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**SECOND SUBSTITUTE SENATE BILL 5825**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Pedersen and Padden)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to guardianship and conservatorship; amending RCW  
2 11.130.090, 11.130.100, 11.130.270, 11.130.280, 11.130.315,  
3 11.130.320, 11.130.345, 11.130.365, 11.130.380, 11.130.425,  
4 11.130.430, 11.130.435, and 11.130.530; adding a new section to  
5 chapter 11.130 RCW; and adding a new section to chapter 2.72 RCW.

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

7 **Sec. 1.** RCW 11.130.090 and 2019 c 437 s 118 are each amended to  
8 read as follows:

9 (1) Any suitable person over the age of (~~twenty-one~~) 21 years,  
10 or any parent under the age of (~~twenty-one~~) 21 years or, if the  
11 petition is for appointment of a professional guardian or  
12 conservator, any individual or guardianship or conservatorship  
13 service that meets any certification requirements established by the  
14 administrator for the courts, may, if not otherwise disqualified, be  
15 appointed guardian or conservator of a person subject to  
16 guardianship, conservatorship, or both. A financial institution  
17 subject to the jurisdiction of the department of financial  
18 institutions and authorized to exercise trust powers, and a federally  
19 chartered financial institution when authorized to do so, may be  
20 appointed to act as a guardian or conservator of a person subject to  
21 guardianship, conservatorship, or both without having to meet the

1 certification requirements established by the administrator for the  
2 courts. No person is qualified to serve as a guardian or conservator  
3 who is:

4 (a) Under (~~eighteen~~) 18 years of age except as otherwise  
5 provided herein;

6 (b)(i) Except as provided otherwise in (b)(ii) of this  
7 subsection, convicted of a crime involving dishonesty, neglect, or  
8 use of physical force or other crime relevant to the functions the  
9 individual would assume as guardian;

10 (ii) A court may, upon consideration of the facts, find that a  
11 relative convicted of a crime is qualified to serve as a guardian or  
12 conservator;

13 (c) A nonresident of this state who has not appointed a resident  
14 agent to accept service of process in all actions or proceedings with  
15 respect to the estate and caused such appointment to be filed with  
16 the court;

17 (d) A corporation not authorized to act as a fiduciary, guardian,  
18 or conservator in the state;

19 (e) A person whom the court finds unsuitable.

20 (2) If a guardian, or conservator is not a certified professional  
21 guardian, conservator, or financial institution authorized under this  
22 section, the guardian or conservator must complete any standardized  
23 training video or web cast for lay guardians or conservators made  
24 available by the administrative office of the courts and the superior  
25 court where the petition is filed unless granted a waiver by the  
26 court. The training video or web cast must be provided at no cost to  
27 the guardian, or conservator.

28 (a) If a petitioner requests the appointment of a specific  
29 individual to act as a guardian or conservator, the petition for  
30 guardianship or conservatorship must include evidence of the  
31 successful completion of the required training video or web cast by  
32 the proposed guardian or conservator. The superior court may defer  
33 the completion of the training requirement to a date no later than  
34 ninety days after appointment if the petitioner requests expedited  
35 appointment due to emergent circumstances.

36 (b) If no person is identified to be appointed guardian or  
37 conservator at the time the petition is filed, then the court must  
38 require that the petitioner identify within (~~fourteen~~) 30 days from  
39 the filing of the petition a specific individual to act as guardian  
40 or conservator subject to the training requirements set forth herein.

1 If the petitioner fails to identify a guardian or conservator within  
2 30 days of filing, the court shall dismiss the guardianship or  
3 conservatorship.

4 **Sec. 2.** RCW 11.130.100 and 2020 c 312 s 304 are each amended to  
5 read as follows:

6 (1) Unless otherwise compensated or reimbursed, an attorney for a  
7 respondent in a proceeding under this chapter is entitled to  
8 reasonable compensation for services and reimbursement of reasonable  
9 expenses from the property of the respondent.

10 (2) Unless otherwise compensated or reimbursed, an attorney, or  
11 other person whose services resulted in an order beneficial to an  
12 individual subject to guardianship or conservatorship or for whom a  
13 protective arrangement under Article 5 of this chapter was ordered,  
14 is entitled to reasonable compensation for services and reimbursement  
15 of reasonable expenses from the property of the individual.

16 (3) Where the person subject to guardianship or conservatorship  
17 is a department of social and health services client, or health care  
18 authority client, and is required to contribute a portion of their  
19 income towards the cost of long-term care services or room and board,  
20 the amount of compensation or reimbursement shall not exceed the  
21 amount allowed by the department of social and health services or  
22 health care authority by rule.

23 (4) Where the person subject to guardianship or conservatorship  
24 receives guardianship, conservatorships, or other protective services  
25 from the office of public guardianship, the amount of compensation or  
26 reimbursement shall not exceed the amount allowed by the office of  
27 public guardianship.

28 (5) The court must approve compensation and expenses payable  
29 under this section before payment. Approval is not required before a  
30 service is provided or an expense is incurred.

31 (6) If the court dismisses a petition under this chapter and  
32 determines the petition was filed in bad faith, the court may assess  
33 the cost of any court-ordered professional evaluation, court-  
34 appointed attorney, or court visitor against the petitioner.

35 **Sec. 3.** RCW 11.130.270 and 2019 c 437 s 302 are each amended to  
36 read as follows:

1 (1) A person interested in an adult's welfare, including the  
2 adult for whom the order is sought, may petition for appointment of a  
3 guardian for the adult.

4 (2) A person interested in the welfare of a minor who, within 45  
5 days of the filing of the petition, will attain the age of majority,  
6 may petition for appointment of a guardian for the minor. The minor  
7 may petition on the minor's own behalf.

8 (3) A petition under subsection (1) or (2) of this section must  
9 state the petitioner's name, principal residence, current street  
10 address, if different, relationship to the respondent, interest in  
11 the appointment, the name and address of any attorney representing  
12 the petitioner, and, to the extent known, the following:

13 (a) The respondent's name, age, principal residence, current  
14 street address, if different, and, if different, address of the  
15 dwelling in which it is proposed the respondent will reside if the  
16 petition is granted;

17 (b) The name and address of the respondent's:

18 (i) Spouse or domestic partner or, if the respondent has none, an  
19 adult with whom the respondent has shared household responsibilities  
20 for more than six months in the ~~((twelve))~~ 12-month period  
21 immediately before the filing of the petition;

22 (ii) Adult children or, if none, each parent and adult sibling of  
23 the respondent, or, if none, at least one adult nearest in kinship to  
24 the respondent who can be found with reasonable diligence; ~~((and))~~

25 (iii) Adult stepchildren whom the respondent actively parented  
26 during the stepchildren's minor years and with whom the respondent  
27 had an ongoing relationship in the two-year period immediately before  
28 the filing of the petition; and

29 (iv) Parents, if living and involved in the respondent's life;

30 (c) The name and current address of each of the following, if  
31 applicable:

32 (i) A person responsible for care of the respondent;

33 (ii) Any attorney currently representing the respondent;

34 (iii) Any representative payee appointed by the social security  
35 administration for the respondent;

36 (iv) A guardian or conservator acting for the respondent in this  
37 state or in another jurisdiction;

38 (v) A trustee or custodian of a trust or custodianship of which  
39 the respondent is a beneficiary;

1 (vi) Any fiduciary for the respondent appointed by the department  
2 of veterans affairs;

3 (vii) An agent designated under a power of attorney for health  
4 care in which the respondent is identified as the principal;

5 (viii) An agent designated under a power of attorney for finances  
6 in which the respondent is identified as the principal;

7 (ix) A person nominated as guardian by the respondent;

8 (x) A person nominated as guardian by the respondent's parent or  
9 spouse or domestic partner in a will or other signed record;

10 (xi) A proposed guardian and the reason the proposed guardian  
11 should be selected; and

12 (xii) A person known to have routinely assisted the respondent  
13 with decision making during the six months immediately before the  
14 filing of the petition;

15 (d) The reason a guardianship is necessary, including a brief  
16 description of:

17 (i) The nature and extent of the respondent's alleged need;

18 (ii) Any protective arrangement instead of guardianship or other  
19 less restrictive alternatives for meeting the respondent's alleged  
20 need which have been considered or implemented;

21 (iii) If no protective arrangement instead of guardianship or  
22 other less restrictive alternatives have been considered or  
23 implemented, the reason they have not been considered or implemented;  
24 and

25 (iv) The reason a protective arrangement instead of guardianship  
26 or other less restrictive alternative is insufficient to meet the  
27 respondent's alleged need;

28 (e) Whether the petitioner seeks a limited guardianship or full  
29 guardianship;

30 (f) If the petitioner seeks a full guardianship, the reason a  
31 limited guardianship or protective arrangement instead of  
32 guardianship is not appropriate;

33 (g) If a limited guardianship is requested, the powers to be  
34 granted to the guardian;

35 (h) The name and current address, if known, of any person with  
36 whom the petitioner seeks to limit the respondent's contact;

37 (i) If the respondent has property other than personal effects, a  
38 general statement of the respondent's property, with an estimate of  
39 its value, including any insurance or pension, and the source and  
40 amount of other anticipated income or receipts; and

1 (j) Whether the respondent needs an interpreter, translator, or  
2 other form of support to communicate effectively with the court or  
3 understand court proceedings.

4 **Sec. 4.** RCW 11.130.280 and 2020 c 312 s 309 are each amended to  
5 read as follows:

6 (1) On receipt of a petition under RCW 11.130.270 for appointment  
7 of a guardian for an adult, the court shall appoint a court visitor.  
8 The court visitor must be an individual with training or experience  
9 in the type of abilities, limitations, and needs alleged in the  
10 petition.

11 (2) The court, in the order appointing a court visitor, shall  
12 specify the hourly rate the court visitor may charge for his or her  
13 services, and shall specify the maximum amount the court visitor may  
14 charge without additional court review and approval. The fee shall be  
15 charged to the person subject to a guardianship or conservatorship  
16 proceeding unless the court finds that such payment would result in  
17 substantial hardship upon such person, in which case the county shall  
18 be responsible for such costs: PROVIDED, That the court may charge  
19 such fee to the petitioner, the person subject to a guardianship or  
20 conservatorship proceeding, or any person who has appeared in the  
21 action; or may allocate the fee, as it deems just. If the petition is  
22 found to be frivolous or not brought in good faith, the court visitor  
23 fee shall be charged to the petitioner. The court shall not be  
24 required to provide for the payment of a fee to any salaried employee  
25 of a public agency.

26 (3)(a) The court visitor appointed under subsection (1) of this  
27 section shall within five days of receipt of notice of appointment  
28 file with the court and serve, either personally or by certified mail  
29 with return receipt, the respondent or his or her legal counsel, the  
30 petitioner or his or her legal counsel, and any interested party  
31 entitled to notice under RCW 11.130.080 with a statement including:  
32 His or her training relating to the duties as a court visitor; his or  
33 her criminal history as defined in RCW 9.94A.030 for the period  
34 covering (~~ten~~) 10 years prior to the appointment; his or her hourly  
35 rate, if compensated; whether the court visitor has had any contact  
36 with a party to the proceeding prior to his or her appointment; and  
37 whether he or she has an apparent conflict of interest. Within three  
38 days of the later of the actual service or filing of the court  
39 visitor's statement, any party may set a hearing and file and serve a

1 motion for an order to show cause why the court visitor should not be  
2 removed for one of the following three reasons:

3 (i) Lack of expertise necessary for the proceeding;

4 (ii) An hourly rate higher than what is reasonable for the  
5 particular proceeding; or

6 (iii) A conflict of interest.

7 (b) Notice of the hearing shall be provided to the court visitor  
8 and all parties. If, after a hearing, the court enters an order  
9 replacing the court visitor, findings shall be included, expressly  
10 stating the reasons for the removal. If the court visitor is not  
11 removed, the court has the authority to assess to the moving party  
12 attorneys' fees and costs related to the motion. The court shall  
13 assess attorneys' fees and costs for frivolous motions.

14 (4) A court visitor appointed under subsection (1) of this  
15 section shall interview the respondent in person and, in a manner the  
16 respondent is best able to understand:

17 (a) Explain to the respondent the substance of the petition, the  
18 nature, purpose, and effect of the proceeding, the respondent's  
19 rights at the hearing on the petition, the right to counsel of choice  
20 and to a jury trial, and the general powers and duties of a guardian;

21 (b) Determine whether the respondent would like to request the  
22 appointment of an attorney, and determine the respondent's views  
23 about the appointment sought by the petitioner, including views about  
24 a proposed guardian, the guardian's proposed powers and duties, and  
25 the scope and duration of the proposed guardianship; and

26 (c) Inform the respondent that all costs and expenses of the  
27 proceeding, including the respondent's attorney's fees, may be paid  
28 from the respondent's assets.

29 (5) If the respondent objects to the petition or requests  
30 appointment of an attorney, the court visitor shall petition the  
31 court to have an attorney appointed within five days of meeting the  
32 respondent.

33 (6) The court visitor appointed under subsection (1) of this  
34 section shall:

35 (a) Interview the petitioner and proposed guardian, if any;

36 (b) Visit the respondent's present dwelling and any dwelling in  
37 which it is reasonably believed the respondent will live if the  
38 appointment is made;

1 (c) Obtain information from any physician or other person known  
2 to have treated, advised, or assessed the respondent's relevant  
3 physical or mental condition; and

4 (d) Investigate the allegations in the petition and any other  
5 matter relating to the petition the court directs.

6 ~~((+6))~~ (7) A court visitor appointed under subsection (1) of  
7 this section shall file a report in a record with the court and  
8 provide a copy of the report to the respondent, petitioner, and any  
9 interested party entitled to notice under RCW 11.130.080 at least  
10 ~~((fifteen))~~ 15 days prior to the hearing on the petition filed under  
11 RCW 11.130.270, which must include:

12 (a) A summary of self-care and independent living tasks the  
13 respondent can manage without assistance or with existing supports,  
14 could manage with the assistance of appropriate supportive services,  
15 technological assistance, or supported decision making, and cannot  
16 manage;

17 (b) A recommendation regarding the appropriateness of  
18 guardianship, including whether a protective arrangement instead of  
19 guardianship or other less restrictive alternative for meeting the  
20 respondent's needs is available and:

21 (i) If a guardianship is recommended, whether it should be full  
22 or limited; and

23 (ii) If a limited guardianship is recommended, the powers to be  
24 granted to the guardian;

25 (c) A statement of the qualifications of the proposed guardian  
26 and whether the respondent approves or disapproves of the proposed  
27 guardian;

28 (d) A statement whether the proposed dwelling meets the  
29 respondent's needs and whether the respondent has expressed a  
30 preference as to residence;

31 (e) A statement whether the respondent declined a professional  
32 evaluation under RCW 11.130.290 and what other information is  
33 available to determine the respondent's needs and abilities without  
34 the professional evaluation;

35 (f) A statement whether the respondent is able to attend a  
36 hearing at the location court proceedings typically are held;

37 (g) A statement whether the respondent is able to participate in  
38 a hearing and which identifies any technology or other form of  
39 support that would enhance the respondent's ability to participate;  
40 and



1 (h) Any other matter the court directs.

2 ~~((7))~~ (8) The appointment of a court visitor has no effect on  
3 the determination of the adult respondent's legal capacity and does  
4 not overcome the presumption of legal capacity or full legal and  
5 civil rights of the adult respondent.

6 **Sec. 5.** RCW 11.130.315 and 2019 c 437 s 311 are each amended to  
7 read as follows:

8 ~~((1) A guardian appointed under RCW 11.130.305 shall give the  
9 adult subject to guardianship and all other persons given notice  
10 under RCW 11.130.275 a copy of the order of appointment, together  
11 with notice of the right to request termination or modification. The  
12 order and notice must be given not later than fourteen days after the  
13 appointment.~~

14 ~~(2))~~ Not later than ~~((thirty))~~ 14 days after appointment of a  
15 guardian under RCW 11.130.305, the guardian shall give to the adult  
16 subject to guardianship and any other person entitled to notice under  
17 RCW 11.130.310 (5) or (6) or a subsequent order a copy of the order  
18 of appointment and a statement of the rights of the adult subject to  
19 guardianship and procedures to seek relief if the adult is denied  
20 those rights. The statement must be in at least sixteen-point font,  
21 in plain language, and, to the extent feasible, in a language in  
22 which the adult subject to guardianship is proficient. The statement  
23 must notify the adult subject to guardianship of the right to:

24 ~~((a))~~ (1) Seek termination or modification of the guardianship,  
25 or removal of the guardian, and choose an attorney to represent the  
26 adult in these matters;

27 ~~((b))~~ (2) Be involved in decisions affecting the adult,  
28 including decisions about the adult's care, dwelling, activities, or  
29 social interactions, to the extent reasonably feasible;

30 ~~((c))~~ (3) Be involved in health care decision making to the  
31 extent reasonably feasible and supported in understanding the risks  
32 and benefits of health care options to the extent reasonably  
33 feasible;

34 ~~((d))~~ (4) Be notified at least fourteen days before a change in  
35 the adult's primary dwelling or permanent move to a nursing home,  
36 mental health facility, or other facility that places restrictions on  
37 the individual's ability to leave or have visitors unless the change  
38 or move is proposed in the guardian's plan under RCW 11.130.340 or  
39 authorized by the court by specific order;

1       ~~((e))~~ (5) Object to a change or move described in ~~((d) of~~  
2 ~~this))~~ subsection (4) of this section and the process for objecting;  
3       ~~((f))~~ (6) Communicate, visit, or interact with others,  
4 including receiving visitors, and making or receiving telephone  
5 calls, personal mail, or electronic communications, including through  
6 social media, unless:  
7       ~~((i))~~ (a) The guardian has been authorized by the court by  
8 specific order to restrict communications, visits, or interactions;  
9       ~~((ii))~~ (b) A protective order or protective arrangement instead  
10 of guardianship is in effect that limits contact between the adult  
11 and a person; or  
12       ~~((iii))~~ (c) The guardian has good cause to believe restriction  
13 is necessary because interaction with a specified person poses a risk  
14 of significant physical, psychological, or financial harm to the  
15 adult, and the restriction is:  
16       ~~((A))~~ (i) For a period of not more than seven business days if  
17 the person has a relative or preexisting social relationship with the  
18 adult; or  
19       ~~((B))~~ (ii) For a period of not more than sixty days if the  
20 person does not have a relative or preexisting social relationship  
21 with the adult;  
22       ~~((g))~~ (7) Receive a copy of the guardian's plan under RCW  
23 11.130.340 and the guardian's report under RCW 11.130.345;  
24       ~~((h))~~ (8) Object to the guardian's plan or report; and  
25       ~~((i))~~ (9) Associate with persons of their choosing as provided  
26 in RCW 11.130.335(5).

27       **Sec. 6.** RCW 11.130.320 and 2020 c 312 s 204 are each amended to  
28 read as follows:

29       (1) A person interested in an adult's welfare, including the  
30 adult for whom the order is sought, may petition for appointment of  
31 an emergency guardian for the adult.

32       (2) An emergency petition under subsection (1) of this section  
33 must state the petitioner's name, principal residence, and current  
34 street address, if different, and~~((r))~~ to the extent known, the  
35 following:

36       (a) The respondent's name, age, principal residence~~((r))~~ and  
37 current street address, if different;

38       (b) The name and address of the respondent's:

1 (i) Spouse or domestic partner or, if the respondent has none, an  
2 adult with whom the respondent has shared household responsibilities  
3 for more than six months in the twelve-month period immediately  
4 before the filing of the emergency petition;

5 (ii) Adult children or, if none, each parent and adult sibling of  
6 the respondent, or, if none, at least one adult nearest in kinship to  
7 the respondent who can be found with reasonable diligence; and

8 (iii) Adult stepchildren whom the respondent actively parented  
9 during the stepchildren's minor years and with whom the respondent  
10 had an ongoing relationship in the two-year period immediately before  
11 the filing of the emergency petition;

12 (c) The name and current address of each of the following, if  
13 applicable:

14 (i) A person responsible for care of the respondent;

15 (ii) Any attorney currently representing the respondent;

16 (iii) Any representative payee appointed by the social security  
17 administration for the respondent;

18 (iv) A guardian or conservator acting for the respondent in this  
19 state or in another jurisdiction;

20 (v) A trustee or custodian of a trust or custodianship of which  
21 the respondent is a beneficiary;

22 (vi) Any fiduciary for the respondent appointed by the department  
23 of veterans affairs;

24 (vii) Any representative payee or authorized representative or  
25 protective payee;

26 (viii) An agent designated under a power of attorney for health  
27 care in which the respondent is identified as the principal;

28 (ix) An agent designated under a power of attorney for finances  
29 in which the respondent is identified as the principal;

30 (x) A person nominated as guardian by the respondent;

31 (xi) A person nominated as guardian by the respondent's parent or  
32 spouse or domestic partner in a will or other signed record;

33 (xii) A proposed emergency guardian, and the reason the proposed  
34 emergency guardian should be selected; and

35 (xiii) A person known to have routinely assisted the respondent  
36 with decision making during the six months immediately before the  
37 filing of the emergency petition;

38 (d) The reason an emergency guardianship is necessary, including  
39 a specific description of:

40 (i) The nature and extent of the emergency situation;

1 (ii) The nature and extent of the respondent's alleged emergency  
2 need that arose because of the emergency situation;

3 (iii) The substantial and irreparable harm to the respondent's  
4 health, safety, welfare, or rights that is likely to be prevented by  
5 the appointment of an emergency guardian;

6 (iv) All protective arrangements or other less restrictive  
7 alternatives that have been considered or implemented to meet the  
8 respondent's alleged emergency need instead of emergency  
9 guardianship;

10 (v) If no protective arrangements or other less restrictive  
11 alternatives have been considered or implemented instead of emergency  
12 guardianship, the reason they have not been considered or  
13 implemented; and

14 (vi) The reason a protective arrangement or other less  
15 restrictive alternative instead of emergency guardianship is  
16 insufficient to meet the respondent's alleged emergency need;

17 (e) The reason the petitioner believes that a basis for  
18 appointment of a guardian under RCW 11.130.265 exists;

19 (f) Whether the petitioner intends to also seek guardianship for  
20 an adult under RCW 11.130.270;

21 (g) The reason the petitioner believes that no other person  
22 appears to have authority and willingness to act to address the  
23 respondent's identified needs caused by the emergency circumstances;

24 (h) The specific powers to be granted to the proposed emergency  
25 guardian and a description of how those powers will be used to meet  
26 the respondent's alleged emergency need;

27 (i) If the respondent has property other than personal effects, a  
28 general statement of the respondent's property, with an estimate of  
29 its value, including any insurance or pension, and the source and  
30 amount of other anticipated income or receipts; and

31 (j) Whether the respondent needs an interpreter, translator, or  
32 other form of support to communicate effectively with the court or  
33 understand court proceedings.

34 (3) The requirements of RCW 11.130.090 apply to an emergency  
35 guardian appointed for an adult with the following exceptions for any  
36 proposed emergency guardian required to complete the training under  
37 RCW 11.130.090:

38 (a) The proposed emergency guardian shall present evidence of the  
39 successful completion of the required training video or web cast to

1 the court no later than the hearing on the petition for appointment  
2 of an emergency guardian for an adult; and

3 (b) The superior court may defer the completion of the training  
4 requirement to a date no later than fourteen days after appointment  
5 if the petitioner requests an extension of time to complete the  
6 training due to emergent circumstances beyond the control of  
7 (~~the~~) the petitioner.

8 (4) On its own after a petition has been filed under RCW  
9 11.130.270, or on petition for appointment of an emergency guardian  
10 for an adult, the court may appoint an emergency guardian for the  
11 adult if the court makes specific findings based on clear and  
12 convincing evidence that:

13 (a) An emergency exists such that appointment of an emergency  
14 guardian is likely to prevent substantial and irreparable harm to the  
15 adult's physical health, safety, or welfare;

16 (b) The respondent's identified needs caused by the emergency  
17 cannot be met by a protective arrangement or other less restrictive  
18 alternative instead of emergency guardianship;

19 (c) No other person appears to have authority and willingness to  
20 act to address the respondent's identified needs caused by the  
21 emergency circumstances; and

22 (d) There is reason to believe that a basis for appointment of a  
23 guardian under RCW 11.130.265 exists.

24 (5) If the court acts on its own to appoint an emergency guardian  
25 after a petition has been filed under RCW 11.130.270, all  
26 requirements of this section shall be met.

27 (6) A court order appointing an emergency guardian for an adult  
28 shall:

29 (a) Grant only the specific powers necessary to meet the adult's  
30 identified emergency need and to prevent substantial and irreparable  
31 harm to the adult's physical health, safety, or welfare;

32 (b) Include a specific finding that clear and convincing evidence  
33 established that an emergency exists such that appointment of an  
34 emergency guardian is likely to prevent substantial and irreparable  
35 harm to the respondent's health, safety, or welfare;

36 (c) Include a specific finding that the identified emergency need  
37 of the respondent cannot be met by a protective arrangement instead  
38 of guardianship or other less restrictive alternative, including any  
39 relief available under chapter 74.34 RCW or use of appropriate

1 supportive services, technological assistance, or supported decision  
2 making;

3 (d) Include a specific finding that clear and convincing evidence  
4 established the respondent was given proper notice of the hearing on  
5 the petition;

6 (e) State that the adult subject to emergency guardianship  
7 retains all rights the adult enjoyed prior to the emergency  
8 guardianship with the exception of the rights not retained during the  
9 period of emergency guardianship;

10 (f) Include the date that the sixty-day period of emergency  
11 guardianship ends, and the date the emergency guardian's report,  
12 required by this section, is due to the court; and

13 (g) Identify any person or notice party that subsequently is  
14 entitled to:

15 (i) Notice of the rights of the adult;

16 (ii) Notice of a change in the primary dwelling of the adult;

17 (iii) Notice of the removal of the guardian;

18 (iv) A copy of the emergency guardian's plan and the emergency  
19 guardian's report under this section;

20 (v) Access to court records relating to the emergency  
21 guardianship;

22 (vi) Notice of the death or significant change in the condition  
23 of the adult;

24 (vii) Notice that the court has limited or modified the powers of  
25 the emergency guardian; and

26 (viii) Notice of the removal of the emergency guardian.

27 (7) A spouse, a domestic partner, and adult children of an adult  
28 subject to emergency guardianship are entitled to notice under this  
29 section unless the court orders otherwise based on good cause. Good  
30 cause includes the court's determination that notice would be  
31 contrary to the preferences or prior directions of the adult subject  
32 to emergency guardianship or not in the best interest of the adult  
33 subject to the emergency guardianship.

34 (8) The duration of authority of an emergency guardian for an  
35 adult may not exceed sixty days, and the emergency guardian may  
36 exercise only the powers specified in the order of appointment. Upon  
37 a motion by the petitioner, adult subject to emergency guardianship,  
38 court visitor, or the emergency guardian, with notice served upon all  
39 applicable notice parties, the emergency guardian's authority may be  
40 extended once for not more than sixty days if the court finds that

1 the conditions for appointment of an emergency guardian in subsection  
2 (4) of this section continue.

3 (9) Immediately on filing of a petition for appointment of an  
4 emergency guardian for an adult, the court shall appoint an attorney  
5 to represent the respondent in the proceeding. Except as otherwise  
6 provided in subsection (10) of this section, an order appointing an  
7 emergency guardian for the respondent may not be entered unless the  
8 respondent, the respondent's attorney, and the court visitor  
9 appointed under subsection (11) of this section have received a  
10 minimum of fourteen days' notice of the date, time, and place of a  
11 hearing on the petition. ((A)) The petitioner must cause a copy of  
12 the emergency petition and notice of a hearing on the petition (~~must~~  
13 ~~be served personally~~) to be personally served on the respondent, the  
14 respondent's attorney, and the court visitor not more than two court  
15 days after the petition has been filed. The notice must inform the  
16 respondent of the respondent's rights at the hearing, including the  
17 right to an attorney and to attend the hearing. The notice must  
18 include a description of the nature, purpose, and consequences of  
19 granting the emergency petition. The court shall not grant the  
20 emergency petition if notice substantially complying with this  
21 subsection is not served on the respondent.

22 (10) The court may appoint an emergency guardian for an adult  
23 without notice to the adult and any attorney for the adult only if  
24 the court finds from an affidavit or testimony that the respondent's  
25 physical health, safety, or welfare will be substantially harmed  
26 before a hearing with notice on the appointment can be held. If the  
27 court appoints an emergency guardian without giving notice under  
28 subsection (9) of this section, the court must:

29 (a) Give notice of the appointment not later than forty-eight  
30 hours after the appointment to:

31 (i) The respondent;

32 (ii) The respondent's attorney; and

33 (iii) Any other person the court determines; and

34 (b) (~~Hold~~) Schedule and hold a hearing on the appropriateness  
35 of the appointment not later than five days after the appointment.

36 (11) On receipt of a petition for appointment of emergency  
37 guardian for an adult, the court shall appoint a court visitor.  
38 (~~Notice~~) The petitioner must cause notice of appointment of the  
39 court visitor (~~must~~) to be served upon the court visitor within two  
40 days of appointment. The court visitor must be an individual with

1 training or experience in the type of abilities, limitations, and  
2 needs alleged in the emergency petition. The court, in the order  
3 appointing a court visitor, shall specify the hourly rate the  
4 (~~(court)~~) court visitor may charge for his or her services, and  
5 shall specify the maximum amount the court visitor may charge without  
6 additional court review and approval.

7 (a) The court visitor shall within two days of service of notice  
8 of appointment file with the court and serve, either personally or by  
9 certified mail with return receipt, the respondent or the  
10 respondent's legal counsel, the petitioner or the petitioner's legal  
11 counsel, and any notice party with a statement including the court  
12 visitor's: Training relating to the duties as a court visitor;  
13 criminal history as defined in RCW 9.94A.030 for the period covering  
14 ten years prior to the appointment; hourly rate, if compensated;  
15 contact, if any, with a party to the proceeding prior to appointment;  
16 and apparent or actual conflicts of interest.

17 (b) A court visitor appointed under this section shall use due  
18 diligence to attempt to interview the respondent in person and, in a  
19 manner the respondent is best able to understand:

20 (i) Explain to the respondent the substance of the emergency  
21 petition, the nature, purpose, and effect of the proceeding, the  
22 respondent's rights at the hearing on the petition, and the proposed  
23 specific powers and duties of the proposed guardian as stated in the  
24 emergency petition;

25 (ii) Determine the respondent's views about the emergency  
26 appointment sought by the petitioner, including views about a  
27 proposed emergency guardian, the emergency guardian's proposed powers  
28 and duties, and the scope and duration of the proposed emergency  
29 guardianship; and

30 (iii) Inform the respondent that all costs and expenses of the  
31 proceeding, including but not limited to the respondent's attorneys'  
32 fees, the appointed guardian's fees, and the appointed guardian's  
33 attorneys' fees, will be paid from the respondent's assets upon  
34 approval by the court.

35 (c) The court visitor appointed under this section shall:

36 (i) Interview the petitioner and proposed emergency guardian;

37 (ii) Use due diligence to attempt to visit the respondent's  
38 present dwelling;



1 (iii) Use due diligence to attempt to obtain information from any  
2 physician or other person known to have treated, advised, or assessed  
3 the respondent's relevant physical or mental condition; and

4 (iv) Investigate the allegations in the emergency petition and  
5 any other matter relating to the emergency petition the court  
6 directs.

7 (d) A court visitor appointed under this section shall file a  
8 report in a record with the court and provide a copy of the report to  
9 the respondent, petitioner, and any notice party at least seven days  
10 prior to the hearing on the emergency petition, which must include:

11 (i) A summary of self-care and independent living tasks the  
12 respondent can manage without assistance or with existing supports,  
13 could manage with the assistance of appropriate supportive services,  
14 technological assistance, or supported decision making, and cannot  
15 manage;

16 (ii) A recommendation regarding the appropriateness of emergency  
17 guardianship, including whether a protective arrangement instead of  
18 guardianship or other less restrictive alternative for meeting the  
19 respondent's needs is available, and if an emergency guardianship is  
20 recommended;

21 (iii) A detailed summary of the alleged emergency and the  
22 substantial and irreparable harm to the respondent's health, safety,  
23 welfare, or rights that is likely to be prevented by the appointment  
24 of an emergency guardian;

25 (iv) A statement as to whether the alleged emergency and the  
26 respondent's alleged needs are likely to require an extension of  
27 sixty days as authorized under this section;

28 (v) The specific powers to be granted to the emergency guardian  
29 and how the specific powers will address the alleged emergency and  
30 the respondent's alleged need;

31 (vi) A recommendation regarding the appropriateness of an ongoing  
32 guardianship for an adult, including whether a protective arrangement  
33 instead of guardianship or other less restrictive alternative for  
34 meeting the respondent's needs is available;

35 (vii) A statement of the qualifications of the proposed emergency  
36 guardian and whether the respondent approves or disapproves of the  
37 proposed emergency guardian, and the reasons for such approval or  
38 disapproval;

39 (viii) A recommendation whether a professional evaluation under  
40 RCW 11.130.290 is necessary;

1 (ix) A statement whether the respondent is able to attend a  
2 hearing at the location court proceedings typically are held;

3 (x) A statement whether the respondent is able to participate in  
4 a hearing which identifies any technology or other form of support  
5 that would enhance the respondent's ability to participate;

6 (xi) A statement, as needed when the petition seeks emergency  
7 authority to change the respondent's place of dwelling, as to whether  
8 the proposed dwelling meets the respondent's needs and whether the  
9 respondent has expressed a preference as to residence; and

10 (xii) Any other matter the court directs.

11 (12) An emergency guardian shall:

12 (a) Comply with the requirements of RCW 11.130.325, the  
13 requirements regarding the adult's right to association under RCW  
14 11.130.335, and the requirements of this chapter that pertain to the  
15 rights of an adult subject to guardianship;

16 (b) Not have authority to make decisions or take actions that a  
17 guardian for an adult is prohibited by law from having; and

18 (c) Be subject to the same special limitations on a guardian's  
19 power that apply to a guardian for an adult.

20 (13) Appointment of an emergency guardian under this section is  
21 not a determination that a basis exists for appointment of a guardian  
22 under RCW 11.130.265.

23 (14) The court may remove an emergency guardian appointed under  
24 this section at any time.

25 (15) The emergency guardian shall file a report in a record with  
26 the court and provide a copy of the report to the adult subject to  
27 emergency guardianship, and any notice party no later than forty-five  
28 days after appointment. The report shall include specific and updated  
29 information regarding the emergency alleged in the emergency  
30 petition, the adult's emergency needs, all actions and decisions by  
31 the emergency guardian, and a recommendation as to whether a guardian  
32 for an adult should be appointed. If the appointment of the emergency  
33 guardian is extended for an additional sixty days, the emergency  
34 guardian shall file a second report in a record with the court and  
35 provide a copy of the report to the adult subject to emergency  
36 guardianship, and any notice party no later than forty-five days  
37 after extension of the appointment is granted by the court, which  
38 shall include the same information required for the first report. The  
39 emergency guardian shall make any other report the court requires.

1 (16) The court shall issue letters of emergency guardianship to  
2 the emergency guardian in compliance with RCW 11.130.040. Such  
3 letters shall be issued on an expedited basis.

4 **Sec. 7.** RCW 11.130.345 and 2020 c 312 s 208 are each amended to  
5 read as follows:

6 (1) A guardian for an adult shall file with the court by the date  
7 established by the court a report in a record regarding the condition  
8 of the adult and accounting for funds and other property in the  
9 guardian's possession or subject to the guardian's control. The  
10 guardian shall provide a copy of the report to the adult subject to  
11 guardianship and any other notice party.

12 (2) A report under subsection (1) of this section must state or  
13 contain:

14 (a) The mental, physical, and social condition of the adult;

15 (b) The living arrangements of the adult during the reporting  
16 period;

17 (c) A summary of the supported decision making, technological  
18 assistance, medical services, educational and vocational services,  
19 and other supports and services provided to the adult and the  
20 guardian's opinion as to the adequacy of the adult's care;

21 (d) A summary of the guardian's visits with the adult, including  
22 the dates of the visits;

23 (e) Action taken on behalf of the adult;

24 (f) The extent to which the adult has participated in decision  
25 making;

26 (g) If the adult is living in a care setting, whether the  
27 guardian considers the facility's current plan for support, care,  
28 treatment, or habilitation consistent with the adult's preferences,  
29 values, prior directions, and best interests;

30 (h) Anything of more than de minimis value which the guardian,  
31 any individual who resides with the guardian, or the spouse, domestic  
32 partner, parent, child, or sibling of the guardian has received from  
33 an individual providing goods or services to the adult. A  
34 professional guardian must abide by the standards of practice  
35 regarding the acceptance of gifts;

36 (i) If the guardian delegated a power to an agent, the power  
37 delegated and the reason for the delegation;

1 (j) Any business relation the guardian has with a person the  
2 guardian has paid or that has benefited from the property of the  
3 adult;

4 (k) A copy of the guardian's most recently approved plan under  
5 RCW 11.130.340 and a statement whether the guardian has deviated from  
6 the plan and, if so, how the guardian has deviated and why;

7 (l) Plans for future care and support of the adult;

8 (m) A recommendation as to the need for continued guardianship  
9 and any recommended change in the scope of the guardianship; and

10 (n) Whether any co-guardian or successor guardian appointed to  
11 serve when a designated event occurs is alive and able to serve.

12 (3) The court may appoint a court visitor to review a report  
13 submitted under this section or a guardian's plan submitted under RCW  
14 11.130.340, interview the guardian or adult subject to guardianship,  
15 or investigate any other matter involving the guardianship.

16 (4) Notice of the filing under this section of a guardian's  
17 report, together with a copy of the report, must be given to the  
18 adult subject to guardianship and any other notice party. The notice  
19 and report must be given not later than fourteen days after the  
20 filing.

21 (5) The court shall establish procedures for monitoring a report  
22 submitted under this section and review each report to determine  
23 whether:

24 (a) The report provides sufficient information to establish the  
25 guardian has complied with the guardian's duties;

26 (b) The guardianship should continue; and

27 (c) The guardian's requested fees, if any, should be approved.

28 (6) If the court determines there is reason to believe a guardian  
29 for an adult has not complied with the guardian's duties or the  
30 guardianship should be modified or terminated, the court:

31 (a) Shall notify the adult, the guardian, and any other person  
32 entitled to notice under RCW 11.130.310(5) or a subsequent order;

33 (b) May require additional information from the guardian;

34 (c) May appoint a court visitor to interview the adult or  
35 guardian or investigate any matter involving the guardianship; and

36 (d) Consistent with this section and RCW 11.130.350, may hold a  
37 hearing to consider removal of the guardian, termination of the  
38 guardianship, or a change in the powers granted to the guardian or  
39 terms of the guardianship.

1 (7) If the court has reason to believe fees requested by a  
2 guardian for an adult are not reasonable, the court shall hold a  
3 hearing to determine whether to adjust the requested fees.

4 (8) A guardian for an adult must petition the court for approval  
5 of a report filed under this section. The court after review may  
6 approve the report. If the court approves the report, there is a  
7 rebuttable presumption the report is accurate as to a matter  
8 adequately disclosed in the report.

9 (9) If the court approves a report filed under this section, the  
10 order approving the report shall set the due date for the filing of  
11 the next report to be filed under this section. The court may set the  
12 review interval at annual, biennial, or triennial with the report due  
13 date to be within ninety days of the anniversary date of appointment.  
14 When determining the report interval, the court can consider: The  
15 length of time the guardian has been serving the person under  
16 guardianship; whether the guardian has timely filed all required  
17 reports with the court; whether the guardian is monitored by other  
18 state or local agencies; and whether there have been any allegations  
19 of abuse, neglect, or a breach of fiduciary duty against the  
20 guardian.

21 (10) If the court approves a report filed under this section, the  
22 order approving the report shall contain a guardianship summary or be  
23 accompanied by a guardianship summary in the form or substantially in  
24 the same form as set forth in RCW 11.130.665.

25 (11) If the court approves a report filed under this section, the  
26 order approving the report shall direct the clerk of the court to  
27 reissue letters of office in the form or substantially in the same  
28 form as set forth in RCW 11.130.660 to the guardian containing an  
29 expiration date which will be within (~~one hundred twenty~~) 180 days  
30 (~~(after the date the court directs the guardian file its next~~  
31 ~~report)~~) of the anniversary date of appointment.

32 (12) Any requirement to establish a monitoring program under this  
33 section is subject to appropriation.

34 **Sec. 8.** RCW 11.130.365 and 2019 c 437 s 402 are each amended to  
35 read as follows:

36 (1) The following may petition for the appointment of a  
37 conservator:

38 (a) The individual for whom the order is sought;

1 (b) A person interested in the estate, financial affairs, or  
2 welfare of the individual, including a person that would be adversely  
3 affected by lack of effective management of property or financial  
4 affairs of the individual; or

5 (c) The guardian for the individual.

6 (2) A petition under subsection (1) of this section must state  
7 the petitioner's name, principal residence, current street address,  
8 if different, relationship to the respondent, interest in the  
9 appointment, the name and address of any attorney representing the  
10 petitioner, and, to the extent known, the following:

11 (a) The respondent's name, age, principal residence, current  
12 street address, if different, and, if different, address of the  
13 dwelling in which it is proposed the respondent will reside if the  
14 petition is granted;

15 (b) The name and address of the respondent's:

16 (i) Spouse or domestic partner or, if the respondent has none, an  
17 adult with whom the respondent has shared household responsibilities  
18 for more than six months in the twelve-month period before the filing  
19 of the petition;

20 (ii) Adult children or, if none, each parent and adult sibling of  
21 the respondent, or, if none, at least one adult nearest in kinship to  
22 the respondent who can be found with reasonable diligence; (~~and~~)

23 (iii) Adult stepchildren whom the respondent actively parented  
24 during the stepchildren's minor years and with whom the respondent  
25 had an ongoing relationship during the two years immediately before  
26 the filing of the petition; and

27 (iv) Parents, if living and involved in the respondent's life;

28 (c) The name and current address of each of the following, if  
29 applicable:

30 (i) A person responsible for the care or custody of the  
31 respondent;

32 (ii) Any attorney currently representing the respondent;

33 (iii) The representative payee appointed by the social security  
34 administration for the respondent;

35 (iv) A guardian or conservator acting for the respondent in this  
36 state or another jurisdiction;

37 (v) A trustee or custodian of a trust or custodianship of which  
38 the respondent is a beneficiary;

39 (vi) The fiduciary appointed for the respondent by the department  
40 of veterans affairs;

1 (vii) An agent designated under a power of attorney for health  
2 care in which the respondent is identified as the principal;

3 (viii) An agent designated under a power of attorney for finances  
4 in which the respondent is identified as the principal;

5 (ix) A person known to have routinely assisted the respondent  
6 with decision making in the six-month period immediately before the  
7 filing of the petition;

8 (x) Any proposed conservator, including a person nominated by the  
9 respondent, if the respondent is twelve years of age or older; and

10 (xi) If the individual for whom a conservator is sought is a  
11 minor:

12 (A) An adult not otherwise listed with whom the minor resides;  
13 and

14 (B) Each person not otherwise listed that had primary care or  
15 custody of the minor for at least sixty days during the two years  
16 immediately before the filing of the petition or for at least seven  
17 hundred thirty days during the five years immediately before the  
18 filing of the petition;

19 (d) A general statement of the respondent's property with an  
20 estimate of its value, including any insurance or pension, and the  
21 source and amount of other anticipated income or receipts;

22 (e) The reason conservatorship is necessary, including a brief  
23 description of:

24 (i) The nature and extent of the respondent's alleged need;

25 (ii) If the petition alleges the respondent is missing, detained,  
26 or unable to return to the United States, the relevant circumstances,  
27 including the time and nature of the disappearance or detention and  
28 any search or inquiry concerning the respondent's whereabouts;

29 (iii) Any protective arrangement instead of conservatorship or  
30 other less restrictive alternative for meeting the respondent's  
31 alleged need which has been considered or implemented;

32 (iv) If no protective arrangement or other less restrictive  
33 alternatives have been considered or implemented, the reason it has  
34 not been considered or implemented; and

35 (v) The reason a protective arrangement or other less restrictive  
36 alternative is insufficient to meet the respondent's need;

37 (f) Whether the petitioner seeks a limited conservatorship or a  
38 full conservatorship;

1 (g) If the petitioner seeks a full conservatorship, the reason a  
2 limited conservatorship or protective arrangement instead of  
3 conservatorship is not appropriate;

4 (h) If the petition includes the name of a proposed conservator,  
5 the reason the proposed conservator should be appointed;

6 (i) If the petition is for a limited conservatorship, a  
7 description of the property to be placed under the conservator's  
8 control and any requested limitation on the authority of the  
9 conservator;

10 (j) Whether the respondent needs an interpreter, translator, or  
11 other form of support to communicate effectively with the court or  
12 understand court proceedings; and

13 (k) The name and address of an attorney representing the  
14 petitioner, if any.

15 **Sec. 9.** RCW 11.130.380 and 2020 c 312 s 310 are each amended to  
16 read as follows:

17 (1) If the respondent in a proceeding to appoint a conservator is  
18 a minor, the court may appoint a court visitor to investigate a  
19 matter related to the petition or inform the minor or a parent of the  
20 minor about the petition or a related matter.

21 (2) If the respondent in a proceeding to appoint a conservator is  
22 an adult, the court shall appoint a court visitor. The duties and  
23 reporting requirements of the court visitor are limited to the relief  
24 requested in the petition. The court visitor must be an individual  
25 with training or experience in the type of abilities, limitations,  
26 and needs alleged in the petition.

27 (3) The court, in the order appointing court visitor, shall  
28 specify the hourly rate the court visitor may charge for his or her  
29 services, and shall specify the maximum amount the court visitor may  
30 charge without additional court review and approval. The fee shall be  
31 charged to the person subject to a guardianship or conservatorship  
32 proceeding unless the court finds that such payment would result in  
33 substantial hardship upon such person, in which case the county shall  
34 be responsible for such costs: PROVIDED, That the court may charge  
35 such fee to the petitioner, the person subject to a guardianship or  
36 conservatorship proceeding, or any person who has appeared in the  
37 action; or may allocate the fee, as it deems just. If the petition is  
38 found to be frivolous or not brought in good faith, the court visitor  
39 fee shall be charged to the petitioner. The court shall not be



1 required to provide for the payment of a fee to any salaried employee  
2 of a public agency.

3 (4) (a) The court visitor appointed under subsection (1) or (2) of  
4 this section shall within five days of receipt of notice of  
5 appointment file with the court and serve, either personally or by  
6 certified mail with return receipt, the respondent or his or her  
7 legal counsel, the petitioner or his or her legal counsel, and any  
8 interested party entitled to notice under RCW 11.130.080 with a  
9 statement including: His or her training relating to the duties as a  
10 court visitor; his or her criminal history as defined in RCW  
11 9.94A.030 for the period covering ten years prior to the appointment;  
12 his or her hourly rate, if compensated; whether the court visitor has  
13 had any contact with a party to the proceeding prior to his or her  
14 appointment; and whether he or she has an apparent conflict of  
15 interest. Within three days of the later of the actual service or  
16 filing of the court visitor's statement, any party may set a hearing  
17 and file and serve a motion for an order to show cause why the court  
18 visitor should not be removed for one of the following three reasons:

19 (i) Lack of expertise necessary for the proceeding;

20 (ii) An hourly rate higher than what is reasonable for the  
21 particular proceeding; or

22 (iii) A conflict of interest.

23 (b) Notice of the hearing shall be provided to the court visitor  
24 and all parties. If, after a hearing, the court enters an order  
25 replacing the court visitor, findings shall be included, expressly  
26 stating the reasons for the removal. If the court visitor is not  
27 removed, the court has the authority to assess to the moving party  
28 attorneys' fees and costs related to the motion. The court shall  
29 assess attorneys' fees and costs for frivolous motions.

30 (5) A court visitor appointed under subsection (2) of this  
31 section for an adult shall interview the respondent in person and in  
32 a manner the respondent is best able to understand:

33 (a) Explain to the respondent the substance of the petition, the  
34 nature, purpose, and effect of the proceeding, the respondent's  
35 rights at the hearing on the petition, the right to counsel of choice  
36 and to a jury trial, and the general powers and duties of a  
37 conservator;

38 (b) Determine whether the respondent would like to request the  
39 appointment of an attorney, and determine the respondent's views  
40 about the appointment sought by the petitioner, including views about

1 a proposed conservator, the conservator's proposed powers and duties,  
2 and the scope and duration of the proposed conservatorship; and

3 (c) Inform the respondent that all costs and expenses of the  
4 proceeding, including respondent's attorneys' fees, may be paid from  
5 the respondent's assets.

6 (6) If the respondent objects to the petition or requests  
7 appointment of an attorney, the court visitor shall petition the  
8 court to have an attorney appointed within five days of meeting the  
9 respondent.

10 (7) A court visitor appointed under subsection (2) of this  
11 section for an adult shall:

12 (a) Interview the petitioner and proposed conservator, if any;

13 (b) Review financial records of the respondent, if relevant to  
14 the court visitor's recommendation under subsection (~~((7))~~) (8)(b) of  
15 this section;

16 (c) Investigate whether the respondent's needs could be met by a  
17 protective arrangement instead of conservatorship or other less  
18 restrictive alternative and, if so, identify the arrangement or other  
19 less restrictive alternative; and

20 (d) Investigate the allegations in the petition and any other  
21 matter relating to the petition the court directs.

22 (~~((7))~~) (8) A court visitor appointed under subsection (2) of  
23 this section for an adult shall file a report in a record with the  
24 court and provide a copy of the report to the respondent, petitioner,  
25 and any interested party entitled to notice under RCW 11.130.080 at  
26 least fifteen days prior to the hearing on the petition filed under  
27 RCW 11.130.365, which must include:

28 (a) A recommendation:

29 (i) Regarding the appropriateness of conservatorship, or whether  
30 a protective arrangement instead of conservatorship or other less  
31 restrictive alternative for meeting the respondent's needs is  
32 available;

33 (ii) If a conservatorship is recommended, whether it should be  
34 full or limited;

35 (iii) If a limited conservatorship is recommended, the powers to  
36 be granted to the conservator, and the property that should be placed  
37 under the conservator's control; and

38 (iv) If a conservatorship is recommended, the amount of the bond  
39 or other verified receipt needed under RCW 11.130.445 and 11.130.500;

1 (b) A statement of the qualifications of the proposed conservator  
2 and whether the respondent approves or disapproves of the proposed  
3 conservator;

4 (c) A statement whether the respondent declined a professional  
5 evaluation under RCW 11.130.390 and what other information is  
6 available to determine the respondent's needs and abilities without  
7 the professional evaluation;

8 (d) A statement whether the respondent is able to attend a  
9 hearing at the location court proceedings typically are held;

10 (e) A statement whether the respondent is able to participate in  
11 a hearing and which identifies any technology or other form of  
12 support that would enhance the respondent's ability to participate;  
13 and

14 (f) Any other matter the court directs.

15 ((+8)) (9) The appointment of a court visitor has no effect on  
16 the determination of the adult respondent's legal capacity and does  
17 not overcome the presumption of legal capacity or full legal and  
18 civil rights of the adult respondent.

19 **Sec. 10.** RCW 11.130.425 and 2020 c 312 s 216 are each amended to  
20 read as follows:

21 (1) ~~((A conservator appointed under RCW 11.130.420 shall give to~~  
22 ~~the individual subject to conservatorship and to all other persons~~  
23 ~~entitled to notice pursuant to an order under RCW 11.130.420(6) or a~~  
24 ~~subsequent order a copy of the order of appointment, together with~~  
25 ~~notice of the right to request termination or modification. The order~~  
26 ~~and notice must be given not later than fourteen days after the~~  
27 ~~appointment.~~

28 ~~(2))~~ Not later than thirty days after appointment of a  
29 conservator under RCW 11.130.420, the conservator shall give to the  
30 individual subject to conservatorship and any other person entitled  
31 to notice under RCW 11.130.420 (6) and (7) a copy of the order of  
32 appointment and a statement of the rights of the individual subject  
33 to conservatorship and procedures to seek relief if the individual is  
34 denied those rights. The statement must be in plain language, in at  
35 least sixteen-point font, and to the extent feasible, in a language  
36 in which the individual subject to conservatorship is proficient. The  
37 statement must notify the individual subject to conservatorship of  
38 the right to:

1 (a) Seek termination or modification of the conservatorship, or  
2 removal of the conservator, and choose an attorney to represent the  
3 individual in these matters;

4 (b) Participate in decision making to the extent reasonably  
5 feasible;

6 (c) Receive a copy of the conservator's plan under RCW  
7 11.130.510, the conservator's inventory under RCW 11.130.515, and the  
8 conservator's report under RCW 11.130.530; and

9 (d) Object to the conservator's inventory, plan, or report.

10 ~~((3))~~ (2) If a conservator is appointed for the reasons stated  
11 in RCW 11.130.360(2)(a)(ii) and the individual subject to  
12 conservatorship is missing, notice under this section to the  
13 individual is not required.

14 **Sec. 11.** RCW 11.130.430 and 2020 c 312 s 217 are each amended to  
15 read as follows:

16 (1) A person interested in an individual's welfare, including the  
17 individual for whom the order is sought, may petition for appointment  
18 of an emergency conservator for the individual.

19 (2) An emergency petition under subsection (1) of this section  
20 must state the petitioner's name, principal residence, and current  
21 street address, if different, and ~~((+))~~ + to the extent known, the  
22 following:

23 (a) The respondent's name, age, principal residence ~~((+))~~ + and  
24 current street address, if different;

25 (b) The name and address of the respondent's:

26 (i) Spouse or domestic partner or, if the respondent has none, an  
27 adult with whom the respondent has shared household responsibilities  
28 for more than six months in the twelve-month period immediately  
29 before the filing of the emergency petition;

30 (ii) Adult children or, if none, each parent and adult sibling of  
31 the respondent, or, if none, at least one adult nearest in kinship to  
32 the respondent who can be found with reasonable diligence; and

33 (iii) Adult stepchildren whom the respondent actively parented  
34 during the stepchildren's minor years and with whom the respondent  
35 had an ongoing relationship in the two-year period immediately before  
36 the filing of the emergency petition;

37 (c) The name and current address of each of the following, if  
38 applicable:

39 (i) A person responsible for care of the respondent;

1 (ii) Any attorney currently representing the respondent;  
2 (iii) Any representative payee appointed by the social security  
3 administration for the respondent;  
4 (iv) A guardian or conservator acting for the respondent in this  
5 state or in another jurisdiction;  
6 (v) A trustee or custodian of a trust or custodianship of which  
7 the respondent is a beneficiary;  
8 (vi) Any fiduciary for the respondent appointed by the department  
9 of veterans affairs;  
10 (vii) Any representative payee or authorized representative or  
11 protective payee;  
12 (viii) An agent designated under a power of attorney for health  
13 care in which the respondent is identified as the principal;  
14 (ix) An agent designated under a power of attorney for finances  
15 in which the respondent is identified as the principal;  
16 (x) A person nominated as conservator by the respondent;  
17 (xi) A person nominated as conservator by the respondent's parent  
18 or spouse or domestic partner in a will or other signed record;  
19 (xii) A proposed emergency conservator, and the reason the  
20 proposed emergency conservator should be selected; and  
21 (xiii) A person known to have routinely assisted the respondent  
22 with decision making during the six months immediately before the  
23 filing of the emergency petition;  
24 (d) The reason an emergency conservatorship is necessary,  
25 including a specific description of:  
26 (i) The nature and extent of the emergency situation;  
27 (ii) The nature and extent of the individual's alleged emergency  
28 need that arose because of the emergency situation;  
29 (iii) The substantial and irreparable harm to the individual's  
30 property or financial interests that is likely to be prevented by the  
31 appointment of an emergency conservator;  
32 (iv) All protective arrangements or other less restrictive  
33 alternatives that have been considered or implemented to meet the  
34 individual's alleged emergency needs instead of emergency  
35 conservatorship;  
36 (v) If no protective arrangements or other less restrictive  
37 alternatives have been considered or implemented instead of emergency  
38 conservatorship, the reason they have not been considered or  
39 implemented; and

1 (vi) The reason a protective arrangement or other less  
2 restrictive alternative instead of emergency conservatorship is  
3 insufficient to meet the individual's alleged emergency need;

4 (e) The reason the petitioner believes that a basis for  
5 appointment of a conservator under RCW 11.130.360 exists;

6 (f) Whether the petitioner intends to also seek conservatorship  
7 for an individual under RCW 11.130.365;

8 (g) The reason the petitioner believes that no other person  
9 appears to have authority and willingness to act to address the  
10 individual's identified needs caused by the emergency circumstances;

11 (h) The specific powers to be granted to the proposed emergency  
12 conservator and a description of how those powers will be used to  
13 meet the individual's alleged emergency need;

14 (i) If the individual has property other than personal effects, a  
15 general statement of the individual's property, with an estimate of  
16 its value, including any insurance or pension, and the source and  
17 amount of other anticipated income or receipts; and

18 (j) Whether the individual needs an interpreter, translator, or  
19 other form of support to communicate effectively with the court or  
20 understand court proceedings.

21 (3) The requirements of RCW 11.130.090 apply to an emergency  
22 conservator appointed for an individual with the following exceptions  
23 for any proposed emergency conservator required to complete the  
24 training under RCW 11.130.090:

25 (a) The proposed emergency conservator shall present evidence of  
26 the successful completion of the required training video or web cast  
27 to the court no later than the hearing on the petition for  
28 appointment of an emergency conservator for an individual; and

29 (b) The superior court may defer the completion of the training  
30 requirement to a date no later than fourteen days after appointment  
31 if the petitioner requests an extension of time to complete the  
32 training due to emergent circumstances beyond the control of  
33 (~~the~~) the petitioner.

34 (4) On its own or on petition for appointment of an emergency  
35 conservator for an individual after a petition has been filed under  
36 RCW 11.130.365, the court may appoint an emergency conservator for  
37 the individual if the court makes specific findings based on clear  
38 and convincing evidence that:

1 (a) An emergency exists such that appointment of an emergency  
2 conservator is likely to prevent substantial and irreparable harm to  
3 the individual's property or financial interests;

4 (b) The individual's identified needs caused by the emergency  
5 cannot be met by a protective arrangement or other less restrictive  
6 alternative instead of emergency conservatorship;

7 (c) No other person appears to have authority and willingness to  
8 act to address the individual's identified needs caused by the  
9 emergency circumstances; and

10 (d) There is reason to believe that a basis for appointment of a  
11 conservator under RCW 11.130.360 exists.

12 (5) If the court acts on its own to appoint an emergency  
13 conservator after a petition has been filed under RCW 11.130.365, all  
14 requirements of this section shall be met.

15 (6) A court order appointing an emergency conservator for an  
16 individual shall:

17 (a) Grant only the specific powers necessary to meet the  
18 individual's identified emergency need and to prevent substantial and  
19 irreparable harm to the individual's property or financial interests;

20 (b) Include a specific finding that clear and convincing evidence  
21 established that an emergency exists such that appointment of an  
22 emergency conservator is likely to prevent substantial and  
23 irreparable harm to the individual's property or financial interests;

24 (c) Include a specific finding that the identified emergency need  
25 of the individual cannot be met by a protective arrangement instead  
26 of conservatorship or other less restrictive alternative, including  
27 any relief available under chapter 74.34 RCW or use of appropriate  
28 supportive services, technological assistance, or supported decision  
29 making;

30 (d) Include a specific finding that clear and convincing evidence  
31 established the adult respondent was given proper notice of the  
32 hearing on the petition;

33 (e) State that the individual subject to emergency  
34 conservatorship retains all rights the individual enjoyed prior to  
35 the emergency conservatorship with the exception of the rights not  
36 retained during the period of emergency conservatorship;

37 (f) Require the emergency conservator to furnish a bond or other  
38 security under RCW 11.130.445;

1 (g) Include the date that the sixty-day period of emergency  
2 conservatorship ends, and the date the emergency conservator's  
3 report, required by this section, is due to the court; and

4 (h) Identify any person or notice party that subsequently is  
5 entitled to:

6 (i) Notice of the rights of the individual;

7 (ii) Notice of a change in the primary dwelling of the  
8 individual;

9 (iii) Notice of the removal of the conservator;

10 (iv) A copy of the emergency conservator's plan and the emergency  
11 conservator's report under this section;

12 (v) Access to court records relating to the emergency  
13 conservatorship;

14 (vi) Notice of the death or significant change in the condition  
15 of the individual;

16 (vii) Notice that the court has limited or modified the powers of  
17 the emergency conservator; and

18 (viii) Notice of the removal of the emergency conservator.

19 (7) A spouse, a domestic partner, and adult children of an adult  
20 subject to emergency conservatorship are entitled to notice under  
21 this section unless the court orders otherwise based on good cause.  
22 Good cause includes the court's determination that notice would be  
23 contrary to the preferences or prior directions of the individual  
24 subject to emergency conservatorship or in the best interest of the  
25 individual.

26 (8) The duration of authority of an emergency conservator may not  
27 exceed sixty days and the emergency conservator may exercise only the  
28 powers specified in the order of appointment. Upon a motion by the  
29 emergency conservator, with notice served upon all applicable notice  
30 parties, the emergency conservator's authority may be extended once  
31 for not more than sixty days if the court finds that the conditions  
32 for appointment of an emergency conservator under subsection (4) of  
33 this section continue.

34 (9) Immediately on filing of a petition for an emergency  
35 conservator for an adult, the court shall appoint an attorney to  
36 represent the adult in the proceeding. An order appointing an  
37 emergency conservator for an adult may not be entered unless the  
38 adult respondent, the adult respondent's attorney, and the court  
39 visitor appointed under subsection (10) of this section have received  
40 a minimum of fourteen days' notice of the date, time, and place of a



1 hearing on the petition. ((A)) The petitioner must personally serve a  
2 copy of the emergency petition and notice of a hearing on the  
3 petition (~~must be served personally~~) on the adult respondent, the  
4 adult respondent's attorney, and the court visitor appointed under  
5 subsection (10) of this section not more than two court days after  
6 the petition has been filed. The notice must inform the respondent of  
7 the adult respondent's rights at the hearing, including the right to  
8 an attorney and to attend the hearing. The notice must include a  
9 description of the nature, purpose, and consequences of granting the  
10 emergency petition. The court shall not grant the emergency petition  
11 if notice substantially complying with this subsection is not served  
12 on the respondent.

13 (10)(a) On receipt of a petition for appointment of emergency  
14 conservator for an individual, the court:

15 (i) Shall appoint a court visitor if an emergency conservator is  
16 sought for an adult; or

17 (ii) May appoint a court visitor if an emergency conservator is  
18 sought for a minor.

19 (b) Notice of appointment of the court visitor must be served  
20 upon the court visitor within two days of appointment by the  
21 petitioner. The court visitor must be an individual with training or  
22 experience in the type of abilities, limitations, and needs alleged  
23 in the emergency petition. The court, in the order appointing a court  
24 visitor, shall specify the hourly rate the (~~court~~) court visitor  
25 may charge for his or her services, and shall specify the maximum  
26 amount the court visitor may charge without additional court review  
27 and approval.

28 (c) The court visitor shall within two days of service of notice  
29 of appointment file with the court and serve, either personally or by  
30 certified mail with return receipt, the respondent or the  
31 respondent's legal counsel, the petitioner or the petitioner's legal  
32 counsel, and any notice party with a statement including the court  
33 visitor's: Training relating to the duties as a court visitor;  
34 criminal history as defined in RCW 9.94A.030 for the period covering  
35 ten years prior to the appointment; hourly rate, if compensated;  
36 contact, if any, with a party to the proceeding prior to appointment;  
37 and apparent or actual conflicts of interest.

38 (d) A court visitor appointed under this section shall use due  
39 diligence to attempt to interview the adult respondent in person and,  
40 in a manner the individual is best able to understand:

1 (i) Explain to the adult respondent the substance of the  
2 emergency petition, the nature, purpose, and effect of the  
3 proceeding, the respondent's rights at the hearing on the petition,  
4 and the proposed specific powers and duties of the proposed  
5 conservator as stated in the emergency petition;

6 (ii) Determine the adult respondent's views about the emergency  
7 appointment sought by the petitioner, including views about a  
8 proposed emergency conservator, the emergency conservator's proposed  
9 powers and duties, and the scope and duration of the proposed  
10 emergency conservatorship; and

11 (iii) Inform the adult respondent that all costs and expenses of  
12 the proceeding, including but not limited to the adult respondent's  
13 attorneys' fees, the appointed conservator's fees, and the appointed  
14 conservator's attorneys' fees, will be paid from the individual's  
15 assets upon approval by the court.

16 (e) The court visitor appointed under this section shall:

17 (i) Interview the petitioner and proposed emergency conservator;

18 (ii) Use due diligence to attempt to visit the adult respondent's  
19 present dwelling;

20 (iii) Use due diligence to attempt to obtain information from any  
21 physician or other person known to have treated, advised, or assessed  
22 the adult respondent's relevant physical or mental condition; and

23 (iv) Investigate the allegations in the emergency petition and  
24 any other matter relating to the emergency petition the court  
25 directs.

26 (f) A court visitor appointed under this section shall file a  
27 report in a record with the court and provide a copy of the report to  
28 the petitioner, the adult subject to the emergency conservatorship,  
29 and any notice party at least seven days prior to the hearing on the  
30 emergency petition, which must include:

31 (i) A recommendation regarding the appropriateness of emergency  
32 conservatorship, including whether a protective arrangement instead  
33 of conservatorship or other less restrictive alternative for meeting  
34 the respondent's needs is available, and if an emergency  
35 conservatorship is recommended;

36 (ii) A detailed summary of the alleged emergency and the  
37 substantial and irreparable harm to the individual's property or  
38 finances that is likely to be prevented by the appointment of an  
39 emergency conservator;

1 (iii) A statement as to whether the alleged emergency and the  
2 respondent's alleged needs are likely to require an extension of  
3 sixty days as authorized under this section;

4 (iv) The specific powers to be granted to the emergency  
5 conservator and how the specific powers will address the alleged  
6 emergency and the respondent's alleged need;

7 (v) A recommendation regarding the appropriateness of an ongoing  
8 conservatorship for an individual, including whether a protective  
9 arrangement instead of conservatorship or other less restrictive  
10 alternative for meeting the respondent's needs is available;

11 (vi) A statement of the qualifications of the proposed emergency  
12 conservator and whether the respondent approves or disapproves of the  
13 proposed emergency conservator, and the reasons for such approval or  
14 disapproval;

15 (vii) A recommendation whether a professional evaluation under  
16 RCW 11.130.390 is necessary;

17 (viii) A statement whether the respondent is able to attend a  
18 hearing at the location court proceedings typically are held;

19 (ix) A statement whether the respondent is able to participate in  
20 a hearing which identifies any technology or other form of support  
21 that would enhance the respondent's ability to participate; and

22 (x) Any other matter the court directs.

23 (11) An emergency conservator shall:

24 (a) Comply with the requirements of RCW 11.130.505 and the  
25 requirements of this chapter that pertain to the rights of an  
26 individual subject to conservatorship;

27 (b) Not have authority to make decisions or take actions that a  
28 conservator for an individual is prohibited by law from having; and

29 (c) Be subject to the same special limitations on a conservator's  
30 power that apply to a conservator for an individual.

31 (12) Appointment of an emergency conservator under this section  
32 is not a determination that a basis exists for appointment of a  
33 conservator under RCW 11.130.360.

34 (13) The court may remove an emergency conservator appointed  
35 under this section at any time.

36 (14) The emergency conservator shall file a report in a record  
37 with the court and provide a copy of the report to the individual  
38 subject to emergency conservatorship, and any notice party no later  
39 than forty-five days after appointment. The report shall include  
40 specific and updated information regarding the emergency alleged in

1 the emergency petition, the individual's emergency needs, all actions  
2 and decisions by the emergency conservator, and a recommendation as  
3 to whether a conservator for an individual should be appointed. If  
4 the appointment of the emergency conservator is extended for an  
5 additional sixty days, the emergency conservator shall file a second  
6 report in a record with the court and provide a copy of the report to  
7 the individual subject to emergency conservatorship, and any notice  
8 party no later than forty-five days after the emergency  
9 conservatorship is extended by the court, which shall include the  
10 same information required for the first report. The emergency  
11 conservator shall make any other report the court requires.

12 (15) The court shall issue letters of emergency conservatorship  
13 to the emergency conservator in compliance with RCW 11.130.040.

14 **Sec. 12.** RCW 11.130.435 and 2020 c 312 s 218 are each amended to  
15 read as follows:

16 (1) Except as otherwise ordered by the court, a conservator must  
17 give notice to persons entitled to notice under RCW 11.130.370(4) and  
18 receive specific authorization by the court before the conservator  
19 may exercise with respect to the conservatorship the power to:

20 (a) Make a gift, except a gift of de minimis value;

21 (b) Sell, encumber an interest in, or surrender a lease to the  
22 primary dwelling of the individual subject to conservatorship;

23 (c) Sell, or encumber an interest in, any other real estate;

24 (d) Convey, release, or disclaim a contingent or expectant  
25 interest in property, including marital property and any right of  
26 survivorship incident to joint tenancy or tenancy by the entirety;

27 (e) Exercise or release a power of appointment;

28 (f) Create a revocable or irrevocable trust of property of the  
29 conservatorship estate, whether or not the trust extends beyond the  
30 duration of the conservatorship, or revoke or amend a trust revocable  
31 by the individual subject to conservatorship;

32 (g) Exercise a right to elect an option or change a beneficiary  
33 under an insurance policy or annuity or surrender the policy or  
34 annuity for its cash value;

35 (h) Exercise a right to a quasi-community property share under  
36 RCW 26.16.230 or a right to an elective share under other law in the  
37 estate of a deceased spouse or domestic partner of the individual  
38 subject to conservatorship or renounce or disclaim a property  
39 interest;

1 (i) Grant a creditor priority for payment over creditors of the  
2 same or higher class if the creditor is providing property or  
3 services used to meet the basic living and care needs of the  
4 individual subject to conservatorship and preferential treatment  
5 otherwise would be impermissible under RCW 11.130.555(5);

6 (j) Make, modify, amend, or revoke the will of the individual  
7 subject to conservatorship in compliance with chapter 11.12 RCW;

8 (k) Acquire or dispose of property, including real property in  
9 another state, for cash or on credit, at public or private sale, and  
10 manage, develop, improve, exchange, partition, change the character  
11 of, or abandon property. In all transactions involving the sale of  
12 real property, the conservator shall receive additional authority  
13 from the court as to the disposition of the proceedings from the sale  
14 of the real property;

15 (l) Make ordinary or extraordinary repairs or alterations in a  
16 building or other structure, demolish any improvement, or raze an  
17 existing or erect a new party wall or building;

18 (m) Subdivide or develop land, dedicate land to public use, make  
19 or obtain the vacation of a plat and adjust a boundary, adjust a  
20 difference in valuation of land, exchange or partition land by giving  
21 or receiving consideration, and dedicate an easement to public use  
22 without consideration;

23 (n) Enter for any purpose into a lease of property as lessor or  
24 lessee, with or without an option to purchase or renew, for a term  
25 within or extending beyond the term of the conservatorship; and

26 (o) Structure the finances of the individual subject to  
27 conservatorship to establish eligibility for a public benefit  
28 including by making gifts consistent with the individual's  
29 preferences, values, and prior directions, if the conservator's  
30 action does not jeopardize the individual's welfare and otherwise is  
31 consistent with the conservator's duties.

32 (2) In approving a conservator's exercise of a power listed in  
33 subsection (1) of this section, the court shall consider primarily  
34 the decision the individual subject to conservatorship would make if  
35 able, to the extent the decision can be ascertained.

36 (3) To determine under subsection (2) of this section the  
37 decision the individual subject to conservatorship would make if  
38 able, the court shall consider the individual's prior or current  
39 directions, preferences, opinions, values, and actions, to the extent

1 actually known or reasonably ascertainable by the conservator. The  
2 court also shall consider:

3 (a) The financial needs of the individual subject to  
4 conservatorship and individuals who are in fact dependent on the  
5 individual subject to conservatorship for support, and the interests  
6 of creditors of the individual;

7 (b) Possible reduction of income, estate, inheritance, or other  
8 tax liabilities;

9 (c) Eligibility for governmental assistance;

10 (d) The previous pattern of giving or level of support provided  
11 by the individual;

12 (e) Any existing estate plan or lack of estate plan of the  
13 individual;

14 (f) The life expectancy of the individual and the probability the  
15 conservatorship will terminate before the individual's death; and

16 (g) Any other relevant factor.

17 (4) A conservator may not revoke or amend a power of attorney for  
18 finances executed by the individual subject to conservatorship. If a  
19 power of attorney for finances is in effect, a decision of the agent  
20 within the scope of the agent's authority takes precedence over that  
21 of the conservator, unless the court orders otherwise. The court has  
22 authority to revoke or amend any power of attorney executed by the  
23 adult.

24 **Sec. 13.** RCW 11.130.530 and 2020 c 312 s 222 are each amended to  
25 read as follows:

26 (1) A conservator shall file with the court by the date  
27 established by the court a report in a record regarding the  
28 administration of the conservatorship estate unless the court  
29 otherwise directs, on resignation or removal, on termination of the  
30 conservatorship, and at any other time the court directs.

31 (2) A report under subsection (1) of this section must state or  
32 contain:

33 (a) An accounting that lists property included in the  
34 conservatorship estate and the receipts, disbursements, liabilities,  
35 and distributions during the period for which the report is made;

36 (b) A list of the services provided to the individual subject to  
37 conservatorship;

1 (c) A copy of the conservator's most recently approved plan and a  
2 statement whether the conservator has deviated from the plan and, if  
3 so, how the conservator has deviated and why;

4 (d) A recommendation as to the need for continued conservatorship  
5 and any recommended change in the scope of the conservatorship;

6 (e) To the extent feasible, a copy of the most recent reasonably  
7 available financial statements evidencing the status of bank  
8 accounts, investment accounts, and mortgages or other debts of the  
9 individual subject to conservatorship with all but the last four  
10 digits of the account numbers and social security number redacted;

11 (f) Anything of more than de minimis value which the conservator,  
12 any individual who resides with the conservator, or the spouse,  
13 domestic partner, parent, child, or sibling of the conservator has  
14 received from a person providing goods or services to the individual  
15 subject to conservatorship;

16 (g) Any business relation the conservator has with a person the  
17 conservator has paid or that has benefited from the property of the  
18 individual subject to conservatorship; and

19 (h) Whether any co-conservator or successor conservator appointed  
20 to serve when a designated event occurs is alive and able to serve.

21 (3) The court may appoint a court visitor to review a report  
22 under this section or conservator's plan under RCW 11.130.510,  
23 interview the individual subject to conservatorship or conservator,  
24 or investigate any other matter involving the conservatorship. In  
25 connection with the report, the court may order the conservator to  
26 submit the conservatorship estate to appropriate examination in a  
27 manner the court directs.

28 (4) Notice of the filing under this section of a conservator's  
29 report, together with a copy of the report, must be provided to the  
30 individual subject to conservatorship, a person entitled to notice  
31 under RCW 11.130.420(6) or a subsequent order, and other persons the  
32 court determines. The notice and report must be given not later than  
33 fourteen days after filing.

34 (5) The court shall establish procedures for monitoring a report  
35 submitted under this section and review each report at least annually  
36 to determine whether:

37 (a) The reports provide sufficient information to establish the  
38 conservator has complied with the conservator's duties;

39 (b) The conservatorship should continue; and

40 (c) The conservator's requested fees, if any, should be approved.

1 (6) If the court determines there is reason to believe a  
2 conservator has not complied with the conservator's duties or the  
3 conservatorship should not continue, the court:

4 (a) Shall notify the individual subject to conservatorship, the  
5 conservator, and any other person entitled to notice under RCW  
6 11.130.420(6) or a subsequent order;

7 (b) May require additional information from the conservator;

8 (c) May appoint a court visitor to interview the individual  
9 subject to conservatorship or conservator or investigate any matter  
10 involving the conservatorship; and

11 (d) Consistent with RCW 11.130.565 and 11.130.570, may hold a  
12 hearing to consider removal of the conservator, termination of the  
13 conservatorship, or a change in the powers granted to the conservator  
14 or terms of the conservatorship.

15 (7) If the court has reason to believe fees requested by a  
16 conservator are not reasonable, the court shall hold a hearing to  
17 determine whether to adjust the requested fees.

18 (8) A conservator must petition the court for approval of a  
19 report filed under this section. The court after review may approve  
20 the report. If the court approves the report, there is a rebuttable  
21 presumption the report is accurate as to a matter adequately  
22 disclosed in the report.

23 (9) An order, after notice and hearing, approving an interim  
24 report of a conservator filed under this section adjudicates  
25 liabilities concerning a matter adequately disclosed in the report,  
26 as to a person given notice of the report or accounting.

27 (10) If the court approves a report filed under this section, the  
28 order approving the report shall set the due date for the filing of  
29 the next report to be filed under this section. The court may set the  
30 review at annual, biennial, or triennial intervals with the report  
31 due date to be within ninety days of the anniversary date of  
32 appointment. When determining the report interval, the court can  
33 consider: The length of time the conservator has been serving the  
34 person under conservatorship; whether the conservator has timely  
35 filed all required reports with the court; whether the conservator is  
36 monitored by other state or local agencies; the income of the person  
37 subject to conservatorship; the value of the property of the person  
38 subject to conservatorship; the adequacy of the bond and other  
39 verified receipt; and whether there have been any allegations of



1 abuse, neglect, or a breach of fiduciary duty against the  
2 conservator.

3 (11) If the court approves a report filed under this section, the  
4 order approving the report shall contain a conservatorship summary or  
5 accompanied by a conservatorship summary in the form or substantially  
6 in the same form as set forth in RCW 11.130.665.

7 (12) If the court approves a report filed under this section, the  
8 order approving the report shall direct the clerk of the court to  
9 reissue letters of office in the form or substantially in the same  
10 form as set forth in RCW 11.130.660 to the conservator containing an  
11 expiration date which will be within one hundred eighty days (~~after~~  
12 ~~the date the court directs the conservator file its next report~~) of  
13 the anniversary date of appointment.

14 (13) An order, after notice and hearing, approving a final report  
15 filed under this section discharges the conservator from all  
16 liabilities, claims, and causes of action by a person given notice of  
17 the report and the hearing as to a matter adequately disclosed in the  
18 report.

19 (14) Any requirement to establish a monitoring program under this  
20 section is subject to appropriation.

21 NEW SECTION. **Sec. 14.** A new section is added to chapter 11.130  
22 RCW to read as follows:

23 The court shall have authority to bring before it, in the manner  
24 prescribed by RCW 11.48.070, any person or persons suspected of  
25 having in their possession or having concealed, embezzled, conveyed,  
26 or disposed of any of the property of the estate of the individual  
27 subject to conservatorship subject to administration of this title.

28 NEW SECTION. **Sec. 15.** A new section is added to chapter 2.72  
29 RCW to read as follows:

30 (1) Subject to the availability of funds appropriated for this  
31 specific purpose, the office shall contract with public or private  
32 entities or individuals to provide decision-making assistance  
33 services, prioritizing persons who are:

34 (a) Age 18 or older whose income does not exceed 400 percent of  
35 the federal poverty level determined annually by the United States  
36 department of health and human services or who are eligible to  
37 receive long-term care services through the Washington state  
38 department of social and health services;

1 (b) In an acute care hospital licensed under chapter 70.41 RCW, a  
2 psychiatric hospital licensed under chapter 71.12 RCW, or a state  
3 psychiatric hospital licensed under chapter 72.23 RCW, or in a  
4 location funded by such a hospital;

5 (c) Medically ready for discharge, or will soon be medically  
6 ready for discharge, to a postacute care or community setting; and

7 (d) Without a qualified person who is willing and able to serve  
8 as a decision maker.

9 (2) For decision-making assistance services provided pursuant to  
10 subsection (1) of this section, the office shall establish a  
11 streamlined process to review requests for decision-making assistance  
12 for persons who meet the requirement in subsection (1) of this  
13 section on a weekly basis.

14 (3) Subject to the availability of funds appropriated for this  
15 specific purpose, the office shall establish a navigator service to  
16 provide assistance and support for hospitals and persons in  
17 hospitals, including assistance to navigate options for guardianship,  
18 public conservatorship, decision-making assistance, and estate  
19 administration services as appropriate for the person.

20 (4) Subject to the availability of funds appropriated for this  
21 specific purpose, the office shall fund training for decision makers  
22 regarding considerations for specific populations, including  
23 behavioral health, involuntary treatment, disability, family law, and  
24 medicaid programs.

25 (5) Subject to the availability of funds appropriated for this  
26 specific purpose, the office shall offer low-barrier trainings to  
27 certified professional guardians on topics such as aging, mental  
28 health, and dementia.

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