

JUDICIAL IMPACT FISCAL NOTE

Bill Number: S-5149.1/20	Title: Concerning Guardianships and Conservatorships	Agency: 055 – Administrative Office of the Courts (AOC)
------------------------------------	---	--

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:
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 1/7/2020
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

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

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 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 308(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 309(3) – Would amend RCW 11.130.380 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(4) – 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.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

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

Sections 308, 309, and 310 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.