

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 6287 SSB	Title: Guardianships	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	INDETERMINATE				
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.

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

Part II: Narrative Explanation

This bill would make technical changes, update statutory references, and provide definitions regarding various aspects of guardianship and conservatorship in Washington.

This bill differs from SB 6287:

- Would clarify the existing right to a jury trial for adults;
- Would provide for mediation opportunities;
- Would add notice to provisions of legal rights;
- Would require due process prior to the appointment of an emergency guardian including a fourteen day notice prior to appointment;
- Would require a determination of legal capacity;
- Would require supplemental declarations for the basis of a guardianship of a minor; and
- Would require a separate civil cause of action for the filing of certain protection orders related to guardianship actions.

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

Section 102(3) – Would provide that a court may, upon showing of good cause, order that the information concerning the reasons for the guardianship contained in the petition and all subsequently filed pleadings and evidence by any party may not be served on a minor if the minor is unrepresented. A minor entitled to service under this subsection may request access to the court pleadings and evidence filed in the court record.

Section 102(4) – Would provide that a court may develop forms for the purpose of filing petitions under Section 102(1).

Section 111(2) – Would provide that all orders issued under RCW 26.10 prior to the effective date of Chapter 437, Laws of 2019, would remain operative after the effective date of Chapter 437, Laws of 2019. After the effective date of Chapter 437, Laws of 2019, if an order issued under RCW 26.10 is modified, the modification is subject to the requirements of this chapter.

Section 112 – Would add a new chapter to RCW 11.130 to add motions under minor guardianship proceedings for temporary support, temporary restraining orders, and preliminary injunctions for certain stated actions.

Section 309(2) – Would amend RCW 11.130.280 to clarify that a court, in an order appointing a court visitor, shall specify the hourly rate the court visitor may charge for their services. The fee would be charged to the person subject to a guardianship or conservatorship proceeding unless the court finds that such payment would result in substantial hardship upon the person, in which case the county shall be responsible for such costs: provided, that that court may charge such a fee to the petitioner, the person subject to a guardianship or conservatorship proceeding, or any person who has appeared in the action; or may allocate the fee, as it deems just. If the petition is found to be frivolous or not brought in good faith, the court visitor fee shall be charged to the petitioner. The court would not be required to provide for the payment of a fee to any salaried employee of a public agency.

Section 310(3) – Would amend RCW 11.130.605 to clarify that a court, in an order appointing a court visitor, shall specify the hourly rate the court visitor may charge for their services. The fee would be charged to the person subject to a guardianship or conservatorship proceeding unless the court finds that such payment would result in substantial hardship upon the person, in which case the county shall be responsible for such costs: provided, that that court may charge such a

fee to the petitioner, the person subject to a guardianship or conservatorship proceeding, or any person who has appeared in the action; or may allocate the fee, as it deems just. If the petition is found to be frivolous or not brought in good faith, the court visitor fee shall be charged to the petitioner. The court would not be required to provide for the payment of a fee to any salaried employee of a public agency.

Section 311(4) - Would amend RCW 11.130.580 to clarify that a court, in an order appointing a court visitor, shall specify the hourly rate the court visitor may charge for their services. The fee would be charged to the person subject to a guardianship or conservatorship proceeding unless the court finds that such payment would result in substantial hardship upon the person, in which case the county shall be responsible for such costs: provided, that that court may charge such a fee to the petitioner, the person subject to a guardianship or conservatorship proceeding, or any person who has appeared in the action; or may allocate the fee, as it deems just. If the petition is found to be frivolous or not brought in good faith, the court visitor fee shall be charged to the petitioner. The court would not be required to provide for the payment of a fee to any salaried employee of a public agency.

Section 902 – With the exception of Section 114, would provide an effective date of January 1, 2021 for this bill.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

This bill would provide clarification and update statutory references regarding certain aspects of guardianship and conservatorship.

Sections 309, 310, and 311 clarify that a county would be responsible for the costs for appointed court visitors under certain circumstances. This cost is indeterminate, but expected to be substantial. It is unknown how many court visitors would be appointed, and unknown what hourly rates would be ordered.