Local Special Proceedings Rule 98.20
ESTATES-GUARDIANSHIPS

(a) Hearings. All proceedings in guardianship will normally be presented Ex Parte With the Clerk's office. Matters that require a hearing shall be placed on the Probate Calendar.

(b) Pleadings. Parties are required to use those guardianship forms approved by the Benton and Franklin Counties Superior Court for guardianship proceedings.

(c) Presentation of Reports and Care Plans.

(1) The original of any report, accounting or care plan shall be filed in the Clerk's Office.

(2) A copy of the report, accounting or care plan shall be clearly marked "BENCH COPY" provided to the Superior Court Guardianship Monitoring Program together with an original and one copy of a proposed order approving the report, accounting and/or care plan and a stamped, self-addressed envelope.

(3) Copies of any supporting documentation for accountings shall be provided to the Superior Court Guardianship Monitoring Program. This shall include monthly bank statements, canceled checks or substitute images thereof provided by the financial institution, and receipts as appropriate. If the guardian of the estate is a bank or trust/agency company, it may file a computer printed statement of account in lieu of receipts or canceled checks. However, it must still complete the Report and Accounting form. Guardians shall retain copies of the supporting documentation for four (4) years. Upon request of the Court, supporting documentation shall be re-submitted to the Guardianship Monitoring Program.

(d) Final Accounting. When a guardianship of the estate terminates and a guardian files a final account, an order shall be presented to the court setting a hearing on notice pursuant to RCW 11.92.053. The order shall be on a form approved by the court. However, if the sole basis for the guardianship is the minority of the incapacitated person, the guardian may settle the account by filing a declaration of completion and serving notice thereof, on forms approved by the court, in accord with RCW 11.88.140. If the guardian of the estate resigns or is removed, but the guardianship continues, the court may in its discretion, settle the account as an ex parte intermediate account or require a hearing on notice.

(e) Attorney of Record. The attorney representing the Guardianship shall be considered the attorney of record until his or her withdrawal. Should the attorney representing the estate choose to withdraw, the attorney must advise the court of the name and address of the party to be notified, should that be necessary, of a delinquent report, accounting or Periodic Personal Care Plan. The notice to the court shall be filed prior to the effective date of the withdrawal of the attorney.

(f) Noncompliance Calendar.

(1) The Guardianship Monitoring Program office shall record all due dates for guardian's reports, and filings as set by the court. This shall include, but not be limited to an inventory, care plan, designation of standby-guardian, report and accounting or receipt for blocked account. The Court Administrator shall set a periodic Noncompliance Calendar for those cases in which guardians have not met the required due dates.

(2) Order to Appear. If reports and filings are not presented timely, an order to appear on the guardianship noncompliance calendar shall be sent to the attorney of record and/or the guardian citing the parties into court. Appearance on the calendar is mandatory. The attorney and/or the guardian shall have at least five days' notice, in accordance with CR 6, to appear.

(3) Attendance at Noncompliance Calendar Excused. If the guardian files the required document(s) referenced in the noncompliance notice at least five days in advance of the calendar date, they shall be excused from attendance at the calendar.

(4) Sanctions on the Noncompliance Calendar. The judicial officer assigned to hear the guardianship noncompliance calendar may impose monetary sanctions, increase the bond, suspend the duties of the guardian, appoint a guardian ad litem, and/or remove the guardian.

(g) Review Hearing/Conference. If after initial review of a guardian's report or other filing, it is found unacceptable by the Court, the guardian shall be notified of the additional information or corrective action required. Additionally, the Court may cite the guardian in to appear at an informal review conference or in-court review hearing. The Court may then take appropriate action to resolve any concerns regarding the guardian's performance of their fiduciary duties.

[Adopted effective September 1, 2009, September 1, 2013]