

Multiple Agency Fiscal Note Summary

Bill Number: 6235 SB	Title: Guardianships/right of comm.
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Estimated Cash Receipts

NONE

Estimated Expenditures

Agency Name	2015-17			2017-19			2019-21		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total	0.0	\$0	\$0	0.0	\$0	\$0	0.0	\$0	\$0

Local Gov. Courts *	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other **									
Local Gov. Total									

Estimated Capital Budget Impact

NONE

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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 42969

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 6235 SB	Title: Guardianships/right of comm.	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties					
Cities					
Total \$					

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.
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The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

Legislative Contact	Angela Kleis	Phone: 360-786-7469	Date: 01/18/2016
Agency Preparation:	Sam Knutson	Phone: 3607045528	Date: 01/20/2016
Agency Approval:	Ramsey Radwan	Phone: 360-357-2406	Date: 01/20/2016
OFM Review:	Gwen Stamey	Phone: (360) 902-9810	Date: 01/20/2016

Request # 6235 SB-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would not allow the guardian of an incapacitated person to restrict the incapacitated person's right of communication, visitation, or interaction with other persons, including the right to receive visitors, telephone calls, or personal mail unless specifically authorized by a court order.

This bill would allow a guardian of an incapacitated person to request a court to grant restrictions be put in place to protect an incapacitated person. Prior to issuing an order restricting interactions with other persons, a court would consider reasonable time, manner, place restrictions; and requiring supervision on interactions.

The bill would allow any interested person, including the incapacitated person, to move the court for relief from restrictions prohibited by the bill. The court would be required to schedule a hearing no later than 60 days after the date of the motion, or no later than 10 days in the case of emergencies.

A guardian would be required to promptly notify the incapacitated person's closest relatives in the event that the incapacitated person changes location, is admitted to a medical facility, or dies.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

This bill would amend RCW 11.88 to not allow the guardian of an incapacitated person to restrict the incapacitated person's right of communication with other persons. A guardian of an incapacitated person would be allowed to request the courts to grant restrictions be put in place to protect an incapacitated person. Any interested person, including the incapacitated person, would be allowed to move the court for relief from restrictions prohibited by the bill. Courts would be required to schedule hearings no later than 60 days after the date of the motion, or no later than 10 days after the date of the motion in the case of emergencies.

II.B - Cash Receipt Impact

No cash receipt impact.

II.C – Expenditures

Indeterminate. It is possible that additional hearings would be required, however the Administrative Office of the Courts (AOC) does not have data to estimate how many additional hearings there would be resulting from this bill.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 6235 SB	Title: Guardianships/right of comm.
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☐ Counties:
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☒ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☐ Key variables cannot be estimated with certainty at this time:

Part III: Preparation and Approval

Fiscal Note Analyst: Laura Medrud	Phone: 360/725-5041	Date: 01/25/2016
Leg. Committee Contact: Angela Kleis	Phone: 360-786-7469	Date: 01/18/2016
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 01/25/2016
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 01/25/2016

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

This bill pertains to guardianships in respect to an incapacitated person's right of communication, visitation, and interaction with others. It adds a new section to chapter 11.88 RCW.

New Section 1 creates a new section added to chapter 11.88 RCW to state that a guardian may not restrict an incapacitated person's right of communication, visitation, or interaction with other persons, including the right to receive visitors, telephone calls or personal mail. A guardian may, for good cause, move the court to have restrictions placed on a person's ability to communicate if there is good cause. Good cause may include a protection order for the incapacitated person; abuse, neglect, or financial exploitation; documented wishes of the incapacitated person; or any other factors deemed relevant by the court. Prior to issuing an order restricting interactions with other persons, a court would consider reasonable time, manner and place restrictions. The court may also require supervision on interactions. The incapacitated person or an interested party may ask the court for relief from such restrictions.

New Section 2 would require a guardian to promptly notify an incapacitated person's closes relatives and any person designated by the incapacitated person to be notified in the event the incapacitated person's residence has changed; the incapacitated person is staying at a location other than their residence; the incapacitated person is admitted to a medical facility or has a life threatening injury; or dies.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

This bill has no fiscal impact on local government.

Note court impacts, including judicial costs, clerk costs, and court fees, are described in fiscal notes prepared by the Administrative Office of the Courts (AOC). Please see the AOC fiscal note for a discussion of impacts to county courts.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

There would be no fiscal impact to local government. There are no filing fees required for hearings pertaining to existing guardianship cases.

SOURCES:

<http://www.wsba.org/Legal-Community/Sections/Elder-Law-Section/Guardianship-Committee>

AOC fiscal note

<http://www.elderlawanswers.com/guardianship-in-washington-state-1360>