

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 5604 SSB	Title: Uniform Guardianship Act	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
Total:					

Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years	12.0	17.0	14.5	14.0	14.0
Account					
General Fund – State (001-1)	1,770,157	1,815,883	3,586,040	3,356,250	3,356,250
State Subtotal	1,770,157	1,815,883	3,586,040	3,356,250	3,356,250
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:	1,770,157	1,815,883	3,586,040	3,356,250	3,356,250

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.

Legislative Contact:	Phone:	Date:
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 2/19/2019
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would create the Uniform Guardianship Act (UGA), creating a new chapter of RCW 11 and repealing most of RCW 11.88 and all of RCW 11.92. The bill would create a uniform guardianship, conservatorship, and other protective arrangements act, effective January 1, 2020.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

The bill is partitioned into seven Articles. For purposes of providing estimated costs for this bill, costs will be detailed in **Section II.C - Expenditures** below, categorized by costs that result from the bill taken as a whole (i.e., costs that are common to all Articles or created by multiple Articles), and costs that are specific to the sections and provisions of each Article.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

NOTE: Costs identified in this Judicial Impact Note (JIN) represent what is currently understood and assumed regarding implementation of this bill. It is important to note that there are no court, county clerk, or judicial officer costs portrayed in these estimates. Further, there are no estimates provided for other aspects of the bill that it is recognized will result in costs, such as jury trial costs, requirements for minors to be present for hearings, increased notices, facility costs, etc. Additional costs will be identified during implementation and addressed through the budget request process.

Costs Common to Multiple Articles

General Provisions

Sections of Article 1 would redefine “guardian”, “conservator”, “visitor”, and “protective arrangement agreement”. This bill would require the revision of Supreme Court General Rule 23, Rule for Certifying Professional Guardians. Modifications would be required that would result in substantial changes to the Guardianship Program and its functions and the oversight provided to guardianship in the State of Washington.

The AOC assumes that this bill will result in the requirement that a substantial portion of guardianship cases would have new court orders issued with regard to conservatorships. Guardians of the estate will become conservators, and their authority will need to be set forth in court orders. The cost to the courts for the issuance of letters of conservatorship is unknown at this time, but will most likely be substantial.

The AOC assumes that implementation of the Articles and provisions of this bill will require extensive training and support for judicial officers, court and clerk personnel and the legal community. The AOC would undertake a substantial program development and ongoing training effort to provide this support and resource. The training staff and resources would further support the various sections of the bill that would require additional judicial officer, legal community, lay guardian, conservator, training and education. Further, training staff would work with and/or provide training to persons working in long-term care facilities.

The AOC assumes that there would be a one-time requirement for a Rules Coordinator to develop revisions to Supreme Court General Rule 23, rule making for conservators, minors in guardianships, and rules for other protective arrangements.

The AOC assumes there would be a need for Attorney General support for the Certified Professional Guardianship Board. This is estimated at 0.5 FTE staff attorney. Estimated cost is \$115,000¹ in Fiscal Year 2020.

The AOC assumes additional FTEs would be required to manage the changes proposed by this bill. Table II below displays the additional FTEs and their functions. Table III below displays detailed staff costs.

Table II – General Provisions, Staff Summary

Position	FTE	One-Time/Ongoing	Purpose
Guardianship Program Development/Management	2.0	Ongoing	Statewide Guardianship program management and oversight
Guardianship Program Trainer	1.0	Ongoing	Statewide Guardianship program training resource
Rules Coordinator	1.0	One-Time	Rules development and implementation
Web Site Development/Management	1.0	Ongoing	Website development and maintenance
Administrative Support	1.0	One-Time	Rules Development Support
Administrative Support	1.0	Ongoing	Guardianship Program Support
Forms Analyst	1.0	One-Time	Forms development and Implementation
Total	8.0		

¹ Staff attorney cost estimate provided by the Office of the Attorney General (OAG).

Table III – Staff Cost Summary and Detail

	Staff Summary					
	2020	2021	2019-21	2022	2023	2021-2023
FTE	8.0	8.0	8.0	5.0	5.0	5.0
Salaries	508,172	508,172	1,016,344	353,680	513,680	867,360
Benefits	198,311	198,311	396,622	131,285	187,569	318,854
Goods/Services	37,104	46,380	83,484	23,190	32,466	55,656
Travel	11,000	11,000	22,000	11,000	15,000	26,000
Equipment	130,570	92,020	222,590	84,190	84,190	168,380
Total	885,157	855,883	1,741,040	603,345	832,905	1,436,250

	FTE	2020	2021	2019-21	2022	2023	2021-2023
Admin Support (Range 46/G)	2.0	2.0	2.0	2.0	1.0	1.0	1.0
Salaries	47,376	94,752	94,752	189,504	47,376	47,376	94,752
Benefits		43,006	43,006	86,012	21,503	21,503	43,006
Goods/Services		9,276	18,552	27,828	4,638	4,638	9,276
Travel				-			-
Equipment		15,260		15,260			-
Total		162,294	156,310	318,604	73,517	73,517	147,034

	FTE	2020	2021	2019-21	2022	2023	2021-2023
Guardianship Program Dev/Mgmt	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Salaries	80,000	160,000	160,000	320,000	160,000	320,000	480,000
Benefits		56,284	56,284	112,568	56,284	112,568	168,852
Goods/Services		9,276	9,276	18,552	9,276	18,552	27,828
Travel		4,000	4,000	8,000	4,000	8,000	12,000
Equipment		15,660		15,660			-
Total		245,220	229,560	474,780	229,560	459,120	688,680

	FTE	2020	2021	2019-21	2022	2023	2021-2023
Rules Coordinator (56/G)	1.0	1.0	1.0	1.0			-
Salaries	60,636	60,636	60,636	121,272			-
Benefits		24,202	24,202	48,404			-
Goods/Services		4,638	4,638	9,276			-
Travel				-			-
Equipment		7,630		7,630			-
Total		97,106	89,476	186,582	-	-	-

	FTE	2020	2021	2019-21	2022	2023	2021-2023
Guardianship Program Trainer (56/G)	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Salaries	60,636	60,636	60,636	121,272	60,636	60,636	121,272
Benefits		24,202	24,202	48,404	24,202	24,202	48,404
Goods/Services		4,638	4,638	9,276	4,638	4,638	9,276
Travel		7,000	7,000	14,000	7,000	7,000	14,000
Equipment		76,360	76,360	152,720	76,360	76,360	152,720
Total		172,836	172,836	345,672	172,836	172,836	345,672

	FTE	2020	2021	2019-21	2022	2023	2021-2023
Web Site Dev/Mgmt (70/G)	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Salaries	85,668	85,668	85,668	171,336	85,668	85,668	171,336
Benefits		29,296	29,296	58,592	29,296	29,296	58,592
Goods/Services		4,638	4,638	9,276	4,638	4,638	9,276
Travel				-			-
Equipment		7,830	7,830	15,660	7,830	7,830	15,660
Total		127,432	127,432	254,864	127,432	127,432	254,864

	FTE	2020	2021	2019-21	2022	2023	2021-2023
Forms Analyst (47/G)	1.0	1.0	1.0	1.0			-
Salaries	48,480	46,480	46,480	92,960			-
Benefits		21,321	21,321	42,642			-
Goods/Services		4,638	4,638	9,276			-
Travel				-			-
Equipment		7,830	7,830	15,660			-
Total		80,269	80,269	160,538	-	-	-

Section 118(2) – Would provide that a guardian or conservator who is not a certified professional guardian or conservator must complete a training video or webcast provided by the AOC. Costs to develop a training video/webcast are estimated at \$250,000 based on recent

costs to produce a lay guardian video/webcast training and associated narrative and support documentation.

Information Technology Modifications - Information Technology modifications to Odyssey and other Judicial Information Systems would be required. Existing systems do not have the functionality to provide for required case data. The following table displays a baseline estimate of information technology modifications; however some aspects are indeterminate and others are likely to change/increase as reprogramming and modification begins. Further, the compressed period for implementation (January 1, 2020) would likely increase hours/costs to ensure meeting the implementation deadline.

Table IV – Summary of Estimated Information Technology Modifications

Legacy System application changes (Superior Court Case Management Systems), development/testing/implementation	770 hours
Superior Court Data Exchange modifications required for replication of Odyssey data to JIS / SCOMIS	320 hours
Party Synchronization modifications required for well-identified parties, Odyssey and JIS (development/testing/implementation)	200 hours
Odyssey Configuration modifications/testing (does not include estimate for base case type changes)	80 hours
New codes required (substantial increase); training modules, new causes of action requiring well-identified persons, updates required for statistical and caseload reporting and published caseloads	250 hours
Indeterminate impacts: 1) Changes required to the Judicial Access Browser (JABS) to accommodate inclusion of conservatorship/guardianship case filings in those causes of action that include children; 2) Changes to the Odyssey client and Portal to display allowable case information related to children; 3) Enterprise Data Repository standards changes	Indeterminate
Estimated total (excluding indeterminate changes)	1,620 hours
Estimated Cost (baseline \$50/hr. ITAS6)²	\$81,000

Guardianship Monitoring

The AOC assumes that Article 3 of this bill would require the need for a regional program designed to monitor guardianships to ensure that incapacitated persons would receive the care and assistance needed and that the rights and freedoms of those in the care of guardians would be protected. There is currently no statewide program to monitor the guardians.

Additional funding for guardianship monitoring would be required, including the creation of a volunteer guardianship monitoring program. The AOC Office of Public Guardianship (OPG) assumes a total of 9.0 FTE would be required (4.0 FTE hired in FY 2020 and an additional 5.0 FTE hired in FY 2021). Non-staff costs would be required for travel, background checks, and volunteer training. Table V below displays estimated costs associated with this effort.

Table V – Guardianship Monitoring

Cost Category	FY 2020	FY 2021	Biennium Total
Staff Costs (a)	\$395,000	\$881,000	\$1,276,000
Non-Staff Costs (b)	\$44,000	\$79,000	\$123,000
Total Costs	\$439,000	\$960,000	\$1,399,000

² IT modification hours and costs are based on initial analysis of the draft bill for over-arching system impacts. Additional analysis will be required for a more precise estimate.

- a) Staff costs include 4.0 FTE in FY 2020 and 5.0 FTE in FY 2021 (total 9.0 FTE), and associated costs.
- b) Non-Staff costs include travel costs and background checks for volunteers, volunteer recruitment advertising, and volunteer training.

Article 2 – Guardianship of Minor

This bill would create a “visitor”, defined in Section 102(38) to mean a person appointed by the court pursuant to Sections 304(1) or 405(1) of the Act. A visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in a petition.

Article 2 would add Section 203(4)(d) allowing a court to appoint a visitor if a petitioner is unable to serve notice on a parent of a minor or alleges that the parent waived the right to notice. A visitor shall: (a) interview the petitioner and the minor, (b) if the petitioner alleges the parent cannot be located, ascertain whether the parent cannot be located with due diligence, (c) investigate any other matter relating to the petition the court directs, and (d) ascertain whether the parent consents to the guardian for the minor.

Currently Title 11 guardians ad litem fulfill the role of the agent appointed to investigate the need for guardianship of adults. It is unknown how many visitors will be required to address the increase in guardianship proceedings due to the addition of minors. It is unknown how many visitors may be appointed by the courts for potential respondents that do not have the means to pay. This will represent a significant cost to courts in these instances.

Article 6 – Forms

The UGA would require courts to operate in a more uniform manner regarding the use of pattern or standard forms. 1.0 FTE Forms Analyst would be required in the first biennium to manage this effort.

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose

	2020	2021	2019-21	2022	2023	2021-2023
FTE	12.0	17.0	14.5	14.0	14.0	14.0
Salaries	784,672	1,124,872	1,909,544	970,380	1,130,380	2,100,760
Benefits	316,811	462,611	779,422	395,585	451,869	847,454
Goods/Services	527,104	125,380	652,484	102,190	111,466	213,656
Travel	11,000	11,000	22,000	11,000	15,000	26,000
Equipment	130,570	92,020	222,590	84,190	84,190	168,380
Total	1,770,157	1,815,883	3,586,040	1,563,345	1,792,905	3,356,250

III.B – Detail:

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.