

**SB 503 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Prepared By:** Channa Newell, Counsel

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 3/1

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**WHAT THE MEASURE DOES:**

Establishes uniform standards, policies, and protocols for court visitors. Requires visitors be licensed and in good standing in particular professions, have at least two years relevant experience in protective proceeding cases, and completed mandatory training as prescribed by Judicial Department. Requires background checks on court visitors and describes method for retaining, returning, and destroying fingerprint cards. Requires appointment of visitor in all cases in which appointment of conservator is sought. Prohibits court from delegating selection of visitor to anyone but court staff. Allows appointment of visitor to determine whether protected person is still in need of fiduciary, to assess welfare and condition of person, to evaluate whether fiduciary is suitable and qualified, and whether fiduciary should be removed for any reason.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another. Conservatorship is a similar relationship, but is limited to financial oversight. The appointment of a guardian or conservator, also called a fiduciary, occurs after a petition is filed and a court finds that the person who is the subject of the proceedings lacks capacity to make decisions on his or her own behalf. In cases of proposed guardianships, the court must appoint a person, called a visitor, to interview the proposed protected person, the proposed fiduciary, and other persons involved in the proceeding, such as physicians, psychologists, caregivers, or any other person with information relevant to the proceeding. The visitor determines whether the proposed protected person can provide for his or her needs, alternatives to guardianship, services provided, the ability to resist fraud or undue influence, and whether the proposed person objects to the appointment of a fiduciary. Current standards for court visitors include sufficient training and expertise to conduct interviews and make required recommendations.

Senate Bill 503 requires uniform court visitor policies statewide. The measure requires visitors to hold professional licensure in good standing, such as physician, physician assistant, psychologist, therapist, counselor, social worker, or nurse practitioner, and to have two years of relevant experience in protective proceedings. The measure requires visitors to undergo background checks and training by the Judicial Department. SB 503 also requires a visitor be appointed in cases in which the fiduciary is a conservator and prohibits delegation of the selection of visitor to anyone by the court or its staff. Finally, the measure provides a process for appointment of a visitor to determine whether a protected person is no longer incapacitated and in need of a fiduciary, the welfare of the protected person, and the suitability of the fiduciary.