

Judicial Impact Fiscal Note

Bill Number: 1407 HB	Title: Guardianship	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties					
Cities					
Total \$					

Estimated Expenditures from:

COUNTY	FY 2016	FY 2017	2015-17	2017-19	2019-21
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2016	FY 2017	2015-17	2017-19	2019-21
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

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Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

A new section would be added to RCW 11.88.120 to state that the legislature finds that in a judicial proceeding to terminate a guardianship, to restore certain legal rights to a person who has been adjudicated to be incapacitated or partly incapacitated, or to further limit or revoke any retained legal rights of a person adjudicated to be partly incapacitated, an incapacitated person should have the same due process and procedural rights as an alleged incapacitated person would have in an initial guardianship proceeding.

RCW 11.88.10 (4) would be amended to state that for a hearing on an application to terminate a guardianship or to modify the legal rights of a fully or partly incapacitated person, that person has the same due process and procedural rights that an alleged incapacitated person is afforded in an initial guardianship proceeding.

II. B - Cash Receipts Impact

No impact.

II. C - Expenditures

Based on input from the courts, given the current language, the statewide cost would be far in excess of \$50,000. There would be out of pocket costs of \$250 to \$500 for the guardian ad litem (GAL), a similar amount for the medical/psych exam and report together with the attorney fees, court costs and time for additional hearings. Over 75% of guardianships in the counties are given fee waivers, so the attorney fees for this contested action would also be done at public expense. It is estimated that it could cost an additional \$1,000 per case to prepare for and argue a contested hearing. Given the broad language, the bill could be construed as applying to any motion which would affect the terms of a guardianship. The motion could be filed by any interested party, and would trigger multiple requirements, appropriate for an initial guardianship petition, which would not be appropriate for a review. Therefore, it is assumed that the impact on the courts, both in terms of time and money, could be substantial. However, there is no mechanism to quantify what the total statewide cost could be.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Wages					
Employee Benefits					
Professional Service Contracts					
Goods and Other Services					
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$					

III. B - Expenditure By Object or Purpose (County)

<i>County</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

III. C - Expenditure By Object or Purpose (City)

<i>City</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

Part IV: Capital Budget Impact