

SNOHOMISH COUNTY SUPERIOR COURT

PROPOSED LOCAL COURT RULE CHANGE

**EFFECTIVE: November 9, 2011 (Emergent)**

## **PART V. SPECIAL PROCEEDINGS RULES**

### **(SCLSPR)**

#### **Rule 98.16 Estates-Guardianships-Settlement of Claims of Minors**

##### **(f) Guardianships**

(1) Non-Certified Professional Guardian Appointments and Waiver of Training Requirements. Upon filing of a Petition To Extend Time or Waive Guardian Training pursuant to RCW 11.88.020(3) by a non Certified Professional Guardian the court may extend the time period for completion of the lay guardian training for a period of ninety (90) days or waive the training requirement for guardians appointed prior to the effective date of July 22, 2011 for good cause. In establishing good cause, the court may consider: the length of time the lay guardian has successfully fulfilled their duties; the timeliness of filing of all required reports; whether the duties of the guardian have been monitored by a state or local agency; and any founded allegations against the guardian for abuse, neglect, or breach of fiduciary duty.

(2) Ex Parte; Files Required. All guardianship matters that are not contested, and in which notice is not required by statute, rule, or a duly filed request for notice under applicable statutes, or where such notice has been waived, may be heard ex parte. It shall be the responsibility of the presenting party to submit to the judge the court file if the file contains any pleadings or other documents or proof on which the requested action is based.

(3) Notice Required.

(A) Notes for Motion Calendar. All matters in guardianship proceedings not involving testimony in which notice is required shall be noted on the court

commissioners civil calendar. The court may, in its discretion, require a guardianship matter be noted for motion.

(4) When Guardian Ad Litem Required.

(A) Certain Proceedings. The appointment of a guardian ad litem shall be made when required by statute and may be required in the guardianship proceedings at other times within the discretion of the court.

(5) Order Appointing Guardian and Execution and Form of Letters of Guardianship. All Orders Appointing Guardians shall contain the following information to ensure the timely and accurate issuance of Letters of Guardianship by the Clerk's Office. The following information shall be completed and placed directly below the case caption or on a separate cover page in all Orders Appointing Guardians:

**\*\*CLERK'S ACTION REQUIRED\*\***

Due Date for Report and Accounting: \_\_\_\_\_

New Letters Expire On:\*\* \_\_\_\_\_

Due Date for Initial Personal Care Plan: \_\_\_\_\_

Due Date for Inventory: \_\_\_\_\_

\*\* All Letters of Guardianship, unless otherwise ordered by the Court, will expire 120 days following the end of the next accounting period.

(Amended effective emergent November 9, 2011)