# SB 5604: Uniform Guardianship, Conservatorship, and Other Protective Arrangements

*WDA and WACDL support the* ***original*** *provisions relating to the caregiving of minor children under the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGCOPAA) as it is more robust, protective, and flexible than Chapter RCW 26.10. The UGCOPAA will allow more Washington families to have diverse options for making caregiving arrangements for minor children when parents become unavailable to care for their own children. WDA and WACDL would support the amending or replacing Chapter RCW 26.10 to include the same due process protections provided in the UGCOPAA.*

**The UGCOPAA will allow more Washington families to have diverse options for making caregiving arrangements for minor children when parents become unavailable**.**These provisions will lead to cost savings through fewer foster care placements and will help support families during times of crisis. WDA and WACDL support lengthening the power of attorney option to 18 months.** The UGCOPAA is robust as it creates at least four (4) types of caregiving arrangements for minor children whose parents are either unwilling or unable to care for them on a temporary *or* permanent basis.

* Section 129 provides that a power of attorney instrument can delegate parental caregiving and decision-making over minor children, except for the power to consent to marriage or adoption, for up to nine (9) months. We support lengthening this period to 18 (months). It will provide a longer period of stability and save resources.
* Section 209 provides for appointment of a guardian on an emergency basis for 60 to 120 days.
* Section 208 provides for appointment of a standby guardian of a minor.
* Section 207 provides for appointment of a full or limited guardian of a minor.

**WDA and WACDL supports replacing Chapter RCW 26.10 and enacting a bill with appropriate due process protections like appointment of counsel at public expense for parents who object as provided in the original UGCOPAA.** The UGCOPAA is protective as it provides for significant due process protections for parents including, but not limited to:

* notice of hearings for appointment of guardian to all adult caregivers of a minor child (section 203);
* the right of those responding to attend these proceedings (section 205); and
* provision of a legal standard to terminate, not just modify, the guardianship.
* mandatory court appointment for parents who do not consent to the guardianship or to ensure that parental consent is informed (section 204);

***If the bill is amended to remove mandatory appointment of counsel provisions, it should also be amended to****:* requiredismissal of the petition for full or limited guardianship over minor child where parental rights have not been terminated and parents do not consent to the guardianship. Petitions supported by parental consent and a petition for a child who is legally free can proceed to full or limited guardianship hearing as parents are consenting or the child has no parent to provide consent.

Specifically, WDA/WACDL recommends the bill be amended to add to section 205 (4):

(d) Ascertain whether the parent consents to the guardian for the minor.

And, the bill be amended to add to section 205 to read as follows:

(5) The court may not grant a petition for guardianship of a minor if the parent(s) are objecting or are not consenting.

***For more information, contact:***

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