

Multiple Agency Fiscal Note Summary

Bill Number: 5604 2S SB	Title: Uniform guardianship, etc.
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Estimated Cash Receipts

Agency Name	2019-21		2021-23		2023-25	
	GF- State	Total	GF- State	Total	GF- State	Total
Office of Attorney General	0	856,000	0	733,000	0	500,000
Total \$	0	856,000	0	733,000	0	500,000

Local Gov. Total						
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Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	21.0	6,167,391	6,167,391	20.5	5,388,096	5,388,096	20.5	5,388,096	5,388,096
Office of Public Defense	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	3.2	0	856,000	2.8	0	733,000	1.9	0	500,000
Office of Administrative Hearings	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	Fiscal note not available								
Total \$	24.2	6,167,391	7,023,391	23.3	5,388,096	6,121,096	22.4	5,388,096	5,888,096

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

Estimated Capital Budget Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Public Defense	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Office of Administrative Hearings	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Ramona Nabors, OFM	Phone: (360) 902-0547	Date Published: Preliminary 3/21/2019
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Judicial Impact Fiscal Note

Bill Number: 5604 2S SB	Title: Uniform guardianship, etc.	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2020	FY 2021	2019-21	2021-23	2023-25
Counties					
Cities					
Total \$					

Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
State FTE Staff Years	18.5	23.5	21.0	20.5	20.5
Account					
General Fund-State 001-1	2,989,805	3,177,586	6,167,391	5,388,096	5,388,096
State Subtotal \$	2,989,805	3,177,586	6,167,391	5,388,096	5,388,096
COUNTY	FY 2020	FY 2021	2019-21	2021-23	2023-25
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2020	FY 2021	2019-21	2021-23	2023-25
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$	2,989,805	3,177,586	6,167,391	5,388,096	5,388,096

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: Claire Goodwin	Phone: 360-786-7736	Date: 03/04/2019
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 03/08/2019
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 03/08/2019
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 03/12/2019

Request # 5604 2SSB-1

Part II: Narrative Explanation

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

Please see attached Judicial Impact Note (JIN).

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<u>State</u>	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	18.5	23.5	21.0	20.5	20.5
Salaries and Wages	1,318,030	1,658,230	2,976,260	3,007,476	3,007,476
Employee Benefits	520,159	665,959	1,186,118	1,197,866	1,197,866
Professional Service Contracts					
Goods and Other Services	928,851	717,127	1,645,978	921,874	921,874
Travel	41,000	41,000	82,000	86,000	86,000
Capital Outlays	181,765	95,270	277,035	174,880	174,880
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$	2,989,805	3,177,586	6,167,391	5,388,096	5,388,096

III. B - Expenditure By Object or Purpose (County)

<u>County</u>	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

III. C - Expenditure By Object or Purpose (City)

<u>City</u>	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years					
Total \$					

III. D - FTE Detail

Job Classification	Salary	FY 2020	FY 2021	2019-21	2021-23	2023-25
Admin Assistant		1.5	1.5	1.5	1.5	1.5
Admin Support		2.0	2.0	2.0	1.0	1.0
Forms Analyst		1.0	1.0	1.0		
Guardianship Monitoring		4.0	9.0	6.5	9.0	9.0
Guardianship Program Dev/Mgmt		2.0	2.0	2.0	2.0	2.0
Guardianship Program Trainer		1.0	1.0	1.0	1.0	1.0
Investigators		3.0	3.0	3.0	3.0	3.0
Program Assistant		1.0	1.0	1.0	1.0	1.0
Rules Coordinator		1.0	1.0	1.0		
Web Master		1.0	1.0	1.0	1.0	1.0
Website Dev/Mgmt		1.0	1.0	1.0	1.0	1.0
Total FTEs		18.5	23.5	21.0	20.5	20.5

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would create the Uniform Guardianship Act (UGA), creating a new chapter of RCW 11 and repealing most of RCW 11.88 and all of RCW 11.92. The bill would create a uniform guardianship, conservatorship, and other protective arrangements act, effective January 1, 2020.

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

The bill is partitioned into seven Articles. For purposes of providing estimated costs for this bill, costs will be detailed in **Section II.C - Expenditures** below, categorized by costs that result from the bill taken as a whole (i.e., costs that are common to all Articles or created by multiple Articles), and costs that are specific to the sections and provisions of each Article.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

NOTE: Costs identified in this Judicial Impact Note (JIN) represent what is currently understood and assumed regarding implementation of this bill. It is important to note that there are no court, county clerk, or judicial officer costs portrayed in these estimates. Further, there are no estimates provided for other aspects of the bill will result in costs, such as jury trial costs, requirements for minors to be present for hearings, increased notices, etc. Additional costs will be identified during implementation and addressed through the budget request process.

Costs Common to Multiple Articles

General Provisions

Sections of Article 1 would redefine “guardian”, “conservator”, “visitor”, and “protective arrangement agreement”. This bill would require the revision of Supreme Court General Rule 23, Rule for Certifying Professional Guardians. Modifications would be required that would result in substantial changes to the Guardianship Program and its functions and the oversight provided to guardianship in the State of Washington.

The AOC assumes that this bill will result in the requirement that a substantial portion of guardianship cases would have new court orders issued with regard to conservatorships. Guardians of the estate will become conservators, and their authority will need to be set forth in court orders. The cost to the courts for the issuance of letters of conservatorship is unknown at this time, but will most likely be substantial.

The AOC assumes that implementation of the Articles and provisions of this bill will require extensive training and support for judicial officers, court and clerk personnel and the legal community. The AOC would undertake a substantial program development and ongoing training effort to provide this support and resource. The training staff and resources would further support the various sections of the bill that would require additional judicial officer, legal community, lay guardian, conservator, training and education. Further, training staff would work with and/or provide training to persons working in long-term care facilities.

The AOC assumes that there would be a one-time requirement for a Rules Coordinator to develop revisions to Supreme Court General Rule 23, rule making for conservators, minors in guardianships, and rules for other protective arrangements.

The AOC assumes additional FTEs would be required to manage the changes proposed by this bill. Table II below displays the additional FTEs and their functions. Table III below displays detailed staff costs.

Table II – General Provisions, Staff Summary

Position	FTE	One-Time/Ongoing	Purpose
Guardianship Program Development/Management	2.0	Ongoing	Statewide Guardianship program management and oversight
Guardianship Program Trainer	1.0	Ongoing	Statewide Guardianship program training resource
Rules Coordinator	1.0	One-Time	Rules development and implementation
Web Site Development/Management	1.0	Ongoing	Website development and maintenance
Administrative Support	1.0	One-Time	Rules Development Support
Administrative Support	1.0	Ongoing	Guardianship Program Support
Forms Analyst	1.0	One-Time	Forms development and Implementation
Total	8.0		

Table III – Staff Cost Summary and Detail, General Provisions

Staff Summary						
	2020	2021	2019-21	2022	2023	2021-2023
FTE	8.0	8.0	8.0	5.0	5.0	5.0
Salaries	508,172	508,172	1,016,344	353,680	353,680	707,360
Benefits	198,311	198,311	396,622	131,285	131,285	262,570
Goods/Services	37,104	46,380	83,484	23,190	23,190	46,380
Travel	11,000	11,000	22,000	11,000	15,000	26,000
Equipment	130,570	92,020	222,590	84,190	84,190	168,380
Total	885,157	855,883	1,741,040	603,345	607,345	1,210,690

	FTE	2020	2021	2019-21	2022	2023	2021-2023
Admin Support (Range 46/G)	2.0	2.0	2.0	2.0	1.0	1.0	1.0
Salaries	47,376	94,752	94,752	189,504	47,376	47,376	94,752
Benefits		43,006	43,006	86,012	21,503	21,503	43,006
Goods/Services		9,276	18,552	27,828	4,638	4,638	9,276
Travel				-			-
Equipment		15,260		15,260			-
Total		162,294	156,310	318,604	73,517	73,517	147,034

	FTE	2020	2021	2019-21	2022	2023	2021-2023
Guardianship Program Dev/Mgmt	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Salaries	80,000	160,000	160,000	320,000	160,000	160,000	320,000
Benefits		56,284	56,284	112,568	56,284	56,284	112,568
Goods/Services		9,276	9,276	18,552	9,276	9,276	18,552
Travel		4,000	4,000	8,000	4,000	8,000	12,000
Equipment		15,660		15,660			-
Total		245,220	229,560	474,780	229,560	233,560	463,120

	FTE	2020	2021	2019-21	2022	2023	2021-2023
Rules Coordinator (56/G)	1.0	1.0	1.0	1.0			-
Salaries	60,636	60,636	60,636	121,272			-
Benefits		24,202	24,202	48,404			-
Goods/Services		4,638	4,638	9,276			-
Travel			-	-			-
Equipment		7,630		7,630			-
Total		97,106	89,476	186,582	-	-	-

	FTE	2020	2021	2019-21	2022	2023	2021-2023
Guardianship Program Trainer (56/G)	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Salaries	60,636	60,636	60,636	121,272	60,636	60,636	121,272
Benefits		24,202	24,202	48,404	24,202	24,202	48,404
Goods/Services		4,638	4,638	9,276	4,638	4,638	9,276
Travel		7,000	7,000	14,000	7,000	7,000	14,000
Equipment		76,360	76,360	152,720	76,360	76,360	152,720
Total		172,836	172,836	345,672	172,836	172,836	345,672

	FTE	2020	2021	2019-21	2022	2023	2021-2023
Web Site Dev/Mgmt (70/G)	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Salaries	85,668	85,668	85,668	171,336	85,668	85,668	171,336
Benefits		29,296	29,296	58,592	29,296	29,296	58,592
Goods/Services		4,638	4,638	9,276	4,638	4,638	9,276
Travel				-			-
Equipment		7,830	7,830	15,660	7,830	7,830	15,660
Total		127,432	127,432	254,864	127,432	127,432	254,864

	FTE	2020	2021	2019-21	2022	2023	2021-2023
Forms Analyst (47/G)	1.0	1.0	1.0	1.0			-
Salaries	48,480	46,480	46,480	92,960			-
Benefits		21,321	21,321	42,642			-
Goods/Services		4,638	4,638	9,276			-
Travel				-			-
Equipment		7,830	7,830	15,660			-
Total		80,269	80,269	160,538	-	-	-

Section 118(2) – Would provide that a guardian or conservator who is not a certified professional guardian or conservator must complete a training video or webcast provided by the AOC. Costs to develop a training video/webcast are estimated at \$250,000 based on recent

costs to produce a lay guardian video/webcast training and associated narrative and support documentation.

Information Technology Modifications - Information Technology modifications to Odyssey and other Judicial Information Systems would be required. Existing systems do not have the functionality to provide for required case data. The following table displays a baseline estimate of information technology modifications; however some aspects are indeterminate and others are likely to change/increase as reprogramming and modification begins. Further, the compressed period for implementation (January 1, 2020) would likely increase hours/costs to ensure meeting the implementation deadline.

Table IV – Summary of Estimated Information Technology Modifications

Legacy System application changes (Superior Court Case Management Systems), development/testing/implementation	770 hours
Superior Court Data Exchange modifications required for replication of Odyssey data to JIS / SCOMIS	320 hours
Party Synchronization modifications required for well-identified parties, Odyssey and JIS (development/testing/implementation)	200 hours
Odyssey Configuration modifications/testing (does not include estimate for base case type changes)	80 hours
New codes required (substantial increase); training modules, new causes of action requiring well-identified persons, updates required for statistical and caseload reporting and published caseloads	250 hours
Indeterminate impacts: 1) Changes required to the Judicial Access Browser (JABS) to accommodate inclusion of conservatorship/guardianship case filings in those causes of action that include children; 2) Changes to the Odyssey client and Portal to display allowable case information related to children; 3) Enterprise Data Repository standards changes	Indeterminate
Estimated total (excluding indeterminate changes)	1,620 hours
Estimated Cost (baseline \$50/hr. ITAS6)¹	\$81,000

Article 2 – Guardianship of Minor

This bill would create a “visitor”, defined in Section 102(38) to mean a person appointed by the court pursuant to Sections 304(1) or 405(1) of the Act. A visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in a petition.

Article 2 would add Section 203(4) allowing a court to appoint a visitor if a petitioner is unable to serve notice on a parent of a minor or alleges that the parent waived the right to notice. A visitor shall: (a) interview the petitioner and the minor, (b) if the petitioner alleges the parent cannot be located, ascertain whether the parent cannot be located with due diligence, (c) investigate any other matter relating to the petition the court directs, and (d) ascertain whether the parent consents to the guardian for the minor.

Currently Title 11 guardians ad litem fulfill the role of the agent appointed to investigate the need for guardianship of adults. It is unknown how many visitors will be required to address the increase in guardianship proceedings due to the addition of minors. It is unknown how many visitors may be appointed by the courts for potential respondents that do not have the means to pay. This will represent a significant cost to courts in these instances.

¹ IT modification hours and costs are based on initial analysis of the draft bill for over-arching system impacts. Additional analysis will be required for a more precise estimate.

Section 204(5) – Would require that a court must appoint an attorney to represent a parent of a minor who is the subject of a proceeding under Section 202 of this bill if:

- (a) The parent has appeared in the proceeding;
- (b) The parent is indigent; and
- (c) Any of the following is true:
 - i. The parent objects to appointment of a guardian for the minor; or
 - ii. The court determines that counsel is needed to ensure that consent to appointment of a guardian is informed; or
 - iii. The court otherwise determines the parent needs representation.

Costs for this section are indeterminate. For illustrative purposes and to provide a range of possible costs, data was reviewed regarding Motions for Temporary Non-Parental Custody. During 2018, there were 2,742 such motions. Of these motions, there were 89 objections. Data is not available to determine how many of these objections were by parents who were indigent. Using United States Census Bureau Income and Poverty² statistics, Washington State has an 11 percent rate of persons in poverty. Applying this rate to the number of objections results in 10 attorney appointments. Thus, a range of costs can be estimated. Please see VI, below.

Table V – Attorney Appointments, Section 204

	Hourly Cost	Avg Hours per Case	Caseload	Potential Cost
Attorney cost (average low)	\$75	20	10	\$15,000
Attorney cost (average high)	\$100	20	10	\$20,000

Article 6 – Forms

The UGA would require courts to operate in a more uniform manner regarding the use of pattern or standard forms. 1.0 FTE Forms Analyst would be required in the first biennium to manage this effort.

Article 7 – Certified Professional Guardianship Board of Resolution Grievances

Section 701 – Would provide that the Certified Professional Guardianship Board (CPGB) must resolve grievances against professional guardians and/or conservators within a reasonable time for alleged violations of the CPGB's standards of practice.

Section 701(a) – Would provide that all grievances must be initially reviewed within thirty days by CPGB members.

Section 701(b) – Would provide that if the CPGB determines the grievance is complete, states facts that allege a violation of the standards of practice, and relates to the conduct of a professional guardian and/or conservator, the CPGB must forward that grievance within ten days to the superior court for that guardianship or conservatorship and to the professional guardian/conservator. A court would be required to review the matter and must direct the clerk of the court to send a copy of the order to the CPGB. The CPGB would be required to act consistently with any finding of fact in the order.

Section 701(2) – Would provide that any grievances received by the CPGB must be resolved within 180 days of receipt.

² US Census Bureau Data, Washington State <https://www.census.gov/quickfacts/fact/table/wa/PST045218>

Section 701(3) – Would provide that if the grievance cannot be resolved within 180 days, the CPGB must notify the professional guardian and/or conservator. The professional guardian or conservator may propose a resolution of the grievance with facts and/or arguments. The CPGB may accept the proposed resolution or determine that an additional 90 days are needed to review the grievance. If the CPGB has not resolved the grievance within the additional 90 days the professional guardian or conservator may: (a) file a motion for a court order to compel the CPGB to resolve the grievance within a reasonable time; or (b) move for the court to resolve the grievance instead of being resolved by the CPGB.

Section 701(4) – Would provide that a court has the authority to enforce the CPGB's standards of practice to the extent those standards are related to statutory or fiduciary duties of guardians and conservators.

Section 701(5) – Would provide that any unresolved grievances filed with the CPGB at the time of the effective date of this section must be forwarded to the superior court for that guardianship or conservatorship for review by the court.

Section 701 Fiscal Impacts

Investigator and Guardian Assistance

Regional investigator and guardian assistance staff would provide additional support in gathering and organizing the materials the investigators need to complete and ultimately defend their investigations. Because this proposal requires that the initial reports be prepared for and reviewed by the Board within 30 days additional regional support staff are needed to assist investigators gather and compile information in order to meet the mandated time frames. These staff would also provide training to judicial officers regarding the revised and expanded standards of practice (SOP) regulations. Under current law, guardians have 30 days to provide their materials for the investigation, however they often request, and are granted, additional time. Because of the 30 day requirement, staff will need to provide technical assistance to guardians so that the guardians can timely submit their information allowing all parties to meet the strict timelines being proposed.

Regional staff would also be required to monitor guardianships to ensure that incapacitated persons would receive the care and assistance needed and that the rights and freedoms of those in the care of guardians would be protected. There is currently no statewide program to monitor the guardians.

Additional funding for guardian and investigator technical assistance and guardianship monitoring would be required. The AOC Office of Public Guardianship (OPG) assumes a total of 9.0 FTE would be required (4.0 FTE hired in FY 2020 and an additional 5.0 FTE hired in FY 2021). Non-staff costs would be required for travel, background checks, and volunteer training. Table VI below displays estimated costs associated with this effort.

Table VI – Investigator and Guardian Assistance

Cost Category	FY 2020	FY 2021	Biennium Total
Staff Costs (a)	\$395,000	\$881,000	\$1,276,000
Non-Staff Costs (b)	\$44,000	\$79,000	\$123,000
Total Costs	\$439,000	\$960,000	\$1,399,000

- a) Staff costs include 4.0 FTE in FY 2020 and 5.0 FTE in FY 2021 (total 9.0 FTE), and associated costs.
- b) Non-Staff costs include travel costs and background checks for volunteers, volunteer recruitment advertising, and volunteer training.

The AOC would require additional staff and resources to address the increase in work to resolve grievances and grievance backlogs that would result from this section. The following is a summary:

3.0 FTE Investigators – These positions would process incoming grievances against guardians, collect and evaluate grievance materials, prepare reports for the Standards of Practice Committee (SOPC), communicate with the CPGB throughout the grievance process, send notices to the courts regarding decertified guardians, process applications for new guardians, verify background checks, verify credit reports, verify education, verify completion of the University of Washington certification course, send notifications to the potential certified professional guardians regarding application status, and provide staff support to the CPGB

1.5 FTE Administrative Assistant – These positions would provide administrative support, post meeting materials for the CPGB, SOPC, Applications Committee, and Education Committee. The positions would compile investigators reports and send standard notices to certified professional guardians (CPG) and applicants.

1.0 FTE Program Assistant – This position would send notices to the CPGs and the CPGB when directed by the OPG Manager and Investigators. The position would develop agendas and organize materials for meetings, CPG applications and grievance materials, and process annual recertification and current education units.

1.0 FTE Web Master – This position would manage the OPG website, providing technical support and ensuring web content is up to date.

Table VII below details Section 701 staff and related costs.

Table VII – Section 701, Staff and Related Costs

		Staff Summary - Section 701					
		2020	2021	2019-21	2022	2023	2021-2023
FTE		6.5	6.5	6.5	6.5	6.5	6.5
Salaries		533,358	533,358	1,066,716	533,358	533,358	1,066,716
Benefits		203,348	203,348	406,695	203,348	203,348	406,695
Goods/Services		30,147	30,147	60,294	30,147	30,147	60,294
Travel		15,000	15,000	30,000	15,000	15,000	30,000
Equipment		51,195	3,250	54,445	3,250	3,250	6,500
Total		833,048	785,103	1,618,150	785,103	785,103	1,570,205

		FTE	2020	2021	2019-21	2022	2023	2021-2023
Investigators (64/L)		3.0	3.0	3.0	3.0	3.0	3.0	3.0
Salaries			290,736	290,736	581,472	290,736	290,736	581,472
Benefits			94,751	94,751	189,502	94,751	94,751	189,502
Goods/Services			13,914	13,914	27,828	13,914	13,914	27,828
Travel			15,000	15,000	30,000	15,000	15,000	30,000
Equipment			23,790	1,500	25,290	1,500	1,500	3,000
Total			438,191	415,901	854,092	415,901	415,901	831,802

		FTE	2020	2021	2019-21	2022	2023	2021-2023
Administrative Assistant (49/L)		1.5	1.5	1.5	1.5	1.5	1.5	1.5
Salaries			86,562	86,562	173,124	86,562	86,562	173,124
Benefits			53,114	53,114	106,227	53,114	53,114	106,227
Goods/Services			6,957	6,957	13,914	6,957	6,957	13,914
Travel			-	-	-	-	-	-
Equipment			11,745	750	12,495	750	750	1,500
Total			158,378	147,383	305,760	147,383	147,383	294,765

		FTE	2020	2021	2019-21	2022	2023	2021-2023
Program Assistant (50/L)		1.0	1.0	1.0	1.0	1.0	1.0	1.0
Salaries			59,148	59,148	118,296	59,148	59,148	118,296
Benefits			23,899	23,899	47,798	23,899	23,899	47,798
Goods/Services			4,638	4,638	9,276	4,638	4,638	9,276
Travel			-	-	-	-	-	-
Equipment			7,830	500	8,330	500	500	1,000
Total			95,515	88,185	183,700	88,185	88,185	176,370

		FTE	2020	2021	2019-21	2022	2023	2021-2023
Web Master (70/L)		1.0	1.0	1.0	1.0	1.0	1.0	1.0
Salaries			96,912	96,912	193,824	96,912	96,912	193,824
Benefits			31,584	31,584	63,168	31,584	31,584	63,168
Goods/Services			4,638	4,638	9,276	4,638	4,638	9,276
Travel			-	-	-	-	-	-
Equipment			7,830	500	8,330	500	500	1,000
Total			140,964	133,634	274,598	133,634	133,634	267,268

The AOC assumes there would be eight new Board members to allow for a total of three Standard of Practice Committees to resolve grievances. The AOC assumes the increased volume of grievances would require additional meetings to review evidence, deliberate, and vote. Additional travel costs would be required, estimated at \$15,000 per year.

Litigation of Grievances, OAG Support

The AOC consulted with the OAG to determine the level of support that would be required due to the provisions of Section 701. Based on the timeliness requirements of this bill, the need to resolve outstanding grievances, and the expected higher volume of grievances that will come before the Board, the OAG assumed that a substantially larger number of litigation referrals would result.

It is assumed that there would be approximately forty litigation referrals in Fiscal Year 2020 for administrative hearings arising from outstanding grievance investigations. In Fiscal Year 2021 and continuing through Fiscal Year 2022, there would be an increase of 30 litigation referrals

each year. It is assumed that after 2022, all of the outstanding grievances would be resolved and the workload of administrative litigation referrals would normalize.

Beginning in Fiscal Year 2021, it is assumed that there would be approximately 30 litigation referrals for superior court litigation arising from the timeliness requirements of the bill.

The OAG provided the AOC an estimate of these costs by Fiscal Year. Table VIII, below, summarizes these estimates.

Table VIII – OAG Litigation of Grievances, Estimated Costs

	FY 2020	FY 2021	2020-21 Total	2021-2023 Total	2023-2025 Total
OAG Costs	\$373,000	\$483,000	\$846,000	\$500,000	\$500,000

Additional facility costs would be necessary to house the staff needed to implement the provisions of this proposal. It is assumed that space for 21 additional staff would be required, including conference rooms, a copy room, telco and server room and lunch room. Using a square foot rate of \$21.00 the estimated costs would be:

- 3,000 square feet at \$21/foot \$63,000/year
- Janitorial \$12,000/year
- Tenant improvements \$10,000-one time
- Furniture/Furnishings \$25,000-one time
- Utilities \$3,600/year

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose

	2020	2021	2019-21	2022	2023	2021-2023
FTE	18.5	23.5	21.0	20.5	20.5	20.5
Salaries	1,318,030	1,658,230	2,976,260	1,503,738	1,503,738	3,007,476
Benefits	520,159	665,959	1,186,117	598,933	598,933	1,197,865
Goods/Services	928,851	717,127	1,645,978	460,937	460,937	921,874
Travel	41,000	41,000	82,000	41,000	45,000	86,000
Equipment	181,765	95,270	277,035	87,440	87,440	174,880
Total	2,989,805	3,177,586	6,167,390	2,692,048	2,696,048	5,388,095

III.B – Detail:

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 5604 2S SB	Title: Uniform guardianship, etc.	Agency: 056-Office of Public Defense
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Part I: Estimates

☒ No Fiscal Impact

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

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.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Claire Goodwin	Phone: 360-786-7736	Date: 03/04/2019
Agency Preparation: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 03/06/2019
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 03/06/2019
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 03/07/2019

Part II: Narrative Explanation

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

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

The Washington State Office of Public Defense anticipates no fiscal impact from 2SSB 5604.

2SSB 5604 would repeal existing statutory provisions regarding guardianship in Chapter 11.88 RCW and Chapter 11.92 RCW, and would establish a new statute encompassing guardianship, conservatorship, and other protective arrangements. 2SSB 5604 allows for appointment of legal counsel under certain circumstances but does not specify an entity responsible for providing attorneys for appointment, and the Washington State Office of Public Defense is not otherwise authorized to provide counsel in these types of cases. Under current guardianship statutes, when courts appoint counsel, they do not appoint the Washington State Office of Public Defense.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 5604 2S SB	Title: Uniform guardianship, etc.	Agency: 100-Office of Attorney General
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Part I: Estimates

☐

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2020	FY 2021	2019-21	2021-23	2023-25
Legal Services Revolving Account-State 405-1	373,000	483,000	856,000	733,000	500,000
Total \$	373,000	483,000	856,000	733,000	500,000

Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	2.8	3.6	3.2	2.8	1.9
Account					
Legal Services Revolving Account-State 405-1	373,000	483,000	856,000	733,000	500,000
Total \$	373,000	483,000	856,000	733,000	500,000

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

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.

☐

Requires new rule making, complete Part V.

Legislative Contact: Claire Goodwin	Phone: 360-786-7736	Date: 03/04/2019
Agency Preparation: Bruce Turcott	Phone: (360) 586-2738	Date: 03/07/2019
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 03/07/2019
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 03/13/2019

Part II: Narrative Explanation

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

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Sections 104-136 concern subject matter jurisdiction, venue, court rules, personal jurisdiction, appointment, removal, hearings, qualifications, compensation, and other matters regarding guardians and conservators.

Sections 201-213 provide for appointment, duties, powers, and removal of guardians for minors.

Section 214 applies the Indian Child Welfare Act for proceedings where the minor is an Indian child.

Sections 301-321 provide for appointment, rights of persons under guardianship, duties, powers, and removal of guardians for adults.

Sections 401-432 provide for appointment, duties, powers, and removal of conservators.

Sections 501-512 provide for appointments for other protective arrangements.

Sections 601-606 concern forms for guardianships, conservatorships, and other protective arrangements.

Section 701 requires the Certified Professional Guardianship Board to resolve grievances within a reasonable time. Grievances must be initially reviewed within 30 days and resolved within 180 days or settled within 270 days. After 270 days, a respondent may move the court to compel the Board to resolve a grievance.

Section 801 repeals numerous sections from title 11 RCW and chapter 26.10 RCW.

Section 802 concerns uniformity of application and construction among states.

Section 803 concerns conformity with the electronic signatures in global and national commerce act.

Section 804 concerns applicability.

Section 807 provides an effective date of January 1, 2022.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

Cash receipts are assumed to equal the Legal Service Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agency is the Administrative Office of Courts (AOC). The AGO will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agencies' fiscal note. Appropriation authority is necessary in the AGO budget.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

AGO Agency Assumptions:

1. This bill is assumed effective 90 days after the end of the 2019 legislative session.
2. This request does not include cost of living salary increases identified in the Governor's proposed 2019-21 budget.
3. The AGO Licensing & Administrative Law (LAL) division has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Certified Professional Guardianship Board (CPGB). Any requests for legal advice from CPGB can be handled within existing resources. New legal services are assumed to be nominal and costs are not included in this request.
4. The AGO Social & Health Services (SHO) division has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Department of Social & Health Services (DSHS). This bill repeals and replaces existing guardianship procedures. While minor changes are made to definitions and procedures, the overall process is very similar to the existing guardianship process. Any new legal services are assumed nominal and will be provided with existing resources. Costs are not included in this request.

Assumptions for the AGO Government Compliance & Enforcement (GCE) Legal Services for AOC:

1. The AGO will bill AOC for legal services based on the enactment of this bill.
2. GCE provides litigation support for the Certified Professional Guardian Board (CPGB), falling under AOC.
3. CPGB investigates grievances, and when appropriate, seeks sanctions against certified professional guardians based on violations of the Standards of Practice adopted by CPGB. This bill requires CPGB to resolve all grievances within a "reasonable" time. The bill will also require that grievances that have met certain threshold requirements be sent to the Superior Court for review, and requires CPGB to act consistently with any findings of fact entered by the Superior Court.
4. This bill requires CPGB to notify a professional guardian/conservator of any grievance that could not be resolved within 180 days, and allows the professional guardian/conservator the opportunity to propose a resolution of that grievance. CPGB may accept the proposed resolution, or order that an additional 90 days is needed to resolve the grievance. If any grievance was not resolved within the additional 90 days, a professional guardian/conservator may petition the Superior Court to compel CPGB to resolve the grievance within a specified time period, or alternatively, request that the court resolve the grievance instead of CPGB.

Based on past experience, GCE assumes that many grievances will be resolved through settlements. GCE further assume that timely action taken by CPGB alleging a violation of the Standards of Practice against a professional guardian/conservator will also constitute a "resolution" of a grievance as that term is used in this bill.

5. CPGB assumes that its regulations and procedures would need to be substantially revised based on this version of the bill. GCE agrees with this assumption.

6. GCE assumes to advise AOC staff concerning implementation of the bill's timeliness requirements, including the revision of CPGB regulations, and provide ongoing advice concerning requests by professional guardians/conservators to resolve their grievances within 180 days. Based on past experience with this client's work and the initial advice required as CPGB implements this version of the bill, GCE assume this advice would utilize 500 Assistant Attorney General (AAG) hours in FY 2020, and 150 AAG hours of work in FY 2021 and each year thereafter.

7. CPGB currently has more than 150 grievances awaiting action. GCE assumes this bill's new timeliness requirement will apply to all outstanding grievances not resolved by January 1, 2021.

8. Based on past experience and the resolution authority available to CPGB, GCE assumes that the majority of outstanding grievances will be resolved by AOC staff without the need for litigation. However, based on the timeliness requirements imposed by this version of the bill, GCE also assumes to receive a substantially larger number of litigation referrals than are currently received.

GCE assumes an increase of 40 litigation referrals in FY 2020 for administrative hearings arising from outstanding grievance investigations.

In FY 2021 and continuing through FY 2022, GCE assumes an increase of 30 litigation referrals each FY.

GCE assumes that after FY 2022, all of the outstanding grievances will be resolved and would return to the assumed administrative litigation referrals without any catch up work.

9. GCE assumes each new litigation referral will utilize an average of 60 AAG hours of work, resulting in an increase of 2,400 AAG hours (40 x 60) in FY 2020, and 1,800 AAG hours (30 x 60) in FY 2021 and FY 2022.

10. Total workload impact:

FY 2020: 1.61 AAG and 0.81 Legal Assistant (LA) at a cost of \$373,000.

FY 2021 and FY 2022: 2.08 AAG and 1.04 LA at a cost of \$483,000.

FY 2023 and in each FY thereafter: 1.08 AAG and 0.54 LA at a cost of \$250,000.

Note: Agency administration support FTEs are included in the tables below, using a Management Analyst 5 as a representative classification.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
405-1	Legal Services Revolving Account	State	373,000	483,000	856,000	733,000	500,000
Total \$			373,000	483,000	856,000	733,000	500,000

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	2.8	3.6	3.2	2.8	1.9
A-Salaries and Wages	239,000	309,000	548,000	469,000	320,000
B-Employee Benefits	82,000	106,000	188,000	161,000	110,000
E-Goods and Other Services	45,000	60,000	105,000	91,000	62,000
G-Travel	3,000	4,000	7,000	6,000	4,000
J-Capital Outlays	4,000	4,000	8,000	6,000	4,000
Total \$	373,000	483,000	856,000	733,000	500,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2020	FY 2021	2019-21	2021-23	2023-25
Assistant Attorney General	103,560	1.6	2.1	1.9	1.6	1.1
Legal Assistant 3	51,004	0.8	1.0	0.9	0.8	0.5
Management Analyst 5	77,614	0.4	0.5	0.5	0.4	0.3
Total FTEs		2.8	3.6	3.2	2.8	1.9

III. D - Expenditures By Program (optional)

Program	FY 2020	FY 2021	2019-21	2021-23	2023-25
Government Compliance & Enforcement Division (GCE)	373,000	483,000	856,000	733,000	500,000
Total \$	373,000	483,000	856,000	733,000	500,000

Part IV: Capital Budget Impact

NONE

None

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

None

Individual State Agency Fiscal Note

Bill Number: 5604 2S SB	Title: Uniform guardianship, etc.	Agency: 110-Office of Administrative Hearings
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Part I: Estimates

☒ No Fiscal Impact

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

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- ☐ 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.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Claire Goodwin	Phone: 360-786-7736	Date: 03/04/2019
Agency Preparation: Deborah Feinstein	Phone: 360-407-2717	Date: 03/08/2019
Agency Approval: Deborah Feinstein	Phone: 360-407-2717	Date: 03/08/2019
OFM Review: Bryan Way	Phone: (360) 902-0650	Date: 03/11/2019

Part II: Narrative Explanation

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

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

There would be no appeals coming to the Office of Administrative Hearings as a result of this proposed legislation.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

No fiscal impact. There would be no appeals coming to the Office of Administrative Hearings as a result of this proposed legislation.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

None.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

None.

Individual State Agency Fiscal Note

Bill Number: 5604 2S SB	Title: Uniform guardianship, etc.	Agency: 300-Department of Social and Health Services
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Part I: Estimates

☒

No Fiscal Impact

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

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.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Claire Goodwin	Phone: 360-786-7736	Date: 03/04/2019
Agency Preparation: Mickie Coates	Phone: 360-902-8077	Date: 03/07/2019
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 03/07/2019
OFM Review: Bryce Andersen	Phone: (360) 902-0580	Date: 03/07/2019

Part II: Narrative Explanation

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

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Passage of this legislation will not impact the Department of Social Health Services (DSHS) workload or client benefits. No fiscal impact to DSHS.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5604 2S SB	Title: Uniform guardianship, etc.
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Reduced expenditures for counties who fund court facilitators or attorneys, cost of modifying Judicial Information Systems
- ☒ Counties: Same as above
- ☐ 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: Current processes and funding sources vary among jurisdictions; please see the AOC fiscal note for a thorough discussion of court impacts

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Nicole Carmichael	Phone: 360-725-5036	Date: 03/08/2019
Leg. Committee Contact: Claire Goodwin	Phone: 360-786-7736	Date: 03/04/2019
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 03/08/2019
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 03/13/2019

Part IV: Analysis

A. SUMMARY OF BILL

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

DIFFERENCES FROM PREVIOUS VERSION:

The appointment of an attorney in guardianship, conservatorship, and other protective arrangement cases is no longer mandatory, as shown in sections 204 and 305.

Section 117 is amended to include a disclosure requirement for cases where a court has found that there is a breach of fiduciary duty or a violation of the consumer protective act or other statute related to deceptive acts by guardian or their agent.

Section 203 is amended to require a third party to ascertain whether the minor’s parents consent to the appointment of the guardian to the minor; the court needs parental consent to appoint a guardian unless the parental rights have been terminated.

Section 204 is amended to require when an attorney is appointed to a minor but is unable to ascertain the wishes of the minor, the attorney advocates for the legal rights of the minor rather than their best interest.

CURRENT VERSION SUMMARY:

The uniform guardianship, conservatorship, and other protective arrangements act repeals 11.88 and 11.92 RCW, and adds a new chapter to Title 11 to outline guardianship proceedings.

Currently, the two types of guardianship proceedings that take place are guardianship and conservator cases. The bill lays out a third option of protective arrangements. This would be less restrictive than guardianship. Current law mentions that less restrictive options can be explored. This chapter specifies what those options would be.

Under current practice, the Office of Civil Legal Aid generally funds counsel for parents if they reject guardianship, and for children over 12 years old if requested. Under this act, counsel may be provided for guardians as well, but is not required.

This legislation standardizes the process of monitoring arrangements after guardianship proceedings. This level of monitoring may exceed what courts are currently doing.

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.

The costs associated with this legislation are indeterminate, as current processes and funding sources vary among jurisdictions.

Currently, if a court appoints a guardian or an attorney for an incapacitated individual, it’s paid out of the estate of the incapacitated person. If the person doesn’t have an estate, the cost is paid out of county funds. This bill would not change current practice. However, counties could choose to provide attorneys to additional parties, and expenditures would increase.

Courts would have the option to appoint attorneys in guardianship, conservatorship, and other protective arrangement cases. There are currently 20,000 citizens under guardianship in Washington. Additionally, 25,634 people are served by the Aging and Long-Term Support Administration, and the AOC assumes 10 percent of this group would likely choose to petition a court to establish an Other Protective Arrangement if the court offered the option. Each case would require 20 hours of attorney time, and court-appointed attorney time ranges from \$75-\$100 an hour. If the court chose this option, the attorneys provided may eliminate the need for court facilitators and other services local governments are currently providing. Therefore, expenditures could decrease in that regard for those local jurisdictions.

Section 118 allows a court to find a relative with felony convictions qualified to be a guardian. This could lead to a lower need for professional guardians, and therefore decreased expenditures. However, this will be a de minimis cost since there are only 270 professional guardians in WA, and most professional guardians are not needed for the reason that a family member has been convicted of a felony.

Judicial officers, court and clerk personnel may need to undergo training to learn the new provisions of this bill. The number of personnel varies per jurisdiction, and it has not yet been decided how long this training will last. If Judicial Information Systems need to be updated, this will also be a cost to cities and counties.

Please see the AOC fiscal note for a thorough discussion of court impacts. Court impacts, including judicial costs, clerk costs, and court

fees are described in fiscal notes prepared by the Administrative Office of the Courts (AOC). Local government fiscal notes include city and county expenditures for law enforcement investigations and arrests, indigent defenders, prosecutors, and jail costs.

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.

This legislation will result in no additional revenue for local governments.

SOURCES

- Administrative Office of the Courts (AOC) Fiscal Note
- Department of Social and Health Services
- Department of Children, Youth, and Family
- Washington Defender’s Association
- Washington State Institute of Public Policy
- Pierce County Superior Court
- Thurston County Superior Court
- Washington State Superior Court Judge’s Association