

## PCLSPR 98.20 – GUARDIANSHIPS

**(a) Presentation of Order Appointing Guardian ad Litem.** The initial Order appointing a Guardian ad Litem shall be presented to the Court Commissioner in the Ex Parte Division upon the filing of a Petition for Guardianship. The Clerk of the Court in the Ex Parte Division shall maintain the **RCW 11.88** Registry and shall select the next Guardian ad Litem on the list for insertion into the Order Appointing Guardian ad Litem, unless the alleged incapacitated person is indigent in which event the selection shall be made from those Guardians ad Litem who have contracted to serve in this capacity with Pierce County Superior Court.

**(b) Notice and Hearing.** The following matters shall be noted for hearing at least seven (7) court days in advance and heard on the Guardianship docket in Civil Division A:

(1) All guardianship matters involving the approval of initial reports, interim accounts, or the expenditure of funds prior to the appointment of a Guardian;

(2) All hearings on the appointment of a Guardian of the Person and/or Estate;

(3) Motions for confirmation of sale of real estate; or

(4) Any other matters in which the court is requested to find that certain procedural steps have been taken.

All hearings shall be scheduled with a Note for Commissioner's Calendar. Attorneys shall electronically file a Note for Commissioners Calendar by using the electronic filing and scheduling process provided by LINX via the public website (<https://linxonline.co.pierce.wa.us/linxweb/Main.cfm>) or from a public kiosk in the Clerk's Office. The Note shall be filed at least seven (7) court days prior to the scheduled hearing date. The Court Commissioner may set special hearings at other times if complex or unusual issues are present. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar. Any party opposing a motion shall file and serve responsive papers in opposition to a motion not later than 12:00 noon three (3) court days before the date the motion is scheduled for hearing. Any papers in strict reply shall be served no later than 12:00 noon two (2) court days before the date the motion is scheduled for hearing.

**(c) Civil Hearing Information Form/Proposed Orders (Form U).** For matters docketed on the probate/trust, guardianship, ~~unlawful-detainer~~, and minor settlement calendar in Civil Division A, a Civil Hearing Information Form (Form U) shall be filed and served listing all motions, petitions, and supporting documents, including affidavits, declarations, certified statements, guardian ad litem reports, and responsive and reply documents the attorneys or self-represented parties want the court to review for the hearing.

Both the moving party and the responding party shall file their Civil Hearing Information Forms (Form U) by using the Clerk's electronic filing process as defined in **PCLGR 30(b)(5)(C)** no later than 12:00 noon two (2) court days prior to the scheduled hearing. Working copies shall no longer be delivered or furnished for any Commissioner's docket.

For probate, trust, guardianship, and minor settlement cases, proposed orders shall be provided when submitting the Civil Hearing Information Form (Form U). For all other matters, proposed orders shall be presented to the court at the time of the hearing.

**(d) Declaration of Proposed Guardian.** Prior to appointment, a Declaration of Proposed Guardian shall be filed with the Court as set forth in Appendix, **Forms M** or **N**, unless waived by the Court. If the proposed guardian is a bank or trust company, no declaration shall be required, except if the Court or the Guardian ad Litem determines that a Declaration shall be filed with the Court. At the hearing for appointment, the fee schedule for the bank or trust company shall be disclosed.

**(e) Review Hearings.** Upon signing the Order Appointing Guardian the court will specify: (i) the report interval for the first periodic report and accounting, and (ii) whether a review hearing will be required on the Inventory.

At the time the Order Appointing Guardian is filed, the Clerk's Office shall schedule the date for the *initial* review hearing on the assigned judicial department's Friday motion docket, not more than 120 days after the anniversary date of the guardian's appointment. Guardianships shall be reviewed at least annually unless the court extends the review period. The periodic reports and accountings shall be filed and a working copy provided to the assigned judicial department within 90 days after the anniversary date of the guardian's appointment. Anyone e-filing the periodic report and accounting shall be responsible for ensuring the working copies are timely provided to the assigned judicial department.

Review hearings on *subsequent* periodic reports and accountings shall be automatically scheduled by the court and heard on the assigned judicial department's Friday motion docket not more than 120 days after the anniversary date of the guardian's appointment. Any change to the scheduled review date shall be noted before the assigned judicial department. Review hearings on the final report and accounting must be noted and heard on the assigned judicial department's Friday motion docket. Working copies of the final report and accounting shall be provided to the assigned judicial department at the time the final report and accounting are filed. Anyone e-filing the final report and accounting shall be responsible for ensuring the working copies are timely provided to the assigned judicial department. A fax or email transmittal of working copies shall not be acceptable delivery.

**(f) Guardianship Summary.** A Guardianship Summary as set forth in **Form O** shall be completed and placed directly below the case caption or on a separate cover page on all Orders Appointing a Guardian and Orders Approving a Guardian's Periodic Report or Accounting.

**(g) Delinquency Calendar.** The assigned judicial department shall track all guardianship cases which require court review. The department shall notify the guardian and counsel of cases where periodic reports and accountings are delinquent and direct the guardian and counsel to appear at a hearing where sanctions may be imposed and/or the guardian removed. The department may appoint a guardian ad litem to investigate and report back to the court as to whether the guardian should be removed or other protections put in place for the benefit of the incapacitated person.

**(h) Expiring Letters of Guardianship.** The Clerk's Office shall issue Letters of Guardianship to the appointed guardian. The Letters shall expire on the 120<sup>th</sup> day after the anniversary date of the guardian's appointment, unless a different date is ordered by the court. A guardian has no authority to act on behalf of the incapacitated person without valid Letters of Guardianship.

**(i) Oaths.** The guardian name(s) shall be typed or printed on the oath as it appears in the order. When a guardian changes his or her name he or she shall obtain an order for new letters and file an oath under the new name in order to receive new letters of guardianship. The expiration date of the letters shall remain the same unless changed by new court order.

**(j) Vulnerable Adult Protection Petitions.** Any petition protecting a vulnerable adult shall be filed as a civil matter separate from any guardianship matter. If there is an existing guardianship case when the Vulnerable Adult Petition is filed, a copy of any Protection order shall be placed in that file.

**(k) Loss of Voting Rights.** In accordance with **RCW 11.88.010(5)**, if an incapacitated person loses the right to vote, the Order Appointing Guardian or Approving Report shall include a specific finding on the loss of the right to vote. The Guardian shall also submit a Notice of Loss of Voting Rights to the court that includes the name, address, and date of birth of the incapacitated person and that directs the Clerk to forward the Notice of Loss of Voting Rights to the County Auditor. In the event the guardianship is terminated by a

determination of competency of the individual, the court shall direct the Clerk to send to the County Auditor a certified copy of the Order Restoring Voting Rights including the same personal identifiers as the Notice of Loss of Voting Rights.

**(I) Mandatory Forms.** In the event a statewide mandatory guardianship form exists, these forms shall be utilized. If no state-wide form exists, then the Pierce County Mandatory Guardianship forms shall be utilized. Both the mandatory and pattern guardianship forms can be obtained on Pierce County Superior Court's website: [www.co.pierce.wa.us/superiorcourt](http://www.co.pierce.wa.us/superiorcourt) or the Pierce County Superior Court Law Library. These forms are subject to future updates, corrections, amendments, or other alterations and notice of these changes shall be placed on Superior Court's website and are available at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/).

**Waiver of Requirement to E-file.** See [PCLGR 30\(b\)\(5\)\(C\)](#).

[Amended effective September 1, 20~~20~~48]