Standby Guardian/Planned Absence

SB 5692 (<u>5692.SL</u>) was signed into law on May 20, 2013 and will take effect July 28, 2013. SB 5692 amends RCW 11.88.125 and provides the guardian with the <u>option</u> to delegate duties to the standby guardian during the guardian's planned absence. A new subsection (3) is added to RCW 11.88.125 and existing subsection (3) of RCW 11.88.125 will now be subsection (4).

A standby guardian <u>may</u> assume some or all of the duties of the guardian during the guardian's planned absence. Prior to the guardian delegating its duties to the standby guardian, the delegation <u>must</u> be approved by the Superior Court having jurisdiction over the guardianship proceeding.

If a guardian wishes to delegate its duties during a planned absence, the procedure to be followed is:

- 1. The guardian, prior to the commencement of its planned absence, shall file a petition stating the dates of the planned absence and the duties, responsibilities, and powers to be delegated to the standby guardian;
- 2. Notice of the petition shall be provided to the standby guardian, the incapacitated person, the spouse or domestic partner of the incapacitated person, any facility where the incapacitated person resides, and any person who requested special notice;
- 3. The Superior Court, at the hearing, will determine if the standby guardian meets all the requirements of RCW 11.88.020 (to include successful completion of any required training) and then issue an order specifying:
 - i. The amount of the bond to be posted by the standby guardian;
 - ii. The duties, responsibilities, and powers the standby guardian will assume during the planned absence;
 - iii. The duration (dates) the standby guardian will be acting; and
 - iv. The expiration date of letters of guardianship issued to the standby guardian.
- 4. Prior to letters of guardianship being issued, the standby guardian shall file an oath and post any required bond.
- 5. The standby guardian shall then give notice of its appointment to the incapacitated person, the spouse or domestic partner of the incapacitated person, any facility where the incapacitated resides, and any person who requested special notice.