

LSPR 98.20
ESTATES-GUARDIANSHIPS-TRUSTS

(a) Hearings

1. If a guardianship/trust case is assigned to a trial judge, all hearings will be set before the assigned judge pursuant to LCR 40.
2. If a guardianship/trust case is not assigned to a trial judge, hearings must be scheduled through the Guardianship Monitoring Program.
3. There will be a weekly guardianship/trust calendar.
4. The first thirty minutes of the guardianship/trust calendar will be reserved for ex-parte matters.
5. The Note for Hearing or Order to Show Cause and documents pertaining to the hearing must be served and filed no later than twelve days prior to the hearing. Any responding documents must be served and filed at least seven days before the hearing. Reply documents must be served and filed at least two days before the hearing. In the event an agreed or uncontested order of continuance is to be entered, parties are required to present the order to the judicial assistant of the assigned judge or the Guardianship Monitoring Program if not assigned.
6. Copies of all documents pertaining to the hearing shall be furnished to the judicial assistant of the assigned judge or to the Guardianship Monitoring Program if not assigned.
7. Hearing time limits. Each party shall be given ten minutes unless additional time is granted by the judge or court commissioner. Requests for additional time shall be made in writing and provided with copies of all documents pertaining to the hearing.
8. Confirming hearings. A party to the proceeding must confirm the matter is ready no later than 12:00 noon, 2 days before the hearing by contacting the assigned judicial assistant of the assigned judge or to the Guardianship Monitoring Program if not assigned.

Amended effective 11/25/13

(b) Pleadings. Parties are required to use those guardianship forms approved by the Spokane County Superior Court for guardianship proceedings.

Amended effective 9/1/02

(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.

Amended effective 9/1/02

(2) A date-stamped copy of the report, accounting or care plan shall be provided to the 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. Out-of-county guardians doing business by mail shall send the originals, copies and proposed order to the Guardianship Monitoring Program.

Amended effective 11/25/13

(3) Supporting documentation for accountings shall be provided to the Guardianship Monitoring Program. This shall include original 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.

Amended effective 9/1/02

(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 Guardianship Monitoring Program shall audit the final accounting. 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.

Amended effective 11/25/13

(e) Withdrawal by Attorney. 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.

Amended effective 9/1/02

(f) Show Cause Noncompliance Calendar.

(1) Calendar. The clerk's 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 Guardianship Monitoring Program shall set a monthly Show Cause Noncompliance Calendar for those cases in which guardians have not met the required due dates.

Amended effective 11/25/13

(2) Order to Appear. If reports and filings are not presented timely, an order to appear on the guardianship show cause 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.

Amended effective 11/25/13

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

Amended effective 11/25/13

(4) Sanctions on the Show Cause Noncompliance Calendar. The judicial officer assigned to hear the guardianship show cause 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.

Amended effective 11/25/13

(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.

Effective 9/1/02

(h) Deleted.

Amended effective 1/1/07
