2) of this  
24 section, a hearing under RCW 11.130.370 may not proceed unless the  
25 respondent attends the hearing. If it is not reasonably feasible for  
26 the respondent to attend a hearing at the location court proceedings  
27 typically are held, the court shall make reasonable efforts to hold  
28 the hearing at an alternative location convenient to the respondent  
29 or allow the respondent to attend the hearing using real-time  
30 audiovisual technology.

31 (2) A hearing under RCW 11.130.370 may proceed without the  
32 respondent in attendance if the court finds by clear and convincing  
33 evidence that:

34 (a) The respondent (~~((consistently and repeatedly))~~) has refused to  
35 attend the hearing after having been fully informed of the right to  
36 attend and the potential consequences of failing to do so;

37 (b) There is no practicable way for the respondent to attend and  
38 participate in the hearing even with appropriate supportive services  
39 or technological assistance; or

1 (c) The respondent is a minor who has received proper notice and  
2 attendance would be harmful to the minor.

3 (3) The respondent may be assisted in a hearing under RCW  
4 11.130.370 by a person or persons of the respondent's choosing,  
5 assistive technology, or an interpreter or translator, or a  
6 combination of these supports. If assistance would facilitate the  
7 respondent's participation in the hearing, but is not otherwise  
8 available to the respondent, the court shall make reasonable efforts  
9 to provide it.

10 (4) The respondent has a right to choose an attorney to represent  
11 the respondent at a hearing under RCW 11.130.370.

12 (5) At a hearing under RCW 11.130.370, the respondent may:

13 (a) Present evidence and subpoena witnesses and documents;

14 (b) Examine witnesses, including any court-appointed evaluator  
15 and the visitor; and

16 (c) Otherwise participate in the hearing.

17 (6) Unless excused by the court for good cause, a proposed  
18 conservator shall attend a hearing under RCW 11.130.370.

19 (7) A hearing under RCW 11.130.370 must be closed on request of  
20 the respondent and a showing of good cause.

21 (8) Any person may request to participate in a hearing under RCW  
22 11.130.370. The court may grant the request, with or without a  
23 hearing, on determining that the best interest of the respondent will  
24 be served. The court may impose appropriate conditions on the  
25 person's participation.

26 **Sec. 19.** RCW 11.130.410 and 2020 c 312 s 213 are each amended to  
27 read as follows:

28 (1) The existence of a proceeding for or the existence of  
29 conservatorship is a matter of public record unless the court seals  
30 the record after:

31 (a) The respondent, the individual subject to conservatorship, or  
32 the parent of a minor subject to conservatorship requests the record  
33 be sealed; and

34 (b) Either:

35 (i) The petition for conservatorship is dismissed; or

36 (ii) The conservatorship is terminated.

37 (2) An individual subject to a proceeding for a conservatorship,  
38 whether or not a conservator is appointed, an attorney designated by  
39 the individual, and a person entitled to notice under RCW

1 11.130.420(6) or a subsequent order may access court records of the  
2 proceeding and resulting conservatorship, including the conservator's  
3 plan under RCW 11.130.510 and the conservator's report under RCW  
4 11.130.530. A person not otherwise entitled access to court records  
5 under this section for good cause may petition the court for access  
6 to court records of the conservatorship, including the conservator's  
7 plan and report. The court shall grant access if access is in the  
8 best interest of the respondent or individual subject to  
9 conservatorship or furthers the public interest and does not endanger  
10 the welfare or financial interests of the respondent or individual.

11 (3) A report under RCW 11.130.380 of a court visitor or  
12 professional evaluation under RCW 11.130.390 is confidential and must  
13 be sealed on filing, but is available to:

14 (a) The court;

15 (b) The individual who is the subject of the report or  
16 evaluation, without limitation as to use;

17 (c) The petitioner, court visitor, petitioner's and respondent's  
18 attorneys, and proposed guardians and conservators and their  
19 attorneys, for purposes of the proceeding;

20 (d) Unless the court directs otherwise, an agent appointed under  
21 a power of attorney for finances in which the respondent is  
22 identified as the principal; and

23 (e) Any other person if it is in the public interest or for a  
24 purpose the court orders for good cause.

25 **Sec. 20.** RCW 11.130.420 and 2020 c 312 s 215 are each amended to  
26 read as follows:

27 (1) A court order appointing a conservator for a minor must  
28 include findings to support appointment of a conservator and, if a  
29 full conservatorship is granted, the reason a limited conservatorship  
30 would not meet the identified needs of the minor.

31 (2) A court order appointing a conservator for a minor may  
32 dispense with the requirement for the conservator to file reports  
33 with the court under RCW 11.130.530 if all the property of the minor  
34 subject to the conservatorship is protected by a verified receipt.

35 (3) A court order appointing a conservator for an adult must:

36 (a) Include a specific finding that clear and convincing evidence  
37 has established that the identified needs of the respondent cannot be  
38 met by a protective arrangement instead of conservatorship or other  
39 less restrictive alternatives, including use of appropriate

1 supportive services, technological assistance, or supported decision  
2 making; and

3 (b) Include a specific finding that clear and convincing evidence  
4 established the respondent was given proper notice of the hearing on  
5 the petition.

6 (4) A court order establishing a full conservatorship for an  
7 adult must state the basis for granting a full conservatorship and  
8 include specific findings to support the conclusion that a limited  
9 conservatorship would not meet the functional needs of the adult.

10 (5) A court order establishing a limited conservatorship must  
11 state the specific property placed under the control of the  
12 conservator and the powers granted to the conservator.

13 (6) The court, as part of an order establishing a  
14 conservatorship, shall identify any person that subsequently is  
15 entitled to:

16 (a) Notice of the rights of the individual subject to  
17 conservatorship under RCW 11.130.425(~~(+2)~~) (1);

18 (b) Notice of a sale of or surrender of a lease to the primary  
19 dwelling of the individual;

20 (c) Notice that the conservator has delegated a power that  
21 requires court approval under RCW 11.130.435 or substantially all  
22 powers of the conservator;

23 (d) Notice that the conservator will be unavailable to perform  
24 the conservator's duties for more than one month;

25 (e) A copy of the conservator's plan under RCW 11.130.510 and the  
26 conservator's report under RCW 11.130.530;

27 (f) Access to court records relating to the conservatorship;

28 (g) Notice of a transaction involving a substantial conflict  
29 between the conservator's fiduciary duties and personal interests;

30 (h) Notice of the death or significant change in the condition of  
31 the individual;

32 (i) Notice that the court has limited or modified the powers of  
33 the conservator; and

34 (j) Notice of the removal of the conservator.

35 (7) If an individual subject to conservatorship is an adult, the  
36 spouse, domestic partner, and adult children of the adult subject to  
37 conservatorship are entitled under subsection (6) of this section to  
38 notice unless the court orders otherwise based on good cause. Good  
39 cause includes the court's determination that notice would be

1 contrary to the preferences or prior directions of the adult subject  
2 to conservatorship.

3 (8) If an individual subject to conservatorship is a minor, each  
4 parent and adult sibling of the minor is entitled under subsection  
5 (6) of this section to notice unless the court determines notice  
6 would not be in the best interest of the minor.

7 (9) All orders establishing a conservatorship for an adult must  
8 contain:

9 (a) A conservatorship summary placed directly below the case  
10 caption or on a separate cover page in the form or substantially the  
11 same form as set forth in RCW 11.130.665;

12 (b) The date which the limited conservator or conservator must  
13 file the conservator's plan under RCW 11.130.510;

14 (c) The date which the limited conservator or conservator must  
15 file an inventory under RCW 11.130.515;

16 (d) ~~((The))~~ A determination of whether the plan must be reviewed,  
17 and if so, the date by which the court will review the conservator's  
18 plan as required by RCW 11.130.510;

19 (e) The report interval which the conservator must file its  
20 report under RCW 11.130.530. The report interval may be annual,  
21 biennial, or triennial;

22 (f) The date the limited conservator or conservator must file its  
23 report under RCW 11.130.530. The due date of the filing of the report  
24 shall be within ~~((ninety))~~ 90 days after the anniversary date of the  
25 appointment;

26 (g) The date for the court to review the report under RCW  
27 11.130.530 and enter its order. The court shall conduct the review  
28 within ~~((one hundred twenty))~~ 120 days after the anniversary date of  
29 the appointment; and

30 (h) The date on which the original letters of office shall  
31 expire, which date shall be 180 days after the anniversary date of  
32 appointment.

33 **Sec. 21.** RCW 11.130.425 and 2024 c 267 s 10 are each amended to  
34 read as follows:

35 (1) Not later than ~~((thirty))~~ 14 days after appointment of a  
36 conservator under RCW 11.130.420, the conservator shall give to the  
37 individual subject to conservatorship and any other person entitled  
38 to notice under RCW 11.130.420 (6) and (7) a copy of the order of  
39 appointment and a statement of the rights of the individual subject

1 to conservatorship and procedures to seek relief if the individual is  
2 denied those rights. The statement must be in plain language, in at  
3 least (~~sixteen~~) 16-point font, and to the extent feasible, in a  
4 language in which the individual subject to conservatorship is  
5 proficient. The statement must notify the individual subject to  
6 conservatorship of the right to:

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

10 (b) Participate in decision making to the extent reasonably  
11 feasible;

12 (c) Receive a copy of the conservator's plan under RCW  
13 11.130.510, the conservator's inventory under RCW 11.130.515, and the  
14 conservator's report under RCW 11.130.530; and

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

16 (2) If a conservator is appointed for the reasons stated in RCW  
17 11.130.360(2)(a)(ii) and the individual subject to conservatorship is  
18 missing, notice under this section to the individual is not required.

19 **Sec. 22.** RCW 11.130.605 and 2020 c 312 s 311 are each amended to  
20 read as follows:

21 (1) On filing of a petition under RCW 11.130.580 for a protective  
22 arrangement instead of guardianship, the court shall appoint a court  
23 visitor. The court visitor must be an individual with training or  
24 experience in the type of abilities, limitations, and needs alleged  
25 in the petition.

26 (2) On filing of a petition under RCW 11.130.580 for a protective  
27 arrangement instead of conservatorship for a minor, the court may  
28 appoint a court visitor to investigate a matter related to the  
29 petition or inform the minor or a parent of the minor about the  
30 petition or a related matter.

31 (3) On filing of a petition under RCW 11.130.580 or a protective  
32 arrangement instead of conservatorship for an adult, the court shall  
33 appoint a court visitor unless the respondent is represented by an  
34 attorney appointed by the court. The court visitor must be an  
35 individual with training or experience in the types of abilities,  
36 limitations, and needs alleged in the petition.

37 (4) The court, in the order appointing a court visitor, shall  
38 specify the hourly rate the court visitor may charge for his or her  
39 services, and shall specify the maximum amount the court visitor may

1 charge without additional court review and approval. The fee shall be  
2 charged to the person subject to a guardianship, conservatorship, or  
3 other protective arrangement proceeding unless the court finds that  
4 such payment would result in substantial hardship upon such person,  
5 in which case the county shall be responsible for such costs:  
6 PROVIDED, That the court may charge such fee to the petitioner, the  
7 person subject to a guardianship or conservatorship proceeding, or  
8 any person who has appeared in the action; or may allocate the fee,  
9 as it deems just. If the petition is found to be frivolous or not  
10 brought in good faith, the court visitor fee shall be charged to the  
11 petitioner. The court shall not be required to provide for the  
12 payment of a fee to any salaried employee of a public agency.

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

- 30 (i) Lack of expertise necessary for the proceeding;  
31 (ii) An hourly rate higher than what is reasonable for the  
32 particular proceeding; or  
33 (iii) A conflict of interest.

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

1 (6) A court visitor appointed under subsection (1) or (3) of this  
2 section shall interview the respondent in person and in a manner the  
3 respondent is best able to understand:

4 (a) Explain to the respondent the substance of the petition, the  
5 nature, purpose, and effect of the proceeding, and the respondent's  
6 rights at the hearing on the petition;

7 (b) Determine the respondent's views with respect to the order  
8 sought;

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

12 (d) If the petitioner seeks an order related to the dwelling of  
13 the respondent, visit the respondent's present dwelling and any  
14 dwelling in which it is reasonably believed the respondent will live  
15 if the order is granted;

16 (e) If a protective arrangement instead of guardianship is  
17 sought, obtain information from any physician or other person known  
18 to have treated, advised, or assessed the respondent's relevant  
19 physical or mental condition;

20 (f) If a protective arrangement instead of conservatorship is  
21 sought, review financial records of the respondent, if relevant to  
22 the court visitor's recommendation under subsection (7)(b) of this  
23 section; and

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

26 (7) A court visitor under subsection (1), (2), or (3) of this  
27 section promptly shall file a report in a record with the court and  
28 provide a copy of the report to the respondent, petitioner, and any  
29 interested party entitled to notice under RCW 11.130.580 (1) through  
30 (3), at least (~~fifteen~~) 15 days prior to the hearing on the  
31 petition filed under RCW 11.130.585, 11.130.590, or 11.130.595, which  
32 must include:

33 (a) To the extent relevant to the order sought, a summary of  
34 self-care, independent living tasks, and financial management tasks  
35 the respondent:

36 (i) Can manage without assistance or with existing supports;

37 (ii) Could manage with the assistance of appropriate supportive  
38 services, technological assistance, or supported decision making; and

39 (iii) Cannot manage;

1 (b) A recommendation regarding the appropriateness of the  
2 protective arrangement sought and whether a less restrictive  
3 alternative for meeting the respondent's needs is available;

4 (c) If the petition seeks to change the physical location of the  
5 dwelling of the respondent, a statement whether the proposed dwelling  
6 meets the respondent's needs and whether the respondent has expressed  
7 a preference as to the respondent's dwelling;

8 (d) A statement whether the respondent declined a professional  
9 evaluation under RCW 11.130.615 and what other information is  
10 available to determine the respondent's needs and abilities without  
11 the professional evaluation;

12 (e) A statement whether the respondent is able to attend a  
13 hearing at the location court proceedings typically are held;

14 (f) A statement whether the respondent is able to participate in  
15 a hearing and which identifies any technology or other form of  
16 support that would enhance the respondent's ability to participate;  
17 and

18 (g) Any other matter the court directs.

19 **Sec. 23.** RCW 11.130.610 and 2020 c 312 s 318 are each amended to  
20 read as follows:

21 (1)(a) The respondent shall have the right to be represented by a  
22 willing attorney of their choosing at any stage in protective  
23 arrangement proceedings. Any attorney purporting to represent a  
24 respondent or person subject to a protective arrangement shall  
25 petition the court to be appointed to represent the respondent or  
26 person subject to a protective arrangement.

27 (b) Unless the respondent in a proceeding under this article is  
28 represented by an attorney, the court ~~((is not required, but may))~~  
29 must appoint an attorney to represent the respondent, regardless of  
30 the respondent's ability to pay, ~~((except as provided otherwise in~~  
31 ~~(e) of this subsection))~~ when the respondent objects to the petition  
32 or requests appointment of an attorney to the court visitor.

33 (c) (i) ~~((The court must appoint an attorney to represent the~~  
34 ~~respondent at public expense when either))~~ If an attorney is  
35 appointed for the respondent pursuant to (b) or (c)(ii) of this  
36 subsection, the attorney shall be appointed at public expense when:

37 (A) The respondent is unable to afford an attorney;

38 (B) The expense of an attorney would result in substantial  
39 hardship to the respondent; or

1 (C) The respondent does not have practical access to funds with  
2 which to pay an attorney. If the respondent can afford an attorney  
3 but lacks practical access to funds, the court must provide an  
4 attorney and may impose a reimbursement requirement as part of a  
5 final order.

6 (ii) When, in the opinion of the court, the rights and interests  
7 of the respondent cannot otherwise be adequately protected and  
8 represented, the court on its own motion must appoint an attorney at  
9 any time to represent the respondent.

10 (iii) The court visitor, under the requirements of RCW  
11 11.130.280(5), will advise the court of the need for appointment of  
12 counsel for the respondent within five court days after the meeting  
13 with the respondent.

14 (iv) An attorney must be provided under this subsection (1)(c) as  
15 soon as practicable after a petition is filed and long enough before  
16 any final hearing to allow adequate time for consultation and  
17 preparation. Absent a convincing showing in the record to the  
18 contrary, a period of less than three weeks is presumed by a  
19 reviewing court to be inadequate time for consultation and  
20 preparation.

21 (2) An attorney representing the respondent in a proceeding under  
22 this article shall:

23 (a) Make reasonable efforts to ascertain the respondent's wishes;

24 (b) Advocate for the respondent's wishes to the extent reasonably  
25 ascertainable; and

26 (c) If the respondent's wishes are not reasonably ascertainable,  
27 advocate for the result that is the least restrictive alternative in  
28 type, duration, and scope, consistent with the respondent's  
29 interests.

30 (3) The court is not required, but may appoint an attorney to  
31 represent a parent of a minor who is the subject of a proceeding  
32 under this article if:

33 (a) The parent objects to the entry of an order for a protective  
34 arrangement instead of guardianship or conservatorship;

35 (b) The court determines that counsel is needed to ensure that  
36 consent to the entry of an order for a protective arrangement is  
37 informed; or

38 (c) The court otherwise determines the parent needs  
39 representation.

1       **Sec. 24.** RCW 11.130.620 and 2019 c 437 s 509 are each amended to  
2 read as follows:

3       (1) Except as otherwise provided in subsection (2) of this  
4 section, a hearing under this article may not proceed unless the  
5 respondent attends the hearing. If it is not reasonably feasible for  
6 the respondent to attend a hearing at the location court proceedings  
7 typically are held, the court shall make reasonable efforts to hold  
8 the hearing at an alternative location convenient to the respondent  
9 or allow the respondent to attend the hearing using real-time  
10 audiovisual technology.

11       (2) A hearing under this article may proceed without the  
12 respondent in attendance if the court finds by clear and convincing  
13 evidence that:

14       (a) The respondent (~~(consistently and repeatedly)~~) has refused to  
15 attend the hearing after having been fully informed of the right to  
16 attend and the potential consequences of failing to do so;

17       (b) There is no practicable way for the respondent to attend and  
18 participate in the hearing even with appropriate supportive services  
19 and technological assistance; or

20       (c) The respondent is a minor who has received proper notice and  
21 attendance would be harmful to the minor.

22       (3) The respondent may be assisted in a hearing under this  
23 article by a person or persons of the respondent's choosing,  
24 assistive technology, or an interpreter or translator, or a  
25 combination of these supports. If assistance would facilitate the  
26 respondent's participation in the hearing, but is not otherwise  
27 available to the respondent, the court shall make reasonable efforts  
28 to provide it.

29       (4) The respondent has a right to choose an attorney to represent  
30 the respondent at a hearing under this article.

31       (5) At a hearing under this article, the respondent may:

32       (a) Present evidence and subpoena witnesses and documents;

33       (b) Examine witnesses, including any court-appointed evaluator  
34 and the visitor; and

35       (c) Otherwise participate in the hearing.

36       (6) A hearing under this article must be closed on request of the  
37 respondent and a showing of good cause.

38       (7) Any person may request to participate in a hearing under this  
39 article. The court may grant the request, with or without a hearing,  
40 on determining that the best interests of the respondent will be

1 served. The court may impose appropriate conditions on the person's  
2 participation.

3 **Sec. 25.** RCW 11.130.630 and 2019 c 437 s 511 are each amended to  
4 read as follows:

5 (1) The existence of a proceeding for or the existence of a  
6 protective arrangement instead of guardianship or conservatorship is  
7 a matter of public record unless the court seals the record after:

8 (a) The respondent, the individual subject to the protective  
9 arrangement, or the parent of a minor subject to the protective  
10 arrangement requests the record be sealed; and

11 (b) Either:

12 (i) The proceeding is dismissed;

13 (ii) The protective arrangement is no longer in effect; or

14 (iii) An act authorized by the order granting the protective  
15 arrangement has been completed.

16 (2) A respondent, an individual subject to a protective  
17 arrangement instead of guardianship or conservatorship, an attorney  
18 designated by the respondent or individual, a parent of a minor  
19 subject to a protective arrangement, and any other person the court  
20 determines are entitled to access court records of the proceeding and  
21 resulting protective arrangement. A person not otherwise entitled  
22 access to court records under this subsection for good cause may  
23 petition the court for access. The court shall grant access if access  
24 is in the best interest of the respondent or individual subject to  
25 the protective arrangement or furthers the public interest and does  
26 not endanger the welfare or financial interests of the respondent or  
27 individual.

28 (3) A report of a visitor or professional evaluation generated in  
29 the course of a proceeding under this article must be sealed on  
30 filing but is available to:

31 (a) The court;

32 (b) The individual who is the subject of the report or  
33 evaluation, without limitation as to use;

34 (c) The petitioner, visitor, ~~((and))~~ petitioner's and  
35 respondent's attorneys, and proposed guardians and conservators and  
36 their attorneys, for purposes of the proceeding;

37 (d) Unless the court orders otherwise, an agent appointed under a  
38 power of attorney for finances in which the respondent is the  
39 principal;

1 (e) If the order is for a protective arrangement instead of  
2 guardianship and unless the court orders otherwise, an agent  
3 appointed under a power of attorney for health care in which the  
4 respondent is identified as the principal; and

5 (f) Any other person if it is in the public interest or for a  
6 purpose the court orders for good cause.

7 **Sec. 26.** RCW 11.130.730 and 2020 c 312 s 607 are each amended to  
8 read as follows:

9 The following are disqualified from acting as a supporter:

10 (1) A person who is an employer or employee of the adult with a  
11 disability, unless the person is ~~((an))~~: (a) An immediate family  
12 member of the adult with a disability; or (b) a certified  
13 professional guardian and conservator or certified professional  
14 guardian and conservator agency;

15 (2) A person directly providing paid support services to the  
16 adult with a disability, unless the person is an immediate family  
17 member of the adult with a disability; and

18 (3) An individual against whom the person with a disability has  
19 obtained an order of protection from abuse, or an individual who is  
20 the subject of a civil or criminal order prohibiting contact with the  
21 adult with a disability.

22 **Sec. 27.** RCW 11.130.750 and 2020 c 312 s 611 are each amended to  
23 read as follows:

24 (1) A person who receives the original or a copy of a supported  
25 decision-making agreement shall rely on the agreement.

26 (2) A person is not subject to criminal or civil liability and  
27 has not engaged in professional misconduct for an act or omission if  
28 the act or omission is done in good faith and in reliance on a  
29 supported decision-making agreement.

30 (3) A person who is asked to accept an acknowledged supported  
31 decision-making agreement may request, and rely upon without further  
32 investigation, a supporter's certification given under penalty of  
33 perjury meeting the following requirements:

34 (a) The person presenting themselves as the supporter and signing  
35 the affidavit or declaration is the person so named in the supported  
36 decision-making agreement;

37 (b) To the best of the supporter's knowledge, the principal is  
38 still alive;

1 (c) To the best of the supporter's knowledge, at the time the  
2 supported decision-making agreement was signed, the principal was  
3 competent to execute the document and was not under undue influence  
4 to sign the document;

5 (d) The supporter does not have actual knowledge of the  
6 revocation, termination, limitation, or modification of the supported  
7 decision-making agreement or of the supporter's authority; and

8 (e) The supporter is acting in good faith pursuant to the  
9 authority given under the supported decision-making agreement.

10 (4) Except as otherwise provided in subsection (5) of this  
11 section:

12 (a) If a person requests a certification, the person shall accept  
13 the supported decision-making agreement no later than five business  
14 days after receipt of the certification; and

15 (b) A person may not require an additional or different form of  
16 supported decision-making agreement for authority granted in the  
17 supported decision-making agreement presented.

18 (5) A person is not required to accept an acknowledged supported  
19 decision-making agreement if:

20 (a) The person is not otherwise required to engage in a  
21 transaction with the principal in the same circumstances;

22 (b) Engaging in a transaction with the supporter or the principal  
23 in the same circumstances would be inconsistent with federal law;

24 (c) The person has actual knowledge of the termination of the  
25 supporter's authority or of the supported decision-making agreement  
26 before exercise of the power;

27 (d) A request for a certification is refused;

28 (e) The person in good faith believes that the power is not valid  
29 or that the supporter does not have the authority to perform the act  
30 requested, whether or not a certification has been requested or  
31 provided; or

32 (f) The person makes, or has actual knowledge that another person  
33 has made, a report to the department of social and health services  
34 stating a good faith belief that the principal may be subject to  
35 physical or financial abuse, neglect, exploitation, or abandonment by  
36 the supporter or a person acting for or with the supporter.

37 (6) A person who refuses in violation of this section to accept  
38 an acknowledged supported decision-making agreement is subject to:

39 (a) A court order mandating acceptance of the supported decision-  
40 making agreement; and

1        (b) Liability for reasonable attorneys' fees and costs incurred  
2 in any action or proceeding that confirms the validity of the  
3 supported decision-making agreement or mandates acceptance of the  
4 supported decision-making agreement.

--- **END** ---