

HOUSE BILL ANALYSIS

HB 1771

Title: An act relating to court appointed guardians.

Brief Description: Providing for certification of professional guardians.

Sponsors: Representatives Mitchell, Tokuda, Constantine, Sheahan, Keiser, Mason, Blalock, Costa, Conway, Butler, Murray and Cody; by request of Secretary of State.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Edie Adams (786-7180).

Background: A court may appoint a guardian over the estate or the person of an incapacitated person. A person is incapacitated if the individual is at a significant risk of personal harm because of an inability to provide for nutrition, health, housing, or physical safety, or at risk of financial harm because of an inability to manage his or her property or financial affairs.

Generally, any resident of the state who is at least 18 years of age, of sound mind, and has not committed certain crimes may be appointed as a guardian. If authorized, a trust company or national bank may serve as guardian of the estate of an incapacitated person, and a nonprofit corporation may serve as guardian of the person and/or estate of an incapacitated person.

Summary of Bill: The Office of the Administrator for the Courts (OAC) is directed to develop a system for standards and administration of certification of professional guardians.

The express authority for a trust company or national bank to act as guardian of the estate of an incapacitated person, and a nonprofit corporation to act as guardian of the person and/or the estate of an incapacitated person, is removed. An individual or guardianship service may be appointed as the professional guardian of the person and/or the estate of an incapacitated person if the individual or guardianship service meets certification requirements established by the OAC.

A professional guardian is a court-appointed guardian who is not a member of the incapacitated person's family, charges a fee for providing guardianship services, and serves as guardian for at least three incapacitated persons.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research