

SB 5837: DEEP DIVE INTO WASHINGTON'S GUARDIANSHIP EXPANSION

a systematic expansion of state and court authority into family life



1. ATTORNEY GENERAL PETITIONS (SECTION 2, RCW 11.130.170)

Bill Text: The Attorney General may petition for guardianship or conservatorship when “no private party is able and willing.”

Implication: Direct state involvement in family matters. Even if relatives exist, the state can argue they are “unable or unwilling” and step in.



Red Flag: Expands government standing to initiate guardianships, bypassing family members.

2. EMERGENCY GUARDIANSHIPS (SECTION 9, RCW 11.130.225)

Text: Courts may appoint emergency guardians without notice if harm is deemed imminent; hearings must occur within 14 days, but this period “may be extended by agreement or for good cause.”

Implication: Parents can lose authority before they even know a proceeding has begun. Extensions mean guardianships can last weeks or months.



Red Flag: Creates a window where temporary guardians can authorize irreversible decisions (including medical care) without parental input.

3. EXPANDED NOTICE & SERVICE REQUIREMENTS (SECTION 3, RCW 11.130.195)

Text: Notice must be given not only to parents and minors but also to grandparents, siblings, former caregivers, and others. Courts may allow service via email, text, or social media.

Implication: Sensitive family disputes are exposed to a wide circle of relatives and caregivers. Alternative service methods lower due process safeguards.



Red Flag: Broadens who gets pulled into proceedings, empowering non-parental adults and risking privacy.

4. MANDATORY COURT-APPOINTED COUNSEL (SECTION 4, RCW 11.130.200)

Text: Courts must appoint attorneys for minors 12+ if parents object and have counsel; indigent parents who object must also be appointed counsel.

Implication: Guardianship disputes automatically escalate into adversarial court battles. Minors gain independent legal advocates who may align with state agendas.



Red Flag: Institutionalizes court involvement, ensuring disputes are litigated rather than resolved privately

5. GUARDIAN AD LITEM / COURT VISITOR POWERS (SECTION 3, RCW 11.130.195)

Text: Courts must appoint a GAL or court visitor to interview minors, parents, and proposed guardians, and report minors' wishes directly to the court.

Implication: Outsiders gain investigative authority and influence over judicial outcomes. Minors' desires (e.g., for protected healthcare) are reported directly to judges.



Red Flag: Creates a pathway for minors' wishes to override parental objections, especially in healthcare disputes

6. STANDBY GUARDIANSHIPS (SECTION 7, RCW 11.130.215)

Text: Courts may appoint standby guardians if parents are deemed “unlikely” to perform duties within two years.

Implication: Allows speculative judgments about parental capacity. Courts can preemptively assign guardians even before a crisis occurs.



**Red Flag: Preemptive state intervention
undermines parental authority**

7. RETAINED RIGHTS OF PARENTS (SECTION 7, RCW 11.130.215)

Text: Orders must preserve parent-child relationships unless restricted under RCW 26.09.191.

Implication: RCW 26.09.191 allows restrictions for abuse, neglect, substance abuse, or “emotional harm.” Courts have broad discretion to limit parental involvement.



Red Flag: Opposition to gender or healthcare decisions could be framed as “emotional abuse,” justifying restrictions

FLOW OF OVERREACH: SB 5599 + SB 5837

