

LSPR 94.05  
FAMILY LAW, GUARDIAN AD LITEM,  
AND DISCOVERY PROCEDURES

(a) Applicability. This rule applies to the following original actions and/or modifications of decrees: marriage dissolution, legal separation, declaration of invalidity, custody or parentage actions filed pursuant to RCW 26.09, RCW 26.10, or RCW 26.26.

(b) Motion. When any of the above actions is filed and where an allegation of abuse or neglect of a minor child pursuant to RCW 26.44.020(12) has been made and no dependency or alternative residential placement petition has been filed pursuant to RCW 13.34 or RCW 13.32A; upon motion of either party or upon the court's own motion, a hearing shall be held:

(1) To appoint a guardian ad litem for the child/children pursuant to RCW 26.44.053 and

(2) To determine whether the case should be referred to the Regional Center for Child Abuse and Neglect or other appropriate professional or agency.

(3) In all other cases where the welfare of the minor child/children is at issue, the provisions of LSPR 94.05 may be utilized upon the request of either party or upon the court's own motion.

(c) Notice to Appear. Upon the filing of the motion, a hearing shall be set on the family law calendar. That hearing may be set by notice using local form DR-01.0430. A copy of the motion, notice of hearing and all supporting documents, which shall identify the proposed guardian ad litem, shall be served upon the nonpetitioning party indicating the time and place of the hearing on the motion. The responding party shall serve and file their response and supporting documents no later than 24 hours prior to the hearing date. Hearings shall be on affidavits only unless otherwise directed by the court.

(d) Guardian Ad Litem. In those cases where a guardian ad litem is appointed, the court shall appoint a person who, through their professional qualifications or specialized training provided by the court, has the expertise to represent children. The Spokane County Superior Court judges shall appoint a committee of judges and/or court

commissioners and interested members of the Spokane County Bar Association to oversee this specialized guardian ad litem program and provide training to those persons who wish to participate in the program.

(e) Discovery Stay. Upon the filing of the motion pursuant to (b), no discovery directly involving the child/children, including any interview of the child/children by investigators, psychologists, psychiatrists or other professionals, shall proceed without an order of the court. If the motion is not heard within 30 days, the discovery stay order expires unless extended, for good cause, by further order of the court.

(f) Notice to Guardian Ad Litem. If a guardian ad litem is appointed, the guardian ad litem is entitled to notice of all proceedings. The guardian ad litem shall be given ten days notice by any party seeking discovery which directly involves the child/children. The guardian ad litem has a right to be present at all interviews of the child/children unless the guardian ad litem believes it is in the best interest of the child/children not to be present. In the event the guardian ad litem objects to the proposed discovery procedure, the guardian ad litem shall schedule a hearing on the family law calendar in order to resolve the discovery issues.

(g) Report Confidential. The report of the Guardian Ad Litem in a proceeding under RCW Title 26 shall be treated as a confidential document by the Clerk of the Court, the parties and their counsel unless otherwise ordered by the court. However, attorneys of record may use and disclose such information from the report that is reasonably necessary for their investigation of the case and for trial preparation. Attorneys are prohibited from reproducing or distributing any portion of the written report to any person other than the attorney's client without further order of the court. Parties representing themselves shall be subject to the same use and disclosure limitations as attorneys. The cover sheet of the report shall be marked "Clerks Action Required" and indicate that it is confidential pursuant to LSPR 94.05(g). This rule shall not apply to Guardian Ad Litem reports provided under RCW Title 11, minor settlements or other similar matters.

[Amended effective November 1, 2004; February 8, 2005]

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