

SHB 1053 - S AMD 400

By Senators Kline, Pflug

ADOPTED 04/21/2011

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 11.88.020 and 1997 c 312 s 1 are each amended to read  
4 as follows:

5 (1) Any suitable person over the age of eighteen years, or any  
6 parent under the age of eighteen years or, if the petition is for  
7 appointment of a professional guardian, any individual or guardianship  
8 service that meets any certification requirements established by the  
9 administrator for the courts, may, if not otherwise disqualified, be  
10 appointed guardian or limited guardian of the person and/or the estate  
11 of an incapacitated person. A financial institution subject to the  
12 jurisdiction of the department of financial institutions and authorized  
13 to exercise trust powers, and a federally chartered financial  
14 institution when authorized to do so, may act as a guardian of the  
15 estate of an incapacitated person without having to meet the  
16 certification requirements established by the administrator for the  
17 courts. No person is qualified to serve as a guardian who is

18 (a) under eighteen years of age except as otherwise provided  
19 herein;

20 (b) of unsound mind;

21 (c) convicted of a felony or of a misdemeanor involving moral  
22 turpitude;

23 (d) a nonresident of this state who has not appointed a resident  
24 agent to accept service of process in all actions or proceedings with  
25 respect to the estate and caused such appointment to be filed with the  
26 court;

27 (e) a corporation not authorized to act as a fiduciary, guardian,  
28 or limited guardian in the state;

29 (f) a person whom the court finds unsuitable.

1 (2) The professional guardian certification requirements required  
2 under this section shall not apply to a testamentary guardian appointed  
3 under RCW 11.88.080.

4 (3) If a guardian or limited guardian is not a certified  
5 professional guardian or financial institution authorized under this  
6 section, the guardian or limited guardian shall complete any  
7 standardized training video or web cast for lay guardians made  
8 available by the administrative office of the courts and the superior  
9 court where the petition is filed unless granted a waiver by the court  
10 under RCW 11.92.043 or 11.92.040. The training video or web cast must  
11 be provided at no cost to the guardian or limited guardian.

12 (a) If a petitioner requests the appointment of a specific  
13 individual to act as a guardian or limited guardian, the petition for  
14 guardianship or limited guardianship shall include evidence of the  
15 successful completion of the required training video or web cast by the  
16 proposed guardian or limited guardian. The superior court may defer  
17 the completion of the training requirement to a date no later than  
18 ninety days after appointment if the petitioner requests expedited  
19 appointment due to emergent circumstances.

20 (b) If no person is identified to be appointed guardian or limited  
21 guardian at the time the petition is filed, then the court shall  
22 require the completion of the required training video or web cast by a  
23 date no later than ninety days after the appointment.

24 **Sec. 2.** RCW 11.88.030 and 2009 c 521 s 36 are each amended to read  
25 as follows:

26 (1) Any person or entity may petition for the appointment of a  
27 qualified person, (~~trust company, national bank, or nonprofit~~  
28 ~~corporation~~) certified professional guardian, or financial institution  
29 authorized in RCW 11.88.020 as the guardian or limited guardian of an  
30 incapacitated person. No liability for filing a petition for  
31 guardianship or limited guardianship shall attach to a petitioner  
32 acting in good faith and upon reasonable basis. A petition for  
33 guardianship or limited guardianship shall state:

34 (a) The name, age, residence, and post office address of the  
35 alleged incapacitated person;

36 (b) The nature of the alleged incapacity in accordance with RCW  
37 11.88.010;

1 (c) The approximate value and description of property, including  
2 any compensation, pension, insurance, or allowance, to which the  
3 alleged incapacitated person may be entitled;

4 (d) Whether there is, in any state, a guardian or limited guardian,  
5 or pending guardianship action for the person or estate of the alleged  
6 incapacitated person;

7 (e) The residence and post office address of the person whom  
8 petitioner asks to be appointed guardian or limited guardian;

9 (f) The names and addresses, and nature of the relationship, so far  
10 as known or can be reasonably ascertained, of the persons most closely  
11 related by blood, marriage, or state registered domestic partnership to  
12 the alleged incapacitated person;

13 (g) The name and address of the person or facility having the care  
14 and custody of the alleged incapacitated person;

15 (h) The reason why the appointment of a guardian or limited  
16 guardian is sought and the interest of the petitioner in the  
17 appointment, and whether the appointment is sought as guardian or  
18 limited guardian of the person, the estate, or both;

19 (i) A description of any alternate arrangements previously made by  
20 the alleged incapacitated person, such as trusts or powers of attorney,  
21 including identifying any guardianship nominations contained in a power  
22 of attorney, and why a guardianship is nevertheless necessary;

23 (j) The nature and degree of the alleged incapacity and the  
24 specific areas of protection and assistance requested and the  
25 limitation of rights requested to be included in the court's order of  
26 appointment;

27 (k) The requested term of the limited guardianship to be included  
28 in the court's order of appointment; and

29 (l) Whether the petitioner is proposing a specific individual to  
30 act as guardian ad litem and, if so, the individual's knowledge of or  
31 relationship to any of the parties, and why the individual is proposed.

32 (2) The petition shall include evidence of successful completion of  
33 any training required under RCW 11.88.020 by the proposed guardian or  
34 limited guardian unless the petitioner requests expedited appointment  
35 due to emergent circumstances.

36 ((+2)) (3)(a) The attorney general may petition for the  
37 appointment of a guardian or limited guardian in any case in which

1 there is cause to believe that a guardianship is necessary and no  
2 private party is able and willing to petition.

3 (b) Prepayment of a filing fee shall not be required in any  
4 guardianship or limited guardianship brought by the attorney general.  
5 Payment of the filing fee shall be ordered from the estate of the  
6 incapacitated person at the hearing on the merits of the petition,  
7 unless in the judgment of the court, such payment would impose a  
8 hardship upon the incapacitated person, in which case the filing shall  
9 be waived.

10 ((+3)) (4) No filing fee shall be charged by the court for filing  
11 either a petition for guardianship or a petition for limited  
12 guardianship if the petition alleges that the alleged incapacitated  
13 person has total assets of a value of less than three thousand dollars.

14 ((+4)) (5)(a) Notice that a guardianship proceeding has been  
15 commenced shall be personally served upon the alleged incapacitated  
16 person and the guardian ad litem along with a copy of the petition for  
17 appointment of a guardian. Such notice shall be served not more than  
18 five court days after the petition has been filed.

19 (b) Notice under this subsection shall include a clear and easily  
20 readable statement of the legal rights of the alleged incapacitated  
21 person that could be restricted or transferred to a guardian by a  
22 guardianship order as well as the right to counsel of choice and to a  
23 jury trial on the issue of incapacity. Such notice shall be in  
24 substantially the following form and shall be in capital letters,  
25 double-spaced, and in a type size not smaller than ten-point type:

26 IMPORTANT NOTICE PLEASE READ CAREFULLY

27 A PETITION TO HAVE A GUARDIAN APPOINTED FOR YOU HAS BEEN FILED IN THE  
28 . . . . . COUNTY SUPERIOR COURT BY . . . . . IF A GUARDIAN IS  
29 APPOINTED, YOU COULD LOSE ONE OR MORE OF THE FOLLOWING RIGHTS:

- 30 (1) TO MARRY, DIVORCE, OR ENTER INTO OR END A STATE REGISTERED
- 31 DOMESTIC PARTNERSHIP;
- 32 (2) TO VOTE OR HOLD AN ELECTED OFFICE;
- 33 (3) TO ENTER INTO A CONTRACT OR MAKE OR REVOKE A WILL;
- 34 (4) TO APPOINT SOMEONE TO ACT ON YOUR BEHALF;
- 35 (5) TO SUE AND BE SUED OTHER THAN THROUGH A GUARDIAN;
- 36 (6) TO POSSESS A LICENSE TO DRIVE;
- 37 (7) TO BUY, SELL, OWN, MORTGAGE, OR LEASE PROPERTY;
- 38 (8) TO CONSENT TO OR REFUSE MEDICAL TREATMENT;

1 (9) TO DECIDE WHO SHALL PROVIDE CARE AND ASSISTANCE;

2 (10) TO MAKE DECISIONS REGARDING SOCIAL ASPECTS OF YOUR LIFE.

3 UNDER THE LAW, YOU HAVE CERTAIN RIGHTS.

4 YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER OF YOUR OWN CHOOSING.  
5 THE COURT WILL APPOINT A LAWYER TO REPRESENT YOU IF YOU ARE UNABLE TO  
6 PAY OR PAYMENT WOULD RESULT IN A SUBSTANTIAL HARDSHIP TO YOU.

7 YOU HAVE THE RIGHT TO ASK FOR A JURY TO DECIDE WHETHER OR NOT YOU NEED  
8 A GUARDIAN TO HELP YOU.

9 YOU HAVE THE RIGHT TO BE PRESENT IN COURT AND TESTIFY WHEN THE HEARING  
10 IS HELD TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN. IF A GUARDIAN AD  
11 LITEM IS APPOINTED, YOU HAVE THE RIGHT TO REQUEST THE COURT TO REPLACE  
12 THAT PERSON.

13 ((+5+)) (6) All petitions filed under the provisions of this  
14 section shall be heard within sixty days unless an extension of time is  
15 requested by a party or the guardian ad litem within such sixty day  
16 period and granted for good cause shown. If an extension is granted,  
17 the court shall set a new hearing date.

18 **Sec. 3.** RCW 11.92.043 and 1991 c 289 s 11 are each amended to read  
19 as follows:

20 It shall be the duty of the guardian or limited guardian of the  
21 person:

22 (1) To file within three months after appointment a personal care  
23 plan for the incapacitated person which shall include (a) an assessment  
24 of the incapacitated person's physical, mental, and emotional needs and  
25 of such person's ability to perform or assist in activities of daily  
26 living, and (b) the guardian's specific plan for meeting the identified  
27 and emerging personal care needs of the incapacitated person.

28 (2) To file annually or, where a guardian of the estate has been  
29 appointed, at the time an account is required to be filed under RCW  
30 11.92.040, a report on the status of the incapacitated person, which  
31 shall include:

32 (a) The address and name of the incapacitated person and all  
33 residential changes during the period;

34 (b) The services or programs which the incapacitated person  
35 receives;

36 (c) The medical status of the incapacitated person;

1 (d) The mental status of the incapacitated person;

2 (e) Changes in the functional abilities of the incapacitated  
3 person;

4 (f) Activities of the guardian for the period;

5 (g) Any recommended changes in the scope of the authority of the  
6 guardian;

7 (h) The identity of any professionals who have assisted the  
8 incapacitated person during the period;

9 (i)(i) Evidence of the guardian or limited guardian's successful  
10 completion of any standardized training video or web cast for guardians  
11 or limited guardians made available by the administrative office of the  
12 courts and the superior court when the guardian or limited guardian:  
13 (A) Was appointed prior to the effective date of this section; (B) is  
14 not a certified professional guardian or financial institution  
15 authorized under RCW 11.88.020; and (C) has not previously completed  
16 the requirements of RCW 11.88.020(3). The training video or web cast  
17 must be provided at no cost to the guardian or limited guardian.

18 (ii) The superior court may, upon (A) petition by the guardian or  
19 limited guardian; or (B) any other method as provided by local court  
20 rule:

21 (I) For good cause, waive this requirement for guardians appointed  
22 prior to the effective date of this section. Good cause shall require  
23 evidence that the guardian already possesses the requisite knowledge to  
24 serve as a guardian without completing the training. When determining  
25 whether there is good cause to waive the training requirement, the  
26 court shall consider, among other facts, the length of time the  
27 guardian has been serving the incapacitated person; whether the  
28 guardian has timely filed all required reports with the court; whether  
29 the guardian is monitored by other state or local agencies; and whether  
30 there have been any allegations of abuse, neglect, or a breach of  
31 fiduciary duty against the guardian; or

32 (II) Extend the time period for completion of the training  
33 requirement for ninety days; and

34 (j) Evidence of the guardian or limited guardian's successful  
35 completion of any additional or updated training video or web cast  
36 offered by the administrative office of the courts and the superior  
37 court as is required at the discretion of the superior court unless the  
38 guardian or limited guardian is a certified professional guardian or

1 financial institution authorized under RCW 11.88.020. The training  
2 video or web cast must be provided at no cost to the guardian or  
3 limited guardian.

4 (3) To report to the court within thirty days any substantial  
5 change in the incapacitated person's condition, or any changes in  
6 residence of the incapacitated person.

7 (4) Consistent with the powers granted by the court, to care for  
8 and maintain the incapacitated person in the setting least restrictive  
9 to the incapacitated person's freedom and appropriate to the  
10 incapacitated person's personal care needs, assert the incapacitated  
11 person's rights and best interests, and if the incapacitated person is  
12 a minor or where otherwise appropriate, to see that the incapacitated  
13 person receives appropriate training and education and that the  
14 incapacitated person has the opportunity to learn a trade, occupation,  
15 or profession.

16 (5) Consistent with RCW 7.70.065, to provide timely, informed  
17 consent for health care of the incapacitated person, except in the case  
18 of a limited guardian where such power is not expressly provided for in  
19 the order of appointment or subsequent modifying order as provided in  
20 RCW 11.88.125 as now or hereafter amended, the standby guardian or  
21 standby limited guardian may provide timely, informed consent to  
22 necessary medical procedures if the guardian or limited guardian cannot  
23 be located within four hours after the need for such consent arises.  
24 No guardian, limited guardian, or standby guardian may involuntarily  
25 commit for mental health treatment, observation, or evaluation an  
26 alleged incapacitated person who is unable or unwilling to give  
27 informed consent to such commitment unless the procedures for  
28 involuntary commitment set forth in chapter 71.05 or 72.23 RCW are  
29 followed. Nothing in this section shall be construed to allow a  
30 guardian, limited guardian, or standby guardian to consent to:

- 31 (a) Therapy or other procedure which induces convulsion;  
32 (b) Surgery solely for the purpose of psychosurgery;  
33 (c) Other psychiatric or mental health procedures that restrict  
34 physical freedom of movement, or the rights set forth in RCW  
35 (~~71.05.370~~) 71.05.217.

36 A guardian, limited guardian, or standby guardian who believes  
37 these procedures are necessary for the proper care and maintenance of  
38 the incapacitated person shall petition the court for an order unless

1 the court has previously approved the procedure within the past thirty  
2 days. The court may order the procedure only after an attorney is  
3 appointed in accordance with RCW 11.88.045 if no attorney has  
4 previously appeared, notice is given, and a hearing is held in  
5 accordance with RCW 11.88.040.

6 **Sec. 4.** RCW 11.88.095 and 1995 c 297 s 5 are each amended to read  
7 as follows:

8 (1) In determining the disposition of a petition for guardianship,  
9 the court's order shall be based upon findings as to the capacities,  
10 condition, and needs of the alleged incapacitated person, and shall not  
11 be based solely upon agreements made by the parties.

12 (2) Every order appointing a full or limited guardian of the person  
13 or estate shall include:

14 (a) Findings as to the capacities, condition, and needs of the  
15 alleged incapacitated person;

16 (b) The amount of the bond, if any, or a bond review period;

17 (c) ~~((When the next report of the guardian is due;~~

18 ~~(d))~~ The date the account or report shall be filed. The date of  
19 filing an account or report shall be within ninety days after the  
20 anniversary date of the appointment;

21 (d) A date for the court to review the account or report and enter  
22 its order. The court shall conduct the review within one hundred  
23 twenty days after the anniversary date of the appointment and follow  
24 the provisions of RCW 11.92.050. The court may review and approve an  
25 account or report without conducting a hearing;

26 (e) A directive to the clerk of court to issue letters of  
27 guardianship as specified in section 6 of this act;

28 (f) Whether the guardian ad litem shall continue acting as guardian  
29 ad litem;

30 ~~((e))~~ (g) Whether a review hearing shall be required upon the  
31 filing of the inventory;

32 ~~((f))~~ (h) Whether a review hearing is required upon filing the  
33 initial personal care plan;

34 (i) The authority of the guardian, if any, for investment and  
35 expenditure of the ward's estate; (~~and~~

36 ~~(g))~~ (j) Names and addresses of those persons described in RCW  
37 11.88.090(5)(d), if any, whom the court believes should receive copies



1 of further pleadings filed by the guardian with respect to the  
 2 guardianship. The guardian, within ninety days from the date of the  
 3 appointment, shall, in writing, notify the persons identified by the  
 4 court of their right to request special notice of proceedings as  
 5 described in RCW 11.92.150; and

6 (k) A guardianship summary placed directly below the case caption  
 7 or on a separate cover page in the following form, or a substantially  
 8 similar form, containing the following information:

9 **GUARDIANSHIP SUMMARY**

10 Date Guardian Appointed: .....

11 Due Date for Report and

12 Accounting: .....

13 Date of Next Review: .....

14 Letters Expire On: .....

15 Bond Amount: \$.....

16 Restricted Account

17 Agreements Required: .....

18 Due Date for Inventory: .....

19 Due Date for Care Plan: .....

20 Incapacitated Person      Guardian of: [ ] Estate [ ]  
 21 (IP)                                      Person

<u>Name:</u>	<u>Name:</u>
<u>Address:</u>	<u>Address:</u>
<u>Phone:</u>	<u>Phone:</u>
<u>Facsimile:</u>	<u>Facsimile:</u>

<u>Interested Parties</u>	<u>Address</u>	<u>Relation to IP</u>

1  
2  
3  
4


5 (3) If the court determines that a limited guardian should be  
6 appointed, the order shall specifically set forth the limits by either  
7 stating exceptions to the otherwise full authority of the guardian or  
8 by stating the specific authority of the guardian.

9 (4) In determining the disposition of a petition for appointment of  
10 a guardian or limited guardian of the estate only, the court shall  
11 consider whether the alleged incapacitated person is capable of giving  
12 informed medical consent or of making other personal decisions and, if  
13 not, whether a guardian or limited guardian of the person of the  
14 alleged incapacitated person should be appointed for that purpose.

15 (5) Unless otherwise ordered, any powers of attorney or durable  
16 powers of attorney shall be revoked upon appointment of a guardian or  
17 limited guardian of the estate.

18 If there is an existing medical power of attorney, the court must  
19 make a specific finding of fact regarding the continued validity of  
20 that medical power of attorney before appointing a guardian or limited  
21 guardian for the person.

22 **Sec. 5.** RCW 11.88.125 and 2008 c 6 s 805 are each amended to read  
23 as follows:

24 (1) The person appointed by the court as either guardian or limited  
25 guardian of the person and/or estate of an incapacitated person((~~7~~))  
26 shall file in writing with the court, within ninety days from the date  
27 of appointment, a notice designating a standby limited guardian or  
28 guardian to serve as limited guardian or guardian at the death or legal  
29 incapacity of the court-appointed guardian or limited guardian. The  
30 notice shall state the name, address, zip code, and telephone number of  
31 the designated standby or limited guardian. Notice of the guardian's  
32 designation of the standby guardian shall be given to the standby  
33 guardian, the incapacitated person and his or her spouse or domestic  
34 partner and adult children, any facility in which the incapacitated  
35 person resides, and any person entitled to special notice under RCW  
36 11.92.150 or any person entitled to receive pleadings pursuant to RCW

1 11.88.095(2)((~~g~~)) (j). Such standby guardian or limited guardian  
2 shall have all the powers, duties, and obligations of the regularly  
3 appointed guardian or limited guardian and in addition shall, within a  
4 period of thirty days from the death or adjudication of incapacity of  
5 the regularly appointed guardian or limited guardian, file with the  
6 superior court in the county in which the guardianship or limited  
7 guardianship is then being administered, a petition for appointment of  
8 a substitute guardian or limited guardian. Upon the court's  
9 appointment of a new, substitute guardian or limited guardian, the  
10 standby guardian or limited guardian shall make an accounting and  
11 report to be approved by the court, and upon approval of the court, the  
12 standby guardian or limited guardian shall be released from all duties  
13 and obligations arising from or out of the guardianship or limited  
14 guardianship.

15 (2) Letters of guardianship shall be issued to the standby guardian  
16 or limited guardian upon filing an oath and posting a bond as required  
17 by RCW 11.88.100 as now or hereafter amended. The oath may be filed  
18 prior to the appointed guardian or limited guardian's death. Notice of  
19 such appointment shall be provided to the standby guardian, the  
20 incapacitated person, and any facility in which the incapacitated  
21 person resides. The provisions of RCW 11.88.100 through 11.88.110 as  
22 now or hereafter amended shall apply to standby guardians and limited  
23 guardians.

24 (3) In addition to the powers of a standby limited guardian or  
25 guardian as noted in subsection (1) of this section, the standby  
26 limited guardian or guardian shall have the authority to provide  
27 timely, informed consent to necessary medical procedures, as authorized  
28 in RCW 11.92.040 as now or hereafter amended, if the guardian or  
29 limited guardian cannot be located within four hours after the need for  
30 such consent arises.

31 NEW SECTION. **Sec. 6.** A new section is added to chapter 11.88 RCW  
32 to read as follows:

33 (1) A guardian or limited guardian may not act on behalf of the  
34 incapacitated person without valid letters of guardianship. Upon  
35 appointment and fulfilling all legal requirements to serve, as set  
36 forth in the court's order, the clerk shall issue letters of

1 guardianship to a guardian or limited guardian appointed by the court.  
2 All letters of guardianship must be in the following form, or a  
3 substantially similar form:

4 IN THE SUPERIOR COURT OF THE  
5 STATE OF WASHINGTON IN AND FOR THE  
6 COUNTY OF .....

7 IN THE MATTER OF Guardianship Cause No.  
8 THE .....  
9 GUARDIANSHIP OF  
10 .....  
11 Incapacitated Person LETTERS OF  
12 GUARDIANSHIP OR LIMITED  
13 GUARDIANSHIP  
14  
15 Date letters expire .....

16 THESE LETTERS OF GUARDIANSHIP PROVIDE OFFICIAL VERIFICATION OF THE FOLLOWING:

17  
18 On the ..... day of ....., 20.... the Court appointed ..... to serve as:

- 19  
20  Guardian of the Person  Full  Limited  
21  Guardian of the Estate  Full  Limited  
22

23 for ....., the incapacitated person, in the above referenced matter.  
24

25 The Guardian has fulfilled all legal requirements to serve, including, but not limited to: Taking and filing the oath;  
26 filing any bond consistent with the court's order; filing any blocked account agreement consistent with the court's order;  
27 and appointing a resident agent for a nonresident guardian.  
28

29 The Court, having found the Guardian duly qualified, now makes it known ..... is authorized as the Guardian  
30 for ..... designated in the Court's order as referenced above.  
31

32 The next filing and reporting deadline in this matter is on the ... day of ....., .....

33 THESE LETTERS ARE NO LONGER VALID ON .....

34 These letters can only be renewed by a new court order. If the court grants an extension, new letters will be issued.

1 This matter is before the Honorable ..... of Superior Court, the seal of the Court being affixed  
2 this .... of .....

3  
4 State of Washington)  
5 ) ss.  
6 County of .....

7  
8 I, ....., Clerk of the Superior Court of said County and State, certify that this document represents true and  
9 correct Letters of Guardianship in the above entitled case, entered upon the record on this ..... day of .....,.....

10  
11 These Letters remain in full force and effect until the date of expiration set forth above.

12 The seal of Superior Court has been affixed and witnessed by my hand this ..... day of .....,.....

13  
14  
15 ..... Clerk of Superior Court

16  
17 By ....., Deputy

18  
19 .....  
20 (Signature of Deputy)

21 (2) The court shall order the clerk to issue letters of  
22 guardianship that are valid for a period of up to five years from the  
23 anniversary date of the appointment. When determining the time period  
24 for which the letters will be valid, the court must consider: The  
25 length of time the guardian has been serving the incapacitated person;  
26 whether the guardian has timely filed all required reports with the  
27 court; whether the guardian is monitored by other state or local  
28 agencies; and whether there have been any allegations of abuse,  
29 neglect, or a breach of fiduciary duty against the guardian.

30 **Sec. 7.** RCW 11.88.140 and 1991 c 289 s 9 are each amended to read  
31 as follows:

32 (1) TERMINATION WITHOUT COURT ORDER. A guardianship or limited  
33 guardianship is terminated:

34 (a) Upon the attainment of full and legal age, as defined in RCW  
35 26.28.010 as now or hereafter amended, of any person defined as an

1 incapacitated person pursuant to RCW 11.88.010 as now or hereafter  
2 amended solely by reason of youth, RCW 26.28.020 to the contrary  
3 notwithstanding, subject to subsection (2) of this section;

4 (b) By an adjudication of capacity or an adjudication of  
5 termination of incapacity;

6 (c) By the death of the incapacitated person;

7 (d) By expiration of the term of limited guardianship specified in  
8 the order appointing the limited guardian, unless prior to such  
9 expiration a petition has been filed and served, as provided in RCW  
10 11.88.040 as now or hereafter amended, seeking an extension of such  
11 term.

12 (2) TERMINATION OF GUARDIANSHIP FOR A MINOR BY DECLARATION OF  
13 COMPLETION. A guardianship for the benefit of a minor may be  
14 terminated upon the minor's attainment of legal age, as defined in RCW  
15 26.28.010 as now or hereafter amended, by the guardian filing a  
16 declaration that states:

17 (a) The date the minor attained legal age;

18 (b) That the guardian has paid all of the minor's funds in the  
19 guardian's possession to the minor, who has signed a receipt for the  
20 funds, and that the receipt has been filed with the court;

21 (c) That the guardian has completed the administration of the  
22 minor's estate and the guardianship is ready to be closed; and

23 (d) The amount of fees paid or to be paid to each of the following:  
24 (i) The guardian, (ii) lawyer or lawyers, (iii) accountant or  
25 accountants; and that the guardian believes the fees are reasonable and  
26 does not intend to obtain court approval of the amount of the fees or  
27 to submit a guardianship accounting to the court for approval. Subject  
28 to the requirement of notice as provided in this section, unless the  
29 minor petitions the court either for an order requiring the guardian to  
30 obtain court approval of the amount of fees paid or to be paid to the  
31 guardian, lawyers, or accountants, or for an order requiring an  
32 accounting, or both, within thirty days from the filing of the  
33 declaration of completion of guardianship, the guardian shall be  
34 automatically discharged without further order of the court. The  
35 guardian's powers will cease thirty days after filing the declaration  
36 of completion of guardianship. The declaration of completion of  
37 guardianship shall, at the time, be the equivalent of an entry of a

1 decree terminating the guardianship, distributing the assets, and  
2 discharging the guardian for all legal intents and purposes.

3 Within five days of the date of filing the declaration of  
4 completion of guardianship, the guardian or the guardian's lawyer shall  
5 mail a copy of the declaration of completion to the minor together with  
6 a notice that shall be substantially as follows:

7 CAPTION OF CASE NOTICE OF FILING A  
8 DECLARATION OF  
9 COMPLETION OF  
10 GUARDIANSHIP

11 NOTICE IS GIVEN that the attached Declaration of  
12 Completion of Guardianship was filed by the undersigned  
13 in the above-entitled court on the ..... day of .....,  
14 19...; unless you file a petition in the above-entitled court  
15 requesting the court to review the reasonableness of the  
16 fees, or for an accounting, or both, and serve a copy of the  
17 petition on the guardian or the guardian's lawyer, within  
18 thirty days after the filing date, the amount of fees paid or  
19 to be paid will be deemed reasonable, the acts of the  
20 guardian will be deemed approved, the guardian will be  
21 automatically discharged without further order of the court  
22 and the Declaration of Completion of Guardianship will be  
23 final and deemed the equivalent of an order terminating the  
24 guardianship, discharging the guardian and decreeing the  
25 distribution of the guardianship assets.

26 If you file and serve a petition within the period  
27 specified, the undersigned will request the court to fix a  
28 time and place for the hearing of your petition, and you will  
29 be notified of the time and place of the hearing, by mail, or  
30 by personal service, not less than ten days before the  
31 hearing on the petition.

32 DATED this ..... day of ....., 19...  
33 .....  
34 Guardian

1 If the minor, after reaching legal age, waives in writing the  
2 notice required by this section, the guardian will be automatically  
3 discharged without further order of the court and the declaration of  
4 completion of guardianship will be effective as an order terminating  
5 the guardianship without an accounting upon filing the declaration. If  
6 the guardian has been required to furnish a bond, and a declaration of  
7 completion of guardianship is filed according to this section, any bond  
8 furnished by the guardian shall be automatically discharged upon the  
9 discharge of the guardian.

10 (3) TERMINATION ON COURT ORDER. A guardianship or limited  
11 guardianship may be terminated by court order after such notice as the  
12 court may require if the guardianship or limited guardianship is no  
13 longer necessary.

14 The guardian or limited guardian shall, within (~~(thirty)~~) ninety  
15 days of the date of termination of the guardianship, unless the court  
16 orders a different deadline for good cause, prepare and file with the  
17 court a final verified account of administration. The final verified  
18 account of administration shall contain the same information as  
19 required for (a) an intermediate verified account of administration of  
20 the estate under RCW 11.92.040(2) and (b) an intermediate personal care  
21 status report under RCW 11.92.043(2).

22 (4) EFFECT OF TERMINATION. When a guardianship or limited  
23 guardianship terminates other than by the death of the incapacitated  
24 person, the powers of the guardian or limited guardian cease, except  
25 that a guardian or limited guardian of the estate may make  
26 disbursements for claims that are or may be allowed by the court, for  
27 liabilities already properly incurred for the estate or for the  
28 incapacitated person, and for expenses of administration. When a  
29 guardianship or limited guardianship terminates by death of the  
30 incapacitated person, the guardian or limited guardian of the estate  
31 may proceed under RCW 11.88.150 as now or hereafter amended, but the  
32 rights of all creditors against the incapacitated person's estate shall  
33 be determined by the law of decedents' estates.

34 **Sec. 8.** RCW 11.92.053 and 1995 c 297 s 7 are each amended to read  
35 as follows:

36 Within ninety days, unless the court orders a different deadline  
37 for good cause, after the termination of a guardianship for any reason,



1 the guardian or limited guardian of the estate shall petition the court  
2 for an order settling his or her account as filed in accordance with  
3 RCW 11.92.040(2) with regard to any receipts, expenditures, and  
4 investments made and acts done by the guardian to the date of the  
5 termination. Upon the filing of the petition, the court shall set a  
6 date for the hearing of the petition after notice has been given in  
7 accordance with RCW 11.88.040. Any person interested may file  
8 objections to the petition or may appear at the time and place fixed  
9 for the hearing thereof and present his or her objections thereto. The  
10 court may take such testimony as it deems proper or necessary to  
11 determine whether an order settling the account should be issued and  
12 the transactions of the guardian be approved, and the court may appoint  
13 a guardian ad litem to review the report.

14 At the hearing on the petition of the guardian or limited guardian,  
15 if the court is satisfied that the actions of the guardian or limited  
16 guardian have been proper, and that the guardian has in all respects  
17 discharged his or her trust with relation to the receipts,  
18 expenditures, investments, and acts, then, in such event, the court  
19 shall enter an order approving the account, and the order shall be  
20 final and binding upon the incapacitated person, subject only to the  
21 right of appeal as upon a final order. However, within one year after  
22 the incompetent attains his or her majority any such account may be  
23 challenged by the incapacitated person on the ground of fraud.

24 **Sec. 9.** RCW 11.92.040 and 1991 c 289 s 10 are each amended to read  
25 as follows:

26 It shall be the duty of the guardian or limited guardian of an  
27 estate:

28 (1) To file within three months after the guardian's appointment a  
29 verified inventory of all the property of the incapacitated person  
30 which comes into the guardian's possession or knowledge, including a  
31 statement of all encumbrances, liens, and other secured charges on any  
32 item;

33 (2) To file annually, within ninety days after the anniversary date  
34 of the guardian's or limited guardian's appointment, and also within  
35 (~~thirty~~) ninety days after termination of the appointment, unless the  
36 court for good cause orders a different deadline to file following

1 termination, a written verified account of the administration for court  
2 approval, which account shall contain at least the following  
3 information:

4 (a) Identification of property of the guardianship estate as of the  
5 date of the last account or, in the case of the initial account, as of  
6 the date of inventory;

7 (b) Identification of all additional property received into the  
8 guardianship, including income by source;

9 (c) Identification of all expenditures made during the account  
10 period by major categories;

11 (d) Any adjustments to the guardianship estate required to  
12 establish its present fair market value, including gains or losses on  
13 sale or other disposition and any mortgages, deeds of trust or other  
14 encumbrances against the guardianship estate; and

15 (e) Identification of all property held in the guardianship estate  
16 as of the date of account, the assessed value of any real property and  
17 the guardian's estimate of the present fair market values of other  
18 property (including the basis on which such estimate is made), and the  
19 total net fair market value of the guardianship estate. In addition,  
20 immediately following such statement of present fair market value, the  
21 account shall set forth a statement of current amount of the guardian's  
22 bond and any other court-ordered protection for the security of the  
23 guardianship assets;

24 (3) The court in its discretion may allow reports at intervals of  
25 up to thirty-six months for estates with assets (exclusive of real  
26 property) having a value of not more than twice the homestead  
27 exemption. Notwithstanding contrary provisions of this section, the  
28 guardian or limited guardian of an estate need not file an annual  
29 report with the court if the funds of the guardianship are held for the  
30 benefit of a minor in a blocked account unless the guardian requests a  
31 withdrawal from such account, in which case the guardian shall provide  
32 a written verified account of the administration of the guardianship  
33 estate along with the guardian's petition for the withdrawal. The  
34 guardian or limited guardian shall report any substantial change in  
35 income or assets of the guardianship estate within thirty days of the  
36 occurrence of the change. A hearing shall be scheduled for court  
37 review and determination of provision for increased bond or other  
38 provision in accordance with RCW 11.88.100;



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(5) To protect and preserve the guardianship estate, to apply it as provided in this chapter, to account for it faithfully, to perform all of the duties required by law, and at the termination of the guardianship or limited guardianship, to deliver the assets of the incapacitated person to the persons entitled thereto. Except as provided to the contrary herein, the court may authorize a guardian or limited guardian to do anything that a trustee can do under the provisions of RCW 11.98.070 for a period not exceeding one year from the date of the order or for a period corresponding to the interval in which the guardian's or limited guardian's report is required to be filed by the court pursuant to subsection (2) of this section, whichever period is longer;

~~((+5))~~ (6) To invest and reinvest the property of the incapacitated person in accordance with the rules applicable to investment of trust estates by trustees as provided in chapter 11.100 RCW, except that:

(a) No investments shall be made without prior order of the court in any property other than unconditional interest bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States, and in share accounts or deposits which are insured by an agency of the United States government. Such prior order of the court may authorize specific investments, or, in the discretion of the court, may authorize the guardian or limited guardian to invest and reinvest as provided in chapter 11.100 RCW without further order of the court;

(b) If it is for the best interests of the incapacitated person that a specific property be used by the incapacitated person rather than sold and the proceeds invested, the court may so order;

~~((+6))~~ (7) To apply to the court no later than the filing of the inventory for an order authorizing disbursements on behalf of the incapacitated person(~~(:— PROVIDED, HOWEVER, That)~~). However, the guardian or limited guardian of the estate, or the person, department, bureau, agency, or charitable organization having the care and custody of an incapacitated person, may apply to the court for an order directing the guardian or limited guardian of the estate to pay to the person, department, bureau, agency, or charitable organization having

1 the care and custody of an incapacitated person, or if the guardian or  
2 limited guardian of the estate has the care and custody of the  
3 incapacitated person, directing the guardian or limited guardian of the  
4 estate to apply an amount weekly, monthly, quarterly, semi-annually, or  
5 annually, as the court may direct, to be expended in the care,  
6 maintenance, and education of the incapacitated person and of his or  
7 her dependents. In proper cases, the court may order payment of  
8 amounts directly to the incapacitated person for his or her maintenance  
9 or incidental expenses. The amounts authorized under this section may  
10 be decreased or increased from time to time by direction of the court.  
11 If payments are made to another under an order of the court, the  
12 guardian or limited guardian of the estate is not bound to see to the  
13 application thereof;

14 (8) To provide evidence of the guardian or limited guardian's  
15 successful completion of any standardized training video or web cast  
16 for guardians or limited guardians made available by the administrative  
17 office of the courts and the superior court when the guardian or  
18 limited guardian: (a) Was appointed prior to the effective date of  
19 this section; (b) is not a certified professional guardian or financial  
20 institution authorized under RCW 11.88.020; and (c) has not previously  
21 completed the requirements of RCW 11.88.020(3). The training video or  
22 web cast must be provided at no cost to the guardian or limited  
23 guardian. The superior court may, upon (i) petition by the guardian or  
24 limited guardian; or (ii) any other method as provided by local court  
25 rule: (A) For good cause, waive this requirement for guardians  
26 appointed prior to the effective date of this section. Good cause  
27 shall require evidence that the guardian already possesses the  
28 requisite knowledge to serve as a guardian without completing the  
29 training. When determining whether there is good cause to waive the  
30 training requirement, the court shall consider, among other facts, the  
31 length of time the guardian has been serving the incapacitated person;  
32 whether the guardian has timely filed all required reports with the  
33 court; whether the guardian is monitored by other state or local  
34 agencies; and whether there have been any allegations of abuse,  
35 neglect, or a breach of fiduciary duty against the guardian; or (B)  
36 extend the time period for completion of the training requirement for  
37 ninety days; and

1 (9) To provide evidence of the guardian or limited guardian's  
2 successful completion of any additional or updated training video or  
3 web cast offered by the administrative office of the courts and the  
4 superior court as is required at the discretion of the superior court  
5 unless the guardian or limited guardian is a certified professional  
6 guardian or financial institution authorized under RCW 11.88.020. The  
7 training video or web cast must be provided at no cost to the guardian  
8 or limited guardian.

9 **Sec. 10.** RCW 11.92.050 and 1995 c 297 s 6 are each amended to read  
10 as follows:

11 (1) Upon the filing of any intermediate guardianship or limited  
12 guardianship account or report required by statute, or of any  
13 intermediate account or report required by court rule or order, the  
14 (~~guardian or limited guardian may petition the court for~~) court shall  
15 enter an order settling (~~his or her~~) the guardianship account or  
16 report with regard to any receipts, expenditures, and investments made  
17 and acts done by the guardian or limited guardian to the date of the  
18 interim report.

19 (2) Upon such (~~petition~~) account or report being filed, the court  
20 may, in its discretion, (~~where the size or condition of the estate~~  
21 ~~warrants it,~~) set a date for the hearing (~~of the petition~~) and  
22 require the service of the (~~petition~~) guardian's report or account  
23 and a notice of the hearing as provided in RCW 11.88.040 as now or  
24 hereafter amended or as specified by the court; and, in the event a  
25 hearing is ordered, the court may also appoint a guardian ad litem,  
26 whose duty it shall be to investigate the account or report of the  
27 guardian or limited guardian of the estate and to advise the court  
28 thereon at the hearing, in writing.

29 (3) At the hearing on or upon the court's review of the account or  
30 report of the guardian or limited guardian, if the court is satisfied  
31 that the actions of the guardian or limited guardian have been proper,  
32 and that the guardian or limited guardian has in all respects  
33 discharged his or her trust with relation to the receipts,  
34 expenditures, investments, and acts, then, in such event, the court  
35 shall enter an order approving such account or report.

36 (4) If a guardian or limited guardian fails to file the account or

1 report or fails to appear at the hearing, the court shall enter an  
2 order for one or more of the following actions:

3 (a) Entering an order to show cause and requiring the guardian to  
4 appear at a show cause hearing. At the hearing the court may take  
5 action to protect the incapacitated person, including, but not limited  
6 to, removing the guardian or limited guardian pursuant to RCW 11.88.120  
7 and appointing a successor;

8 (b) Directing the clerk to extend the letters, for good cause  
9 shown, for no more than ninety days, to permit the guardian to file his  
10 or her account or report;

11 (c) Requiring the completion of any approved guardianship training  
12 made available to the guardian by the court;

13 (d) Appointing a guardian ad litem subject to the requirements in  
14 RCW 11.88.090;

15 (e) Providing other and further relief the court deems just and  
16 equitable.

17 (5) If the court has appointed a guardian ad litem, the order shall  
18 be final and binding upon the incapacitated person, subject only to the  
19 right of appeal as upon a final order; provided that at the time of  
20 final account of said guardian or limited guardian or within one year  
21 after the incapacitated person attains his or her majority any such  
22 interim account may be challenged by the incapacitated person on the  
23 ground of fraud.

24 ((+2)) (6) The procedure established in ((~~subsection (1) of~~)) this  
25 section for financial accounts by guardians or limited guardians of the  
26 estate shall apply to personal care reports filed by guardians or  
27 limited guardians of the person under RCW 11.92.043.

28 **Sec. 11.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to read  
29 as follows:

30 (1) Revenue collected under this section is not subject to division  
31 under RCW 36.18.025 or 27.24.070.

32 (2)(a) For the filing of a petition for modification of a decree of  
33 dissolution or paternity, within the same case as the original action,  
34 and any party filing a counterclaim, cross-claim, or third-party claim  
35 in any such action, a fee of thirty-six dollars must be paid.

36 (b) The party filing the first or initial petition for dissolution,  
37 legal separation, or declaration concerning the validity of marriage

1 shall pay, at the time and in addition to the filing fee required under  
2 RCW 36.18.020, a fee of thirty dollars. The clerk of the superior  
3 court shall transmit monthly twenty-four dollars of the thirty-dollar  
4 fee collected under this subsection to the state treasury for deposit  
5 in the domestic violence prevention account. The remaining six dollars  
6 shall be retained by the county for the purpose of supporting  
7 community-based services within the county for victims of domestic  
8 violence, except for five percent of the six dollars, which may be  
9 retained by the court for administrative purposes.

10 (3)(a) The party making a demand for a jury of six in a civil  
11 action shall pay, at the time, a fee of one hundred twenty-five  
12 dollars; if the demand is for a jury of twelve, a fee of two hundred  
13 fifty dollars. If, after the party demands a jury of six and pays the  
14 required fee, any other party to the action requests a jury of twelve,  
15 an additional one hundred twenty-five dollar fee will be required of  
16 the party demanding the increased number of jurors.

17 (b) Upon conviction in criminal cases a jury demand charge of one  
18 hundred twenty-five dollars for a jury of six, or two hundred fifty  
19 dollars for a jury of twelve may be imposed as costs under RCW  
20 10.46.190.

21 (4) For preparing a certified copy of an instrument on file or of  
22 record in the clerk's office, for the first page or portion of the  
23 first page, a fee of five dollars, and for each additional page or  
24 portion of a page, a fee of one dollar must be charged. For  
25 authenticating or exemplifying an instrument, a fee of two dollars for  
26 each additional seal affixed must be charged. For preparing a copy of  
27 an instrument on file or of record in the clerk's office without a  
28 seal, a fee of fifty cents per page must be charged. When copying a  
29 document without a seal or file that is in an electronic format, a fee  
30 of twenty-five cents per page must be charged. For copies made on a  
31 compact disc, an additional fee of twenty dollars for each compact disc  
32 must be charged.

33 (5) For executing a certificate, with or without a seal, a fee of  
34 two dollars must be charged.

35 (6) For a garnishee defendant named in an affidavit for garnishment  
36 and for a writ of attachment, a fee of twenty dollars must be charged.

37 (7) For filing a supplemental proceeding, a fee of twenty dollars  
38 must be charged.



1 (8) For approving a bond, including justification on the bond, in  
2 other than civil actions and probate proceedings, a fee of two dollars  
3 must be charged.

4 (9) For the issuance of a certificate of qualification and a  
5 certified copy of letters of administration, letters testamentary, or  
6 letters of guardianship, there must be a fee of five dollars.

7 (10) For the preparation of a passport application, the clerk may  
8 collect an execution fee as authorized by the federal government.

9 (11) For clerk's services such as performing historical searches,  
10 compiling statistical reports, and conducting exceptional record  
11 searches, the clerk may collect a fee not to exceed thirty dollars per  
12 hour.

13 (12) For processing ex parte orders, the clerk may collect a fee of  
14 thirty dollars.

15 (13) For duplicated recordings of court's proceedings there must be  
16 a fee of ten dollars for each audio tape and twenty-five dollars for  
17 each video tape or other electronic storage medium.

18 (14) For registration of land titles, Torrens Act, under RCW  
19 65.12.780, a fee of twenty dollars must be charged.

20 (15) For the issuance of extension of judgment under RCW 6.17.020  
21 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.  
22 When the extension of judgment is at the request of the clerk, the two  
23 hundred dollar charge may be imposed as court costs under RCW  
24 10.46.190.

25 (16) A facilitator surcharge of up to twenty dollars must be  
26 charged as authorized under RCW 26.12.240.

27 (17) For filing a water rights statement under RCW 90.03.180, a fee  
28 of twenty-five dollars must be charged.

29 (18) For filing a claim of frivolous lien under RCW 60.04.081, a  
30 fee of thirty-five dollars must be charged.

31 (19) For preparation of a change of venue, a fee of twenty dollars  
32 must be charged by the originating court in addition to the per page  
33 charges in subsection (4) of this section.

34 (20) A service fee of five dollars for the first page and one  
35 dollar for each additional page must be charged for receiving faxed  
36 documents, pursuant to Washington state rules of court, general rule  
37 17.

1 (21) For preparation of clerk's papers under RAP 9.7, a fee of  
2 fifty cents per page must be charged.

3 (22) For copies and reports produced at the local level as  
4 permitted by RCW 2.68.020 and supreme court policy, a variable fee must  
5 be charged.

6 (23) Investment service charge and earnings under RCW 36.48.090  
7 must be charged.

8 (24) Costs for nonstatutory services rendered by clerk by authority  
9 of local ordinance or policy must be charged.

10 (25) For filing a request for mandatory arbitration, a filing fee  
11 may be assessed against the party filing a statement of arbitrability  
12 not to exceed two hundred twenty dollars as established by authority of  
13 local ordinance. This charge shall be used solely to offset the cost  
14 of the mandatory arbitration program.

15 (26) For filing a request for trial de novo of an arbitration  
16 award, a fee not to exceed two hundred fifty dollars as established by  
17 authority of local ordinance must be charged.

18 (27) A public agency may not charge a fee to a law enforcement  
19 agency, for preparation, copying, or mailing of certified copies of the  
20 judgment and sentence, information, affidavit of probable cause, and/or  
21 the notice of requirement to register, of a sex offender convicted in  
22 a Washington court, when such records are necessary for risk  
23 assessment, preparation of a case for failure to register, or  
24 maintenance of a sex offender's registration file.

25 (28) For the filing of a will or codicil under the provisions of  
26 chapter 11.12 RCW, a fee of twenty dollars must be charged.

27 (29) For the collection of unpaid legal financial obligations, the  
28 clerk may impose an annual fee of up to one hundred dollars, pursuant  
29 to RCW 9.94A.780.

30 (30) A surcharge of up to twenty dollars may be charged in  
31 dissolution and legal separation actions as authorized by RCW  
32 26.12.260.

33 (31) For the filing of accounts required under RCW 11.92.040(2), a  
34 fee must be charged to the estate of the incapacitated person. The  
35 amount of the fee is determined by the total net fair market value of  
36 the guardianship estate identified pursuant to RCW 11.92.040(2)(e). If  
37 the total fair market value of the guardianship estate is less than or  
38 equal to one hundred thousand dollars, a filing fee is not required.

1 If the superior court finds that payment of the filing fee would result  
2 in substantial hardship upon the incapacitated person, the superior  
3 court may waive or reduce the filing fee. The amount of the fee is as  
4 follows:

5 (a) Seventy-five dollars for guardianship estates with a total net  
6 fair market value greater than one hundred thousand dollars but not  
7 exceeding five hundred thousand dollars;

8 (b) One hundred fifty dollars for guardianship estates with a total  
9 net fair market value greater than five hundred thousand dollars but  
10 not exceeding one million dollars; or

11 (c) Two hundred fifty dollars for guardianship estates with a total  
12 net fair market value greater than one million dollars.

13 (32) The revenue to counties from the fees established in this  
14 section shall be deemed to be complete reimbursement from the state for  
15 the state's share of benefits paid to the superior court judges of the  
16 state prior to July 24, 2005, and no claim shall lie against the state  
17 for such benefits."

**SHB 1053** - S AMD  
By Senators Kline, Pflug

**ADOPTED 04/21/2011**

18 On page 1, line 3 of the title, after "force;" strike the remainder  
19 of the title and insert "amending RCW 11.88.020, 11.88.030, 11.92.043,  
20 11.88.095, 11.88.125, 11.88.140, 11.92.053, 11.92.040, 11.92.050, and  
21 36.18.016; and adding a new section to chapter 11.88 RCW."

EFFECT: Removes the new account filing fees for estates valued under \$100,000.

Establishes expiration dates for letters of guardianship. The court may issue letters that are valid for a period of up to 5 years. When determining the time period for which the letters will be valid, the court must consider: The length of time the guardian has been

serving the incapacitated person; whether the guardian has timely filed all required reports with the court; whether the guardian is monitored by other state or local agencies; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the guardian.

Clarifies that a court may review and approve an account or report without conducting a hearing.

Provides factors for the court to consider when determining whether there is good cause to waive the training requirement for guardians, who were appointed prior to the effective date of the act.

Modifies the list of actions the court must select from, when a guardian or limited guardian has failed to file an account or report or failed to appear at a hearing, by specifying that the court may hold a show cause hearing and at the hearing may take actions to protect the incapacitated person, including but not limited to removing the guardian as provided in RCW 11.88.120.

--- END ---