

Guardianship and Conservatorship Program Rules Regulations

410 Guardian and Conservator Fees and Expenses

410.1 The guardian and/or conservator is entitled to reasonable compensation for services rendered on behalf of the ~~incapacitated person individual subject to guardianship and/or conservatorship~~. The guardian or conservator has a duty to conserve the estate, property and finances of the ~~incapacitated person individual~~. Accordingly, decisions to provide services and incur fees shall be made in such a way as to reflect this duty. ~~Services requiring a minimal degree of training, skill and experience should be billed accordingly.~~

410.2 All compensation for the services and expenses of the guardian and/or conservator shall be documented, reasonable in amount, and incurred for the ~~incapacitated person's welfare of the individual. welfare~~. The guardian shall not pay or advance himself/herself fees or expenses from any source except as approved by the court. Billing for services shall not exceed the typical amounts paid for comparable services in the community, at a rate for which the service can be performed in the most efficient and cost-effective manner. The guardian or conservator shall review each of the following factors in determining the reasonableness of ~~his/her their~~ fee: ~~(a) the necessity of the service, (b) the time required, (c) the degree of skill and experience required to perform the service, and (d) the cost of any reasonable alternative~~

410.2.1 The necessity and quality of the services provided;

410.2.2 The experience, training, professional standing, and skills of the guardian or conservator;

410.2.3 The difficulty of the services performed, including the degree of skill and care required;

410.2.4 The conditions and circumstances under which a service was performed, including whether the service was provided outside regular business hours or under dangerous or extraordinary conditions;

410.2.5 The effect of the services on the individual;

410.2.6 The extent to which the services provided were or were not consistent with the guardian's plan or conservator's plan; and

410.2.7 The fees customarily paid to a person that performs a like service in the community.

RCW 11.130.105 (3)

410.3 A guardian and conservator shall not pay or advance to themselves fees or expenses from any source except as approved by the court. When requesting court approval, the guardian and conservator shall disclose all compensation, fees and expenses requested, charged, or received in a guardianship and/or conservatorship case to the court and ~~parties entitled to notice~~ to notice parties. ~~The guardian shall maintain contemporaneous time and billings records for services which shall state: (a) date and time spent, (b) service performed, (c) the identity and job classification of the person performing the service, (d) expenses incurred, and (e) subject matter of conferences, staffing, or telephone calls of significant duration.~~

410.4 The guardian and conservator shall maintain contemporaneous time and billings records for services which shall state: (a) date and time spent, (b) service performed, (c) the identity and job classification of the person performing the service, (d) expenses incurred, and (e) subject matter of conferences, staffing, or telephone calls of significant duration.

410.45 The duties of a guardian and conservator to an ~~incapacitated person~~ individual subject to guardianship and/or conservatorship are not conditioned upon the person's ability to compensate the guardian and conservator.

~~410.56 If the guardian is also an attorney, billings shall be in accordance with RCW 11.92.180. The guardian and conservator may charge fees for time spent opposing a modification, termination, or removal sought by an individual subject to guardianship and/or conservatorship only to the extent the court determines the opposition was reasonably necessary to protect the interests of the individual.~~

RCW 11.130.105 (7)