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SENATE BILL 6502

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State of Washington

63rd Legislature

2014 Regular Session

By Senator Padden

Read first time 01/30/14. Referred to Committee on Law & Justice.

1 AN ACT Relating to guardianship restrictions and disclosures;  
2 adding a new section to chapter 11.84 RCW; adding a new section to  
3 chapter 11.88 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 11.84 RCW  
6 to read as follows:

7 (1) No person appointed for any type of guardianship under chapter  
8 11.88 RCW may inherit or acquire any property interest or receive any  
9 benefit from any decedent ward of the guardian, if the guardian has  
10 either been convicted of theft or found to have committed financial  
11 exploitation as defined in RCW 74.34.020.

12 (2)(a) A court may allow a person to acquire or receive an interest  
13 in any property or any other benefit, notwithstanding subsection (1) of  
14 this section, if a court determines by clear, cogent, and convincing  
15 evidence that the decedent ward:

16 (i) Knew of the theft conviction or financial exploitation; and

17 (ii) Subsequently ratified in writing his or her intent to transfer  
18 the property interest or benefit to that person.

1 (b) In determining whether to allow a person to acquire or receive  
2 an interest in any property or any other benefit under (a) of this  
3 subsection, a court may consider, among other things:

- 4 (i) The various elements of the decedent's dispositive scheme;
- 5 (ii) The decedent's likely intent given the totality of the  
6 circumstances; and
- 7 (iii) The degree of harm resulting from the guardian's theft or  
8 financial exploitation.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 11.88 RCW  
10 to read as follows:

11 Prior to appointment to any guardianship under this chapter a  
12 person must disclose to the court any prior finding of financial  
13 exploitation, conviction, or arrest. Appointed guardians have an  
14 ongoing duty to immediately disclose any new finding of financial  
15 exploitation, conviction, or arrest to the court. Upon disclosure the  
16 court should appoint a guardian ad litem to aid the court in  
17 determining whether removal of the guardian is in the best interest of  
18 the ward. Any person who fails to make the disclosures required under  
19 this section is subject to removal as a guardian and contempt of court.

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