
HOUSE BILL 1258

State of Washington

66th Legislature

2019 Regular Session

By Representatives Jenkins, Harris, Tharinger, and Kilduff

1 AN ACT Relating to improving guardianship monitoring; and adding
2 a new section to chapter 11.88 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 11.88
5 RCW to read as follows:

6 (1) Subject to the availability of amounts appropriated for this
7 specific purpose, the administrative office of the courts must
8 establish a guardianship monitoring pilot program to provide superior
9 courts the resources necessary to enhance the monitoring of
10 guardianships; assure proper care and protection for incapacitated
11 adults; assist and support guardians in meeting their duties to
12 incapacitated adults and their reporting responsibilities to the
13 court; and provide information and training to the public.

14 (2) Pilot sites must be selected to serve in three superior court
15 judicial districts: Two in a district without an existing
16 guardianship monitoring program, and one in a district with an
17 existing guardianship monitoring program.

18 (3) The administrative office of the courts must:

19 (a) In coordination with the selected pilot sites, develop
20 uniform data points to be maintained and tracked by each site. Data
21 points should include, at a minimum, guardianship status, guardian

1 type, use of counsel by incapacitated person, and complaints filed
2 against guardians; and

3 (b) In consultation with stakeholders including the superior
4 court judges' association, the Washington association of professional
5 guardians, the Washington state bar association, the Washington
6 association of elder law attorneys, the state long-term ombuds, and
7 disability rights Washington, develop an evaluation tool.

8 (4) Each pilot site must include:

9 (a) A staffing model that supports a full-time program manager to
10 oversee a formal volunteer monitoring program, data collection and
11 analysis, and education and a full-time employee with guardianship
12 expertise to provide information via telephone, email, web site, and
13 training events;

14 (b) Monitoring practices that provide a balance between document
15 review and in-person contact with incapacitated persons and
16 guardians;

17 (c) A mechanism for the disclosure and resolution of individual
18 and organizational conflicts of interest among guardians, guardians
19 ad litem, attorneys, and staff and volunteer monitors; and

20 (d) A courthouse facilitator as authorized by RCW 11.88.170.

21 (5) Each pilot site must, in coordination with community
22 stakeholders, develop an education component with information
23 targeted to the following groups:

24 (a) Pretraining for individuals who are considering whether to
25 petition for guardianship;

26 (b) Individuals who are considering whether to serve as guardian;

27 (c) Individuals seeking alternatives to guardianship;

28 (d) Individuals against whom guardianship petitions are pending;

29 (e) Individuals in guardianships;

30 (f) Proposed guardians and appointed guardians; and

31 (g) Individuals seeking general information about guardianships.

32 (6) The administrative office of the courts must, within one year
33 of the commencement of the full operation of the pilot programs,
34 submit a report to the legislature in compliance with RCW 43.01.036.
35 Reports must include, at a minimum, a description and analysis of (a)
36 uniform data collection, including complaints filed against
37 guardians; (b) types of monitoring practices used; (c) types of
38 education and outreach activities provided; (d) outcomes for
39 individuals, families, guardians, and courts; (e) program evaluation
40 using the evaluation tool; (f) costs, volunteer hours, and number of

1 outputs; (g) program policies and procedures, including those used
2 for volunteer management, guardianship monitoring, and education and
3 outreach; and (h) challenges, successes, and recommendations for
4 ongoing monitoring.

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