

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 6109 SB	Title: Executorships	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					
Account					
General Fund – State (001-1)					
State Subtotal					
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:					

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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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would create a pilot program to develop an alternative process to guardianship. The pilot program would allow the counties to intervene and help those who are not found to be imminently dangerous but who are unable to care for themselves due to a mental health or substance use disorder. The pilot program would be established in the three largest counties of the state.

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

Section 1 – Would state the intent of the legislature to create a pilot program in the three largest counties of the state to help those who are not found to be imminently dangerous but who are unable to care of themselves due to a mental health or substance use disorder. Services would be the least restrictive and most clinically appropriate way possible.

Section 2 – Would create a pilot program in the three largest counties of the state for the appointment of a Court Appointed Resource Executor (CARE) officer for certain persons with a serious mental illness or substance use disorder. Would provide that prior to a county participating in this pilot program, the Health Care Authority must determine that the county meets specific listed criteria for participation. The bill would provide that the county shall not seek to subject any person to these services unless there is funding and available resources to provide all the services set forth in this chapter.

Section 3 – Would provide for the procedure for establishing, administering, and terminating an executorship under this chapter is the same as in a conservatorship under chapter 11.88 RCW, except (a) the court may appoint a CARE officer in the county of the residence of the individual subject to the executorship and the person to serve as the CARE officer if it is necessary for the protection of the individual, and (b) the individual has a right to demand a hearing as to whether they meet the criteria for the appointment of a CARE officer.

Section 4 – Would provide definitions for (1) Court Appointed Resource Executor; (2) Evaluation; (3) Executorship; (4) Frequent detention for evaluation and treatment; (5) Intensive treatment; (6) Pilot program; and (7) Three largest counties in Washington.

Section 5 – Would provide that a court may order that the individual be moved from the his/her current residence, but it must be in a supportive community housing that provides wraparound services, unless such placement is not sufficient for protection of that person. A county CARE officer would be required to conduct an investigation as to whether an executorship is appropriate; the CARE officer would petition the superior court in the county of residence of the person to establish an executorship.

Section 6 – Would describe the appointment of the CARE Officer and the powers of the individual to contest the CARE officer's powers. Would provide that executorships would be terminated one year after appointment, or shorter if ordered by the court. A CARE officer may petition the superior court for an additional period. Would provide that a hearing must be held on all petitions within thirty days of the date of the petition, and if the individual is not represented by counsel, the city or county would be responsible for the expense of a public defender.

Section 7 – Would provide that the state will provide funds for up to ten individuals for each participating county of the pilot program.

Section 8 and Section 9 – Would respectively provide for an effective date of January 1, 2021 and expiration date of December 31, 2025.

Section 11 – Would title the bill as the Behavioral Health Disorders Act.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

Indeterminate, but expected to be substantial. The following provides a summary of the bill sections that would create potential costs:

- Section 2 provides a listing of several criteria for county participation in the pilot program. It is unknown if counties will meet these criteria, or choose to participate. The Health Care Authority would be required to make the determination as to whether the county meets the criteria specified by the bill.
- Section 2 would require all CARE officers to be trained, but does not specify the required training or source of training.
- Section 3 would provide for individuals subject to executorship (ISE) would have a right to a hearing on whether the ISE meets the criteria for the appointment of a CARE officer. It is assumed that an attorney would be appointed for each individual who demands a hearing. It is unknown how many hearings and attorney appointments would be required.
- Section 6 would provide that CARE officers must conduct an executorship investigation containing the officer's recommendations concerning the powers to be granted to and the duties to be imposed upon the CARE officer. The AOC assumes these investigations would be similar to guardian ad litem (GAL) investigations. A CARE officer would be empowered to recommend themselves or another CARE officer to be appointed to serve the ISE.
- Section 6 would provide that family or blood relatives of the ISE may be appointed as a CARE officer, and would be subject to training requirements.
- Section 6 would require the court clerk to notify the CARE officer, the ISE, and persons in charge of the program 30 days prior to the automatic termination of the executorship. The notification must be made either in person or by first class mail. The bill does not identify the entity in charge of the program, so the AOC assumes this would be the court. Automatic termination would occur annually.
- Section 6 would provide that any ISE could petition for a hearing. It is expected that all ISE's would petition (30 hearings). The bill would require the appointment of an attorney for any individual not represented by counsel. This is not limited to those who are deemed indigent, thus the AOC assumes an attorney would be appointed for each individual. All hearings would be required to be held within 30 days.
- Section 6 would require that courts administering this act may adopt rules, forms, and standards necessary to implement the act. The bill does not provide for standardization of rules, forms, and standards, thus there is potential for varying outcomes and differing costs by county.

- Section 6(10) would require that attorneys appointed to represent ISEs must be funded at the city or county's expense.
- Section 7 would provide that the state would provide funds for administrative services and care for up to ten individuals in each participating county. It is unknown how many individuals would participate or if counties would choose to participate.

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
A – Salaries & Wages					
B – Employee Benefits					
C – Prof. Service Contracts					
E – Goods and Services					
G – Travel					
J – Capital Outlays					
P – Debt Service					
Total:					

III.B – Detail:

Job Classification	Salary	FY 2020	FY 2021	2019-21	2021-23	2023-25
Total FTE's						

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.