

Pursuant to PCLR 83, the following changes to Pierce County Local Rules for Superior Court are submitted to the TPCBA.

These proposed changes are the result of a comprehensive review of the local rules in order to clean up awkward and outdated language and to comply with existing practices for family law, guardianship, probate and minor settlement matters.

All changes are in red and/or underlined. **Please submit any written comments before March 31, 2010 at 4:30 p.m. to Commissioner Robyn A. Lindsay, Chair, Local Rules Committee. Notice: All comments will be provided to the Judges and Court Commissioners.**

Thereafter, the Local Rules Committee will review and consider all comments as deemed necessary. The proposed changes will then be presented a meeting of all the judges.

Note: All rules eliminate the listing of the effective date of each rule and its amendment history. The words party(ies) pro se has been replaced by “self-represented party/parties”.

Proposed Rules:

LOCAL RULES OF THE SUPERIOR COURT FOR PIERCE COUNTY

**Adopted Effective June 1, 1990
And as Amended thereafter**

~~Including Amendments Effective
June 1, 1994
September 1, 1995
July 1, 1996
July 2, 1996
July 1, 1997
September 1, 1998
September 1, 1999
Amended on an emergency basis effective May 15, 2000
September 1, 2000
September 1, 2001
September 1, 2002
Amended on an emergency basis effective December 2, 2002
September 1, 2003
September 1, 2004
Amended on an emergency basis effective September 24, 2004
September 1, 2005
September 1, 2006
September 1, 2007~~

~~Amended on an emergency basis effective July 1, 2008~~
~~September 1, 2008~~
~~Amended on an emergency basis effective June 1, 2009~~
~~September 1, 2009~~

The Local Rules PCLRs are located on the Pierce County Superior Court website:
<http://www.co.pierce.wa.us/xml/abtus/supct.htm>

Part II. Civil Rules

PCLR 3

Reason for request: To update this rule and provide that ADR is required for all cases except LUPA, RALJ, ALR and child support cases. In non family law cases at least 30 days before trial the parties shall submit a certification or declaration that they have participated in some form of ADR.

PCLR 3 - PRETRIAL AND SETTLEMENT PROCEDURES

(a) **Designated Judge.** Except in the case of dissolutions or unless otherwise provided for herein the judge to whom the case is assigned at the time of filing shall hear all pretrial matters.

(b) **Pretrial Procedure.**

(1) **Pretrial Conferences.** The lead trial attorney of each party represented by an attorney or each ~~party pro se~~ **self-represented party** shall attend the pretrial conference. The conference shall include those matters set forth in CR 16 as well as any other matters that might result in a speedy, just and economical resolution of the case.

(2) **Exchange of Exhibit and Witness Lists.** In cases governed by a Case Schedule pursuant to PCLR 1, the parties shall exchange: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits except those to be used only for illustrative purposes, and except for those items agreed to by counsel, such as identical copies of items already produced to avoid unnecessary duplication. Counsel are encouraged to ascertain that each has full and complete copies of any document to be presented at trial to avoid unnecessary duplication expenses. In addition, non-documentary exhibits, except for those to be used

only for illustrative purposes, shall be made available for inspection by all other parties no later than fourteen (14) days before trial. Any witness or exhibit not listed may not be used at trial, unless the court orders otherwise for good cause and subject to such conditions as justice requires.

(3) **Pretrial Motions.** All such motions shall be served, filed and heard pursuant to PCLR 7; provided that no pretrial dispositive motions shall be heard after the cutoff date provided in the Case Schedule except by order of the court and for good cause shown.

(4) **Joint Statement of Evidence.** In cases governed by a Case Schedule pursuant to PCLR 1 the parties shall file a Joint Statement of Evidence, containing (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall contain a notation for each exhibit as to whether all parties agree as to the exhibit's authenticity and admissibility.

~~(e) — Settlement Conferences.~~ **Alternative Dispute Resolution**

Some form of alternative Dispute Resolution is required in all cases prior to trial.

(1) **Non-Family Law Cases.**

At least 30 days prior to trial the parties shall each submit a certification or declaration that they have participated in one or more types of Alternative Dispute Resolution (ADR), including, but not limited to: formal negotiations that included an exchange of written proposals, arbitration or mediation.

(2) **Family Law Cases.**

Judges and Commissioners shall make themselves available for settlement conferences in family law cases. The attorney or self-represented party may utilize an alternative dispute resolution process to satisfy the settlement conference requirement per his/her calendar availability.

(A) **Scheduling and Submission of Materials.** A settlement conference judge or commissioner shall be assigned randomly by the LINX computer program at the time the family law case is filed. The parties shall conduct any settlement conference no later than the date set forth in the Case Schedule.

The assigned settlement conference judge's judicial assistant or CSD for the Commissioners shall schedule the exact date and time of the settlement conference. The attorney or self-represented shall prepare a pretrial information form and submit the same to the settlement judge or commissioner and opposing counsel or opposing self-represented not later than two (2) court days prior to the conference. See Appendix, Form E. A fax or email transmittal of working copies shall not be acceptable delivery. This form may be supplemented.

(B) **Attendance.** Parties shall attend the settlement conference. Attendance may be excused, in advance, by the settlement judicial officer for good cause. Failure to attend may result in the imposition of terms and sanctions as the judicial officer deems appropriate.

(C) **Proceedings Privileged.** Proceedings of said settlement conferences shall, in all respects, be privileged and not reported or recorded. Without disclosing any communications made at the settlement conference, the settlement conference judge or commissioner may advise the court in writing as to whether the use of further or alternative dispute resolution procedures, or the appointment of additional investigators or the development of additional evidence would be advisable prior to trial.

(D) **Settlement of Case.** When a settlement has been reached the settlement agreement or partial agreement shall be placed on the record or reduced to writing.

(E) **Disqualification.** A judge or commissioner presiding over a settlement conference shall be disqualified from acting as the trial judge in that matter, unless all parties agree in writing.

(F) **Withdrawal of Attorney.** If any attorney withdraws and a settlement conference has been scheduled or is required to be scheduled by the existing case schedule, the withdrawing attorney shall inform his/her client of the date, time and location of the settlement conference, as well as a brief explanation of the process, including how to schedule a settlement conference and expectations.

(3) **Cases Exempt from Alternative Dispute Resolution.**

The following cases are exempt from participating in an alternative dispute resolution process: LUPA, RALJ, ALR and child support cases.

~~(1) **Settlement Conferences in Family Law Cases.** A settlement conference judge or commissioner shall be assigned randomly by the LINX computer program at the time the case is filed. The parties shall conduct any settlement conference no later than the date set forth in the Case Schedule. If the settlement conference judge or commissioner assigned by LINX is unable to accommodate the settlement conference, the attorney or party pro se shall utilize an alternative dispute resolution process to satisfy the settlement conference requirement. The assigned settlement conference judge's judicial assistant or Commissioner shall schedule the exact date and time of the settlement conference per his/her calendar availability. The attorney or party pro se shall prepare a pretrial information form and submit the same to the settlement judge or commissioner and opposing counsel not later than two (2) court days prior to the conference. See Appendix, Form E. This form may be supplemented. A fax or email transmittal of working copies shall not be acceptable delivery. The attorney or party pro se may opt out of the settlement conference requirement by written agreement that there need not be a settlement conference. The requirement to participate in a settlement conference is waived only if the trial judge agrees in writing.~~

~~(2) **Settlement Conferences in All Other Cases.** The assigned judge may, on proper notice, motion and hearing order a settlement.~~

~~(3) **Alternative Dispute Resolution.** The attorney or party pro se may utilize an alternative dispute resolution process to satisfy the settlement conference requirement per his/her calendar availability.~~

~~(4) **Requirements.**~~

~~(A) **Attendance and Preparation Required.** The lead attorney of each party's case shall personally attend all settlement conferences and shall be prepared to discuss all issues in detail and in good faith. The attorney shall prepare an outline of the facts, issues and the party's position on settlement in written form and submit the same to the settlement judge or commissioner and opposing counsel or party pro se not later than two (2) court days prior to the conference. See Appendix, Form E. A fax or email transmittal of working copies shall not be acceptable delivery.~~

~~(B) **Failure to Comply.** Failure to comply will result in the imposition of terms and sanctions as the judicial officer may deem appropriate, unless just cause is shown for the failure to abide by this rule.~~

~~(5) **Parties to Be Available.**~~

~~(A) **Presence in Person.** The parties shall be available and the judicial officer conducting the conference shall decide whether the parties shall be present in the room.~~

~~(B) **Court May Excuse Attendance.** Attendance at a settlement conference of a party may be excused where by reason of health, absence from the county, or other good and sufficient reason compelling his or her personal attendance would be unduly burdensome.~~

~~(6) **Failure to Attend.** Failure to attend the settlement conference in accordance with the paragraphs above will result in the imposition of terms and sanctions as the judicial officer may deem appropriate, unless just cause is shown for the failure to abide by this rule.~~

~~(7) **Proceedings Privileged.** Proceedings of said settlement conference shall, in all respects, be privileged and not reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the settlement agreement, or partial agreement, shall be placed on the record or reduced to writing.~~

~~(8) **Continuances.** Continuances of settlement conferences may be authorized only by the settlement conference judicial officer on timely application.~~

~~(9) **Pretrial Power of Court.** If the case is not settled at a settlement conference, the judicial officer may nevertheless make such orders as are appropriate.~~

~~(A) In family law proceedings, this power includes but is not limited to requiring the attorney's preparation of the Joint Statement of Evidence as set out in PCLR 3(b)(4), appointment of a parenting investigator (as long as it is in compliance with PCLSPR 94.04 (c) (1)), and the appointment of an expert to advise the court as to certain facts and circumstances relating to the welfare of dependent children, properties of the parties, and the physical and mental condition of the parties. In no instance shall the trial date be changed without the approval of the trial department.~~

~~(B) Without disclosing any communications made at the settlement conference, the settlement conference judge or commissioner may advise the court in writing as to his or her views as to whether the use of further or alternative dispute resolution procedures, or the appointment of additional investigators or the development of additional evidence would be advisable prior to trial. Copies of any such writing shall be provided to the parties and attorneys.~~

~~(10) **Judge or Commissioner Disqualified for Trial.** A judge or commissioner presiding over a settlement conference shall be disqualified from acting as the trial judge in that matter, unless all parties agree in writing that he or she should so act.~~

[Adopted effective July 1, 1996; amended effective July 2, 1996; amended effective September 1, 1998; amended effective September 1, 1999; amended effective September 1, 2001; amended effective September 1, 2002; amended effective January 1, 2007; amended effective September 1, 2009.]

PCLR 10

Reason for Request: To update this rule including the reference to onion skin paper, multilithed and allow handwritten documents and define the font size required. This rule also requires the use of mandatory forms where available. This rule will be further revised when PCLR 7 is revised in the future.

PCLR 10 - FORM OF PLEADINGS

~~(e)~~ ~~(7)~~ (d) **Format Requirements.**

(1) **Handwritten Documents.** To ensure access to the courts for any self-represented party, pleadings may be submitted that are legibly handwritten in black or blue ink using only one side of each page. Declarations shall be appropriately verified and formatted. ~~All original documents filed shall be clear, legible and permanent, and hand printed or typewritten on non-translucent paper or other paper suitable for microfilming. Tissue or onion skin paper shall not be used. The type size shall be large enough to be clearly readable. All original pleadings and~~

~~other papers shall be first impressions and not carbon copies; provided, however, that printed, multilithed, mimeographed, and other comparable reproductions are acceptable. Every original paper filed shall bear the word "original."~~

(2) **Font Size for Typed or Computer Generated Documents.** Except for footnotes, all typed or computer generated documents shall be prepared using a minimum of 12 point font and shall be double spaced, unless a mandatory form authorizes the use of single spacing.

(3) **Paper color.** All pleadings and working copies shall be only on white paper.

(4) **Mandatory Forms to be used.** The Washington State mandatory forms shall be used except where a mandatory form is designated "optional", and local forms have been promulgated by the Court or no mandatory form exists for the particular matter.

Local forms may be obtained from the Pierce County Superior Court Clerk, the Pierce County Law Library or by accessing:

<http://www.co.pierce.wa.us/xml/abtus/supct.htm>

State forms may be obtained by accessing: www.courts.wa.gov/forms

(5) ~~(h)~~ **Preparation of Transcript from Electronic/Mechanical Recorder or Videotape.** All report proceedings produced from use of any electronic/mechanical recorder or videotaped proceedings shall be in the same form as a verbatim report as provided in RAP 9.2 (e) and (f). This rule applies to all transcripts prepared from hearings before any judicial officer, ~~and from any hearings at any Superior Court including but not limited to Juvenile Court, Mental Health hearings, and hearings before Pro Tem judicial officers.~~ This rule shall not apply to appeals on small claims cases.

Comment [r1]: (f)-(g) should be moved to PCLR 7.

(e) ~~(f)~~ **Briefs.** Briefs shall be submitted for all hearings involving disputed questions of law. A copy shall be served on opposing counsel, and a separate copy shall be delivered to the judge/commissioner and marked "working copy." The original shall be filed with the Pierce County Clerk and the working copy shall be delivered to the Court Administrator's Office or **Commissioners Service Department, whichever is applicable**, prior to or contemporaneously with the time that a copy is served upon opposing counsel. A fax or email transmittal of working copies shall not be acceptable delivery.

(f) ~~(g)~~ **Required Language in Pleadings Relating to Supplemental Proceedings and Show Cause Hearings for Contempt.** In all supplemental

proceedings wherein a show cause order is to be issued requiring the personal attendance of a party to be examined in open court, and in orders to show cause for contempt, the order must include the following words in capital letters:

YOUR FAILURE TO APPEAR AS SET FORTH AT THE TIME, DATE AND PLACE THEREOF WILL CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD.

No bench warrant will be issued for the apprehension of the cited person if such language has been omitted.

All orders directing the issuance of a warrant and all warrants in such matters shall provide that the cited person shall be brought before the presiding officer of the division or department signing the order.

[Adopted effective June 1, 1990; amended effective July 2, 1996; amended effective September 1, 2002; amended effective September 1, 2005; amended effective September 1, 2009.]

Part III. Special Proceedings Rules

PCLSPR 93.04 to 98.30

Reason for request:

PCLSPR 93.04 Adoptions-to clarify the process for adoptions, to allow the automatic appointment of the adoption investigator when an adoption is filed, and to eliminate unnecessary statutory language.

PCLSPR 94.04 Family Law Proceedings-omit verifications and allow declarations on uncontested attorney represented dissolutions, clarify the process when a reconciliation occurs, clarify the process when the parties participate in collaborative law, omit the reference to the number of show cause proceedings authorized on the morning show cause calendar, allow the filing of counter motions, permit police reports and out of state background checks to be submitted and not have these materials count towards the page limits.

PCLSPR 94.05 Mandatory Seminar-Impact on Children-require the providers to efile each party's certificate of completion with the clerk's office, omit superfluous language.

PCLSPR 98.04 Estates-clarify when working copies are due.

PCLSPR 98.16W- Settlement of Claims of Minors and Incapacitated Persons-clarify when working copies are due, prohibit the litigants from placing a cap of the fees and costs of the SGAL, requiring notice to both parents of a minor child,

and clarifying that the fees and costs requested by the attorney for the minor/incapacitated person, SGAL are subject to court approval only.

PCLSPR 98.18-Court-Created Trusts-clarify how these matters are heard, the submission of working copies, attendance at the hearing, and that the fees and costs are subject to court approval only.

PCLSPR 98.20 Guardianships-clarify the submission of working copies and the use of mandatory forms.

PCLSPR 98.30 Public Expense Guardians Ad Litem and Attorneys for Alleged Incompetent Persons Pursuant to RCW 11.88-clean up the language.

PART III. SPECIAL PROCEEDINGS RULES (PCLSPR)

TABLE OF RULES

PCLSPR 93.04 Adoptions

- (a) Where ~~Heard~~ and When Heard
- (b) ~~How Initiated~~
- ~~(b) (c) Appointment of and Notice to Adoption Investigator~~
- ~~(e) Report of Adoption Investigator Availability~~
- (d) ~~Orders of Relinquishment~~ Preplacement Reports
 - ~~(1) Who May Prepare~~
 - ~~(2) Agency Preplacement Report When "Filed"~~
 - ~~(3) Indexing~~
 - ~~(4) Hearings How Conducted~~
- (e) Postplacement Reports ~~Supporting Documents~~
- (f) Disclosure of Fees and Costs

PCLSPR 94.04 Family Law Proceedings

- (a) Uncontested Applications for Marital Dissolution, Decree of Invalidation, Separation, Committed Intimate Relationships (Meretricious Relationships) or Domestic Partnerships
 - (1) ~~Hearings to Finalize with Attorneys Uncontested/Default Dissolution, Invalidation or Separation, Committed Intimate Relationships (Meretricious Relationships) or Domestic Partnerships~~
 - (2) ~~Hearings to Finalize without Attorney Representation Pro-Se Uncontested/Default Dissolutions, Invalidation or Separation, Committed Intimate Relationships (Meretricious Relationships) or Domestic Partnerships~~

- (3) Presentation of ~~Papers~~ Final Documents
- ~~(4)~~ Verification
- (4)~~(5)~~ Attachment of Certificates of Completion - of the Mandatory Impact on Children Seminar to Final Parenting Plan
- (5)~~(6)~~ Reconciliation ~~Amended Petition~~
 - (A) Notice of Reconciliation
 - (B) Amended Petition
- (6) Collaborative Law
- (b) Contested Matters
- (c) Family Law Motions
 - (1) How Initiated
 - (2) Counter Motions
 - (3)~~(2)~~ Notice and Hearing
 - (4)~~(3)~~ Page Limits
 - (A) Generally
 - (B) Exhibits
 - (C) Financial Declarations
 - (D) Expert Reports and Evaluations
 - (E) Miscellaneous Exceptions
 - (5)~~(4)~~ Confirmations
 - (6)~~(5)~~ Courtroom Assigned
 - (7)~~(6)~~ Presentation ~~ing~~ Signing of Court Order
 - (8)~~(7)~~ Limits of Argument
 - (9)~~(8)~~ Motion and Order to Shorten Time
 - (A) Motions to Shorten Time
 - (B) Department Motions
 - (C) Commissioner Motions
 - (D) Notice
 - (E) Service
- (d) Settlement Conferences
- (e) Guardian ad Litem/Parenting Investigator in Parenting/Custody Cases: Limitations on Appointments, Hours and Fees
 - (1) Appointment of Guardian ad Litem/Parenting Investigator
 - (2) Hours and Fees
 - (A) Retainer/Additional Fees
 - (B) State Paternity Actions
 - (3) Administrative Policy
 - (4) Case Assignment
- (f) Nonparental Custody Proceedings
 - (1) How Initiated
 - (2) Case Schedule
 - (3) Requirements
 - (4) Case Assignment

~~(5) Finalization~~

- (g) Petition to Modify Parenting Plan/~~Residential Schedule~~
 - (1) How Initiated
 - (2) Case Schedule
 - (3) Requirements
 - (4) Case Assignment
 - (5) Finalization

- (h) Relocation of Children
 - (1) How Initiated
 - (2) Case Schedule
 - ~~(3) Requirements~~
 - (3) ~~(4)~~ Case Assignment

PCLSPR 94.05 Mandatory Seminar - Impact on Children

- (a) Applicable Cases
- (b) Mandatory Attendance
- (c) Timing
- (d) Fees
- (e) Seminar Content/Instructor Qualifications
- (f) ~~Special Consideration~~/Waiver
- (g) Failure to Comply
- (h) Administrative Policy
- ~~(i) Notice to Parties in the Order Assigning Case to Department~~

PCLSPR 98.04 Estates-Probates-Notices

- (a) Presentation
- (b) Notice and Hearing
- (c) ~~Report~~/Working Copies/Proposed Orders
- (d) Bonds
- (e) Order for Production of Wills
- (f) Probate Homesteads/Prior Claims
- (g) Oaths
- (h) Order Appointing Personal Representative
- (i) Notification of Change of Address

PCLSPR 98.16W Settlement of Claims of Minors and Incapacitated Persons

- (a) Presentation
- (b) Qualifications
- (c) Attendance at Hearings
- (d) Report/ Working Copies/Proposed Orders

- (e) Notice and Hearing
- (f) Multiple Minors
- (g) Structured Annuity Settlements
- (h) Receipt of Deposit of Funds
- (i) Discharge of Settlement Guardian ad Litem
- (j) Disbursements
- (k) Fees/Costs

PCLSPR 98.18 Court-Created Trusts

- (a) Scope of Rule
- (b) Drafting of Trust Instrument
- (c) Guardian ad Litem/Guardian
- (d) Special Master
- (e) Declaration of Proposed Trustee
- (f) Notice and Hearing
- (g) Attendance at Hearings
- (h) Report/Working Copies/Proposed Orders
- (i) Order Approving/Declaring Trust
- (j) Fees/Costs
- (k) Review Hearings
- (l) Trustee Summary
- (m) Delinquency Calendar

PCLSPR 98.20 Guardianships

- (a) Presentation of Order Appointing Guardian ad Litem
- (b) Notice and Hearing
- (c) Report/Working Copies/Proposed Orders
- (d) Declaration of Proposed Guardian
- (e) Review Hearings
- (f) Guardianship Summary
- (g) Delinquency Calendar
- (h) Expiring Letters of Guardianship
- (i) Oaths
- (j) Vulnerable Adult Protection Petitions
- (k) Loss of Voting Rights
- (l) Mandatory Forms

PCLSPR 98.30 Public Expense Guardians Ad Litem and Attorneys for Alleged Incompetent Persons

- (a) Application and Petition
- (b) Guardian ad Litem at Public Expense Assignment ~~and Order Language~~
- (c) Attorney Assignment and Fees

~~(d) — Attorney Notice and Service on Pierce County Prosecutor~~

**PART III. SPECIAL PROCEEDINGS RULES
(PCLSPR)**

PCLSPR 93.04 - ADOPTION

(a) **Where and When Heard.** ~~Unless otherwise ordered, a~~ All adoption hearings and motions ~~proceedings~~ shall be heard every Friday morning commencing at 9:00 a.m. at Pierce County Superior Court, Juvenile Division, located at Remann Hall. ~~Ex Parte and emergency motions can be heard at such dates and times pursuant to procedures promulgated by Juvenile Court and available at the Clerk's Office, Building A, Remann Hall.~~

(b) **How Initiated.** The moving party shall docket these matters by filing a Note for ~~Commissioner's~~ Juvenile Court Calendar at least six (6) court days in advance of the hearing date unless otherwise required for the hearing by law. ~~prior to the scheduled hearing.~~

(c) ~~(b)~~ **Appointment of and Notice to Adoption Investigator.** Upon the filing of a ~~petition for adoption, there must be presented to the court~~ any initial pleadings for adoption of a minor child, including any preplacement reports, the Pierce County Superior Court Clerk shall generate the ~~an~~ order appointing the Pierce County Adoption Investigator. Copies of all initial pleadings, including any preplacement reports, shall be immediately delivered to the Adoption Investigator. Copies of all Note for Juvenile Court Calendar, motions for temporary custody, termination or relinquishment of parental rights or for the entry of a Decree of Adoption of a minor child shall be served upon the Adoption Investigator in conformity with paragraph (b) above. ~~"adoption investigator" employed by the court for the purpose of advising the court as to the merits of the petition. The adoption investigator may be contacted at Remann Hall, 5501 Sixth Avenue, Tacoma, WA 98406 (253) 798-7900.~~

~~(c) — Report of Adoption Investigator — Availability. Any report filed by the adoption investigator shall be available for inspection by the petitioners' attorney, but such attorney shall not disclose the contents to anyone. Such report, at the close of the entire proceeding, shall be sealed and filed by the clerk in the record of the adoption proceeding, or in the discretion of the court shall be destroyed and, in any event, it and shall not be disclosed to any person, without a further special order therefor, in writing by the presiding officer in the Civil Division, and shall be sealed as before.~~

(d) ~~Orders of Relinquishment — Preplacement Report.~~ No order approving voluntary relinquishment of parental rights shall ~~will~~ be considered unless a preplacement

report has been filed ~~as required by~~ pursuant to statute RCW 26.33.090. ~~The hearing may not be held sooner than 48 hours after the child's birth.~~ Said preplacement report shall be prepared by those authorized by statute.

~~(1) **Who May Prepare.** Such preplacement report shall be prepared by an "agency" or by the adoption investigator.~~

~~(2) **Agency Report – When "Filed."** If prepared by an agency, such report and statement shall be delivered by the agency and shall be deemed filed when received by the adoption investigator.~~

~~(3) **Indexing.** Upon filing, the adoption investigator shall index all preplacement reports and sworn statements in such manner as the court may direct from time to time, but the clerk shall not assign an official cause number to any adoption until a petition for adoption is filed with the clerk as provided by law.~~

~~(4) **Hearings – How Conducted.** Hearings on applications for orders of relinquishment may be formal or informal and may be upon oral testimony or upon the preplacement report and petitioners' sworn statement in the discretion of the Civil Division. If the court determines that a formal hearing is required, it shall be at such time and upon such notice as it shall direct.~~

(e) **Postplacement Reports.** The Pierce County Adoption Investigator shall provide a postplacement report to the court prior to any adoption of a minor child being finalized, unless the court authorizes an alternate person or adoption agency. No person shall provide postplacement services in a private or independent adoption until authorized by the court. Unless otherwise ordered by the court, the adoption agency having legal custody of the child may be appointed to prepare the postplacement report required by statute. In the event the court authorizes an alternate person or adoption agency to prepare the postplacement report, said report shall be immediately delivered to the Pierce County Adoption Investigator for their review and approval. **Supporting Documents.** ~~No decree of adoption will be signed unless accompanied by written findings of fact and conclusions of law as required by CR 52(a)(2)(B).~~

(f) **Disclosure of Fees and Costs.** A completed financial disclosure declaration shall be filed by the petitioner and considered by the court at any hearing that may result in the termination of parental rights, award of temporary custody or entry of an adoption decree.

~~[Adopted effective June 1, 1990; amended effective June 3, 1991; amended effective September 1, 2000; amended effective September 1, 2006; amended effective September 1, 2009.]~~

PCLSPR 94.04 - FAMILY LAW PROCEEDINGS

(a) **Uncontested Applications for Marital Dissolution, Decree of Invalidity or Separation, Committed Intimate Relationships (Meretricious Relationships) or Domestic Partnerships.**

(1) **Hearings to Finalize with Attorneys.** Uncontested/Default Dissolutions, Invalidity or **Legal** Separation, Committed Intimate Relationships (Meretricious Relationships) or Domestic Partnerships for parties represented by counsel are conducted Monday through Friday in the Ex Parte Division. The location of this calendar is contained in the Commissioners' Calendars, Appendix, Form Q, attached to these rules. The Commissioners' Calendars may be changed without formal republication of these rules or appendices. At the time of hearing, if the findings of fact are **verified-signed under penalty of perjury** by the Petitioner in the form hereinafter set forth and there has been no appearance by the Respondent, the personal appearance by the Petitioner is not required. In the event there has been an appearance by the Respondent, but the Respondent agrees to the entry of the final papers as proposed, neither party need personally appear **except through his/her attorney, but provided that both** the Petitioner and Respondent **must have signed the verification the findings of fact under penalty of perjury** in the form set forth below.

~~(4) Verification.~~ ~~Verification~~ Declaration(s) under penalty of perjury shall be as follows:

~~STATE OF WASHINGTON }~~

~~_____) ss.~~

~~COUNTY OF PIERCE _____ }~~

~~_____, being first duly sworn on oath deposes and says:~~

I declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

I am the Petitioner in this case and I have read the foregoing Findings of Fact and have also read the Conclusions of Law, Decree, and the Order of Child Support, Child Support Worksheets, and Parenting Plan (if applicable) support order and related documents, if included herein, and they are true and accurate to the best of my knowledge. I am not seeking any relief beyond that specifically requested in the petition. The support requested, if any, is in compliance with the Child Support Schedule. The wife/other domestic partner is not pregnant and no other children have been born to the wife/other domestic partner since the date of marriage that have not been disclosed in the Findings of Fact and Conclusions of Law and Final Parenting Plan. The State of Washington has been notified of this case as required by the court rules if either party or the children are receiving or have ever received state cash assistance or medical public assistance.

Signed at (city) _____, (state) _____ on
(date)_____.

Petitioner's Signature

~~SUBSCRIBED AND SWORN to before me this ___ day of _____, 20__.~~

Notary Public in and for the State
of Washington, residing at

And if agreed by Respondent add the following ~~verification~~ declaration:

~~STATE OF WASHINGTON }~~

} ss.
~~COUNTY OF PIERCE }~~

_____, being first duly sworn on oath deposes and says:

I declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

I am the Respondent in this case and I have read the foregoing Findings of Fact and ~~have also read the~~ Conclusions of Law, Decree, ~~and~~ the Order of Child Support, Child Support Worksheets, and Parenting Plan (if applicable) ~~support order and related documents, if included herein~~, and they are true and accurate to the best of my knowledge. I am not seeking any relief beyond that specifically requested in the petition. The support requested, if any, is in compliance with the Child Support Schedule. The wife/other domestic partner is not pregnant ~~and no other children have been born to the wife/other domestic partner since the date of marriage that have not been disclosed in the Findings of Fact and Conclusions of Law and Final Parenting Plan.~~ The State of Washington has been notified of this case as required by the court rules if either party or the children are receiving or have ever received state cash assistance or medical public assistance.

Signed at (city) _____, (state) _____ on
(date) _____.

Respondent's Signature

~~SUBSCRIBED AND SWORN to before me this ___ day of _____, 20__.~~

~~Notary Public in and for the State
of Washington, residing at~~

(2) **Hearings to Finalize without Attorney Representation.** Self-represented Parties Uncontested/Default Dissolutions Invalidation or Legal Separation, Committed Intimate Relationships (Meretricious Relationships) or Domestic Partnerships are conducted every Friday morning. The moving party shall docket these matters by e-filing a Note for Commissioner's Calendar - Uncontested Docket six court days before the hearing date, subject to case limits. The location and exact time of this calendar is contained in the Commissioners' Calendars, Appendix, Form Q, attached to these rules. The Commissioners' Calendars may be changed without formal republication of these rules or appendices. Parties are advised to confirm calendar schedules before noting matters for hearing. Incorrectly scheduled matters ~~shall~~ **will** be stricken.

(3) **Presentation of Final Documents Papers.** At the time of final hearing upon any uncontested dissolution, invalidity, ~~legal separation~~ ~~ee-maintenance~~ case, committed intimate relationship case (meretricious relationship) or domestic partnership case, the attorney for the applicant ~~or the self-represented party for the dissolution, invalidity, or separate maintenance, committed intimate relationship case (meretricious relationship) or domestic partnership case or the party pro se~~ shall present to the court for signature appropriate findings of fact, conclusions of law, decree, order of child support, child support worksheets and parenting plan/residential schedule, if applicable, and shall immediately after signature by the court, file the same with the clerk in open court. ÷

~~provided, that for good cause shown, the court may extend the time for presentation of such pleadings~~

(4)~~(5)~~ **Attachment of Certificates of Completion- of the Mandatory Impact on Children Seminar to Final Parenting Plan.** The parties shall attach each party's Certificate of Completion of the Mandatory Impact on Children seminar to any Final Parenting Plan submitted for approval to the Court.

(5)~~(6)~~ **Reconciliation—Amended Petition**

(A) **Notice of Reconciliation.** In the event the parties reconcile or mutually agree they wish to attempt a reconciliation, they shall ~~may~~ jointly file in the Clerk's Office a Joint Notice of Reconciliation as set forth in Appendix, Form I, and the parties shall no longer have to comply with the Case Schedule Requirements of PCLR 1; provided that the matter shall automatically be dismissed by the court six months from the date of the notice unless an amended petition has been filed.

(B) **Amended Petition.** In all dissolution, committed intimate relationship (meretricious relationship) or domestic partnership actions where the parties have reconciled, and the reconciliation fails ~~to accomplish its purpose~~, an amended petition shall ~~must~~ be personally served unless otherwise authorized and filed in the manner of original process ~~and filed and no decree shall be granted until the time for answering such amended petition has expired.~~

(6) **Collaborative Law.** In the event that represented parties mutually agree to participation in collaborative law, they shall present to the assigned judicial department the Joint Notice of Participation in Collaborative Law as set forth in the Appendix, Form R, and obtain a mandatory status conference date and the parties shall no longer have to comply with the Case Schedule Requirements of PCLR 1. If the case does not resolve by the mandatory status conference date, the mandatory status conference shall be held to advise the Court of the progress. Counsel and court may agree to continue the status conference if participation in the collaborative law process is ongoing. Failure to comply may lead to dismissal of the case.

(b) **Contested Matters.** Before all final hearings or trials in contested dissolution, invalidity, legal separation, committed intimate relationship (meretricious relationship) or domestic partnership cases, each party shall file and serve on the opposing party a pretrial information form approved by the Court. The pretrial information form shall be filed and served two (2) court days prior to the scheduled final hearing or trial. See Appendix, Form E. Such information shall be verified under oath.

(c) **Family Law Motions.**

(1) **How Initiated.** All motions and returns on order to show cause shall be docketed by e-filing a Note for Commissioner's Calendar ~~at least fourteen (14) calendar days before the hearing~~, simultaneously with a Motion and/or Notice of Hearing and any

supporting pleadings, unless this is a refile of a motion or notice of hearing previously filed, in which event only the Note for Commissioner's Calendar ~~is shall be~~ filed. The Hearing shall be heard on the basis of affidavit and/or declaration ~~only~~. The Note for Commissioner's Calendar ~~must shall~~ be filed electronically. Access to e-filing will be provided by the Clerk's Office, as needed. Cases heard shall be limited ~~to a total sum of ten (10) show cause cases each day, per court, in Commissioner's courts, consisting of Civil Divisions A, B & C. The limit will may be adjusted according to policies adopted by the Pierce County Superior Court.~~ Leave may be granted by a ~~duly appointed Commissioner, not a Commissioner Pro Tem,~~ to exceed the number of cases heard on any given day in that Commissioner's Division.

(2) **Counter Motions.** In the event there is an existing motion or adequate cause hearing and the responding party wishes to file a counter motion they may do so without leave of the court ~~or without~~ by e-filing a Note for Commissioner's Calendar, as long as the motion and all supporting pleadings are filed and served a minimum of fourteen (14) calendar days before the hearing. Any necessary Order to Show Cause shall also be signed by a Commissioner.

(3) ~~(2)~~ **Notice and Hearing.** Copies of the motion, ~~counter motion,~~ Petition, Note for Commissioner's Calendar, Notice of Adequate Cause, if applicable, together with all supporting documents including affidavits, declarations, ~~and~~ certified statements, exhibits, and any other materials to be considered by the court ~~must shall~~ be served on all counsel and ~~pro se parties self-represented party~~ at least fourteen (14) calendar days before the hearing. Response documents, including briefs, if any, ~~must shall~~ be filed with the clerk and copies served on all parties ~~and the Commissioner Services Department~~ no later than 12:00 noon four (4) court days prior to the hearing time; and documents in strict reply thereto shall be similarly filed and served no later than 12:00 noon two (2) court days prior to the hearing. Copies of the motion, ~~counter motion,~~ Petition, Note for Commissioner's Calendar, together with all supporting documents including affidavits, declarations, certified statements, documents in strict reply and response documents, including briefs and a copy of proposed orders ~~must shall~~ be delivered to the Commissioner Services Department no later than 12:00 noon two (2) court days prior to the hearing. A copy of the Note for Commissioner's Calendar shall be attached to each set of copies delivered to the Commissioner Services Department. ~~In the upper right hand corner~~ All parties shall mark "Working Copies" in the upper right hand corner and indicate the name of the calendar, the date and time of the hearing and who is delivering the papers (moving party or opposing party). Anyone e-filing documents shall be responsible for ensuring working copies are timely provided to the Commissioner Services Department. A fax or email transmittal of working copies shall not be acceptable delivery.

(4) ~~(3)~~ **Page Limits**

(A) **Generally.** Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witness in support of motions (except financial declarations), including any reply, shall be limited to a sum

total of 20 pages ~~for all motions scheduled for the same date~~ . The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of 20 pages ~~for all motions scheduled for the same date~~. In those cases having joint petitioners, the entirety of all declarations and affidavits from each petitioner in support of their respective motions (except financial declarations), shall be limited to a sum total of 20 pages per side.

(B) **Exhibits.** Exhibits that consist of declarations or affidavits of party's witnesses shall count towards the above page limits. All other exhibits attached to a declaration or affidavit shall be limited to 10 pages.

(C) **Financial Declarations.** Financial declarations and financial documents, do not count toward the page limit.

(D) **Expert Reports and Evaluations.** Declarations, affidavits, and reports from Appointed Special Advocates (CASA), Parenting Investigators, Guardians ad Litem, Family Court Services (FCS), ~~and~~ expert witnesses, ~~police reports and out of state background checks~~ do not count toward the page limit.

(E) **Miscellaneous Exceptions.** Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the court in lieu of the court file do not count toward the page limit. Deposition excerpts shall not count toward the page limit.

(5) ~~(4)~~ **Confirmations.** The moving party ~~must~~ shall confirm the motion with the Commissioner Services Department in person or by telephone by noon two (2) court days prior to the hearing; otherwise the matter ~~will~~ shall be stricken. Motions may also be confirmed and stricken electronically, through the internet, in accordance with the time deadlines set forth herein, by those with LINX accounts and PIN (Personal Identification Numbers) in accordance with the procedures adopted by the Pierce County Superior Court Clerk's Office. Motions filed by persons physically confined under a court order shall be deemed confirmed at filing.

(6) ~~(5)~~ **Courtroom Assigned.** The monitors located on the ~~second~~ first and ~~first~~ second floor lobbies of the County City Building list which court has been assigned to hear confirmed motions. Attorneys and ~~self-represented parties~~ ~~pro se~~ may also check the assigned courtroom by accessing the Pierce County Superior Court website: <http://www.co.pierce.wa/cfapps/linx> and viewing the calendar of proceedings.

(7) ~~(6)~~ **Signing of Court Order(s).** All counsel or self-represented parties are responsible for preparing and presenting court orders (using mandatory family law pattern forms if applicable) ~~at~~ at the conclusion of ~~all family law motion matters, all counsel or pro se parties involved the motion and they~~ shall remain in attendance in the court until the appropriate order has been ~~settled~~, signed by counsel, all parties and the court. ~~or a date certain for presentment has been set.~~

(8) ~~(7)~~ **Limits of Argument.** ~~On hearing of all family law motions,~~ The court shall direct counsel or ~~pro-se parties~~ self-represented parties to appropriate issues set forth in the motion and shall place strict limits on the time for argument.

(9) ~~(8)~~ **Motion and Order to Shorten Time.**

(A) **Motions to Shorten Time.** All Motions to Shorten Time ~~must~~ shall be in writing and supported by declaration or affidavit that ~~(a)(i)~~ states the reasons why the matter must be heard on shortened time and ~~(b)~~ (ii) sets forth the manner and method by which notice, or attempted notice, was provided to all other parties regarding presentation of the Motion to Shorten Time. If the moving party has been unable to notify all parties of the Motion to Shorten Time, it is within the judicial officer's discretion to proceed with the Motion to Shorten Time. The court file ~~must~~ shall be presented along with the Motion to Shorten Time, declaration or affidavit, and the proposed Order to the Judge or Commissioner considering the request.

(B) **Department Motions.** If the underlying motion is to be heard by a Judge, the Motion to Shorten Time ~~should~~ shall be presented to the assigned judicial department. If the assigned department is not available to consider the Motion to Shorten Time, the matter may be presented to the Presiding Judge for consideration. If the Presiding Judge is not available, the moving party should contact Superior Court Administration for ~~additional~~ information as to which ~~judge~~ judicial department can hear the Motion to Shorten Time.

(C) **Commissioner Motions.** If the underlying motion is to be heard by a Court Commissioner, the Motion to Shorten Time ~~should~~ shall be presented to the Ex Parte Division. The Motion to Shorten Time ~~should~~ shall be heard by a regularly appointed Court Commissioner and not a Commissioner Pro Tempore. If granted, a copy of the Order Shortening Time and Note for Commissioner's Calendar ~~shall~~ must be given to the Commissioner Services Department.

(D) **Notice.** The party requesting the Order to Shorten Time ~~shall~~ must notify all opposing parties of the Motion to Shorten Time and the time and location of its presentation. Any party opposing the Motion to Shorten Time ~~shall~~ must appear or respond by Declaration or Affidavit setting forth the basis of the opposition. Failure to appear or respond to the Motion to Shorten Time does not preclude a party from requesting terms.

(E) **Service.** If the Motion to Shorten Time is approved by the appropriate judicial officer, the ~~prevailing~~ party shall provide a copy of the pleadings relating to the Motion to Shorten Time as well as to the underlying motion, to all parties as soon as possible or as otherwise directed by the Court.

(d) **Settlement Conferences.** See PCLR 3(c). Settlement conferences are mandatory in dissolutions, paternity, post-dissolutions and related family law matters ~~except for~~ cases addressing solely child support.

(e) **Guardian ad Litem/Parenting Investigator in Parenting/Custody Cases: Limitations on Appointments, Hours and Fees.**

(1) **Appointment of Guardian ad Litem/Parenting Investigator.** The appointment of a guardian ad litem/parenting investigator in cases involving the residential placement of minor children shall be made by court order. The guardian ad litem/parenting investigator shall be provided a copy of the Case Schedule, and any amendments thereto entered throughout the course of the case. If there are less than 90 days to the date of trial, any Order or Agreed Order for Appointment of a Guardian ad Litem/Parenting Investigator shall include the trial date and shall only be signed by the ~~trial~~ assigned judicial department.

(2) **Hours and Fees.**

(A) **Retainer/Additional Fees.** When an order ~~allowing~~ authorizing appointment of a guardian ad litem/parenting investigator ~~off from~~ the RCW 26.09 Certified Registry is signed, a \$750.00 initial retainer fee shall be paid to the Clerk of the Court, unless for good cause shown a different amount is ordered by the Court at the time of the appointment of a guardian ad litem/parenting investigator and is reflected in the order.

The guardian ad litem/parenting investigator's time shall be paid from this retainer at the rate of \$75.00 per hour. When the retainer is exhausted, the guardian ad litem/parenting investigator shall request payment of additional fees from the assigned Family Court (FAM 1 or FAM 2). No additional fees will be allowed without prior authorization of the assigned Family Court Judge (FAM 1 or FAM 2) .

(B) **State Paternity Actions.** Section (2)(A) does not apply to State initiated paternity contract cases ~~or County Pay Guardian ad Litem (GAL) cases, except prior authorization for fees.~~

(3) **Administrative Policy.** Pierce County Superior Court's current Administrative Policy re: Guardian ad Litem/Parenting Investigator Registry for Pierce County Family Law Proceedings and Code of Conduct; ~~and G.A.L. Registry for Guardianships and Code of Conduct~~ are set forth in Part VI, Administrative Policies.

(4) **Case Assignment.** ~~If case is not already assigned to Family Court (FAM 1 or FAM 2) at the time of the Guardian ad Litem (GAL) appointment~~ Upon the court authorizing the appointment of a Guardian ad Litem/Parenting Investigator, the ~~c~~Case will be reassigned to Family Court (FAM 1 or FAM 2), except for those cases where the Guardian ad Litem (GAL) is appointed for the purpose of parentage or minority.

(f) **Nonparental Custody Proceedings**

(1) **How Initiated.** An action for custody of a child brought by a nonparent is commenced by the filing of a Summons and Petition **and Petitioner's Notice of Adequate Cause and Order Directing DCFS/CPS to Release Information on the mandatory forms** under a new cause number and may not be commenced under an existing dissolution, paternity or other case.

(2) **Case Schedule.** Upon filing, the Clerk's Office ~~will~~ **shall** issue a Case Schedule. **Refer to Appendix, Form A.**

(3) **Requirements.** The petitioner(s) ~~must~~ **shall** obtain a Washington State Patrol and Child Protective Services (CPS) background checks on themselves and all adult household members. The petitioner(s) ~~must~~ **shall obtain** an Order Finding Adequate Cause **on the Commissioner's calendars** on or before the court hearing date specified in the Case Schedule or the petition will be dismissed without further notice. The petitioners and respondents shall attend the mandatory Impact on Children class. A settlement conference, or other dispute resolution process, is required prior to trial, unless waived by the Court.

(4) **Case Assignment.** ~~All Non parental Custody actions shall be If case is not already assigned to Family Court (FAM 1 or FAM 2), the case will shall be reassigned to Family Court.~~

(5) **Finalization.** Nonparental Custody actions shall not be finalized in the Ex Parte Department. ~~They must~~ **These matters shall** be docketed on the Show Cause/Family Law docket or on the motion calendar of the assigned Family Court Department. Pro Tem Commissioners are not authorized to finalize any nonparental custody actions.

(g) **Petition to Modify Parenting Plan/Residential Schedule**

(1) **How Initiated.** An action for modification of a final parenting plan/**residential schedule** is commenced by the filing of a Summons, Petition for Modification of Custody, ~~and~~ **Proposed Parenting Plan/Residential Schedule, and Petitioner's Notice of Adequate Cause on the mandatory forms** under the existing dissolution, paternity, or other case.

(2) **Case Schedule.** Upon filing, the Clerk's Office ~~will~~ **shall** issue a Case Schedule. **Refer to Appendix, Form A.**

(3) **Requirements.** The petitioner(s) ~~must~~ **shall** obtain an Order Finding Adequate Cause **on the Commissioners' calendars** on or before the court hearing date specified in the Case Schedule or the petition will be dismissed without further notice. The **petitioner(s)** and respondent(s) shall attend the mandatory Impact on Children class. A settlement conference, or other dispute resolution process, is required prior to trial, unless waived by the Court.

(4) **Case Assignment.** All Petitions to Modify Parenting Plan/Residential Schedule shall be ~~If case is not already~~ assigned to Family Court (FAM 1 or FAM 2) ~~at the time, the case will shall be reassigned to Family Court.~~

(h) **Relocation of Children**

(1) **How Initiated.** An action for Relocation of Children is commenced by the filing of an Objection to Relocation under the existing dissolution, paternity, or other case. ~~The hearing on the Objection to Relocation is heard by the Commissioners pending the trial.~~

(2) **Case Schedule.** ~~Upon filing, the petitioner shall be provided with The clerk's office shall issue an Order Assigning Case to Department by the clerk. This order shall (1) assign the case to Family Court (FAM 1 or FAM 2) (if not already) and (2) set a date on the assigned Family Court's next available motion calendar (not less than six days from filing) for an assignment for trial date. Refer to Appendix, Form A.~~

~~(3) Requirements. None.~~

(3) ~~(4)~~ **Case Assignment.** All Objections to Relocation shall be ~~If case is not already~~ assigned to Family Court (FAM 1 or FAM 2), ~~the case will be reassigned to Family Court (FAM 1 or FAM 2).~~

~~[Adopted effective June 1, 1990; amended effective June 3, 1991; amended effective September 1, 1995; amended effective July 1, 1996; amended effective July 2, 1996; amended effective September 1, 1998; amended effective September 1, 1999; amended on an emergency basis effective May 15, 2000; amended effective September 1, 2000; amended effective September 1, 2002; amended effective September 1, 2002; amended effective September 1, 2003; amended September 1, 2004; amended September 1, 2005; amended effective September 1, 2006; amended effective September 1, 2007; amended effective September 1, 2008; amended effective September 1, 2009.]~~

PCLSPR 94.05 - MANDATORY SEMINAR - IMPACT ON CHILDREN

~~The~~ Pierce County Superior Court ~~Judges~~ finds that it is in the best interest of any child whose parents or custodians are involved in ~~specific court~~ family law proceedings to provide such parties with an educational workshop concerning the impact family restructuring has on ~~their~~ a child. The workshop offers parties tools to help ensure that ~~their~~ a child's emotional needs will not be overlooked during the legal processes, to encourage parties to agree on child-related matters, and to aid in maximizing the use of court time.

(a) **Applicable Cases.** This rule shall apply to all cases filed ~~after September 1, 2000~~ under Ch. 26.09, Ch. 26.10, or Ch. 26.26 RCW which require a parenting plan or residential schedule for minor children; ~~including dissolutions, legal separations, major modifications,~~

~~paternity actions in which paternity has been established, and nonparental custody actions.~~ This rule does not apply to modification cases based solely upon relocation.

(b) **Mandatory Attendance.** In all cases governed by this rule, all parties shall complete an approved parenting seminar. ~~Each party shall attach a copy of the Certificate of Completion to the final parenting plan.~~ Standards for parenting seminars shall be established by the court and providers shall be approved by the court. ~~The court may approve a seminar upon a showing of functional equivalency regarding course content and instructor qualifications. In no case shall opposing parties be required to attend a seminar together.~~

(c) **Timing.** Parties required by this rule to participate in a parenting seminar shall complete an approved parenting seminar within 60 days after service of the petition or motion initiating the action which is subject to this rule. In the case of paternity actions initiated by the prosecuting attorney's office, the parenting seminar shall be required only when paternity is established or acknowledged and a residential schedule is requested.

(d) **Fees.** Each party attending a seminar shall pay a fee charged by the approved providers and sanctioned by the court. The court ~~or an approved provider~~ may waive the fee for indigent parties.

(e) **Seminar Content/Instructor Qualifications.** The Impact on Children Seminar shall provide information concerning the impact family restructuring has on children. ~~The Superior Court Judges~~ (or a committee designated by the Judges) shall adopt guidelines governing the content of the seminar, ~~the number of approved providers~~ and the minimum credentials and experience required of seminar instructors. ~~The provider shall efile each attendee's Certificate of Completion with the court. The provider shall give each attendee a Certificate of Completion.~~

(f) **~~Special Consideration~~/Waiver.** The court may waive the seminar requirement for good cause shown. ~~Provided further:~~

~~(1) In no case shall opposing parties be required to attend a seminar together.~~

~~(2) Upon a showing of domestic violence or abuse which would not require joint mutual decision-making, pursuant to RCW 26.09.191, or that a parent's attendance at a seminar is not in the child's best interest, pursuant to Ch.26.12 RCW, the court shall either:~~

~~_____ (1)(A) waive the requirement of completion of the seminar; or~~

~~_____ (2)(B) allow participation in an alternative voluntary parenting seminar for battered spouses.~~

~~(3) — The court may waive the seminar requirement for good cause shown.~~

~~(4) — When parties choose to use agencies or religious organizations which have not received prior approval by the court, the court may approve the seminar upon a showing of functional equivalency regarding course content and instructor qualifications.~~

(g) **Failure to Comply.** Willful refusal to participate in a parenting seminar or willful delay in completion of a parenting seminar by any party may constitute contempt of court and result in sanctions, including, but not limited to, imposition of monetary terms, striking of pleadings or denial of affirmative **parenting plan** relief, to a party not in compliance with this rule. Non-participation, or default, by one party does not excuse participation by the other.

(h) **Administrative Policy.** Pierce County Superior Court's current Administrative Policy re: Impact on Children Seminar is set forth in Part VI, Administrative Policies. It may also be found at: <http://www.co.pierce.wa.us/superiorcourt> and by clicking on "Local Rules."

~~(i) — **Notice to Parties in the Order Assigning Case to Department.** The Order Assigning Case to department shall contain a Notice to the parties that they are required to complete the mandatory Impact on Children Seminar within the time limits set forth in paragraph (c) of this rule.~~

~~[Adopted effective September 1, 2000; amended September 1, 2004; amended effective January 1, 2007; amended effective September 1, 2009]~~

PCLSPR 98.04 ESTATES – PROBATE – NOTICES

(a) **Presentation.** The initial presentation of an order appointing a Personal Representative or Administrator in a testate or intestate estate shall be presented to the Court Commissioner in the Ex Parte Division. This appointment shall be at the discretion of the court and in the event the court determines that notice shall be given, may direct the petitioner to make said presentation on the Commissioner's Probate calendar conducted in Civil Division A.

(b) **Notice and Hearing.** The following matters shall be noted for hearing at least six (6) **court** days in advance:

(1) All decedent estate matters involving the approval of periodic reports, final accounts or the expenditure of funds;

(2) Petitions for Nonintervention Powers unless notice has been waived by the parties or is not required by law;

(3) Interim accounts in estate matters;

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

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

All hearings shall be scheduled by properly completing a Note for Commissioner's Calendar. The original Note shall be filed in the Clerk's Office ~~and a copy filed with the Commissioner Services Department~~. The Note ~~must shall~~ be efiled at least six (6) ~~working court~~ days prior to the scheduled hearing date. The Court Commissioner may set special hearings at other times if complex or unusual issues ~~may be~~ are present. Counsel ~~should shall~~ make the Commissioner aware of the need for a special setting at least six (6) court days in advance. ~~A fax or email transmittal of working copies shall not be acceptable delivery.~~

(c) **Report/Working Copies/ Proposed Orders.** All parties shall be responsible for ensuring working copies and proposed orders are ~~delivered to the Commissioner Services Department no later than 12:00 noon two (2) court days prior to the hearing. A copy of the Note for Commissioner's Calendar shall be attached to each set of copies delivered to the Commissioner's Service Department. In the upper right hand corner mark "Working Copies" the name of the calendar, the date and time of the hearing and indicate who is providing the copies (moving party or opposing party). provided at least two (2) court days prior to the hearing by delivering the working copies to the Commissioner Services Department. The upper right hand corner of the copy delivered to the Commissioner Services Department shall be marked "working copy" and the name of the calendar and the date and time of hearing written on the document. A GAL shall be responsible for providing a working copy of his/her report. Anyone e-filing documents shall be responsible for ensuring working copies are timely provided to the Commissioner Services Department. A fax or email transmittal of working copies shall not be acceptable delivery.~~

(d) **Bonds.** All bonds required of personal representatives/administrators shall be signed by the principal and shall contain the address of the surety.

(e) **Order for Production of Wills.** Upon filing any petition showing jurisdictional facts as to the estate of a deceased person and alleging that it is believed that a will exists and is located in a safety deposit box to which the deceased had access, any person having control of such safety deposit box may be directed by court order to open such box in the presence of the petitioner, and if a document purporting to be a will of the deceased is found, the custodian of such safety deposit box shall deliver the will to counsel for the petitioner for immediate filing or to the clerk of the court.

(f) **Probate Homesteads / Prior Claims.** In all cases where a petition for allowance in lieu of homestead or in addition thereto is filed by the surviving spouse, receipts evidencing the payment of funeral expenses, expenses of last sickness and of administration including fees of appraisers, or a signed written statement by the creditor that such payment has been provided for, ~~must shall~~ be filed at or before the time of the hearing on said petition.

(g) **Oaths.** The Personal Representative(s)/Administrator(s) name ~~must shall~~ be typed or printed on the oath as it appears in the order. The oath ~~must shall~~ conform to the requirements as set forth in RCW 11.28.170 and RCW 11.36.010. When a Personal Representative/Administrator changes his or her name, he or she ~~must shall~~ obtain an order for new letters and file an oath under the new name in order to receive new letters. The expiration date of the letters shall remain the same unless changed by the new order.

(h) **Order Appointing Personal Representative/Administrator.** The order shall contain the name(s) for the Personal Representative(s)/Administrator(s) as it appears in the oath.

(i) **Notification of Change of Address.** Any person appointed as Personal Representative or Administrator of an estate ~~must shall~~ file a notice of change of address with the court within thirty (30) days of the change.

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

PCLSPR 98.16W

SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

(a) **Presentation.** The presentation of an order to appoint an attorney to serve as the proposed Settlement Guardian ad Litem shall be presented to the Court Commissioner in the Ex Parte Division. This appointment shall be at the discretion of the court and no proposed order presented shall include a preselected name ~~nor address the fees/cost of the court appointed Settlement Guardian ad Litem.~~

(b) **Qualifications.** The qualifications of an attorney to serve as the Settlement Guardian ad Litem shall be in compliance with SPR 98.16W(d). The Settlement Guardian ad Litem report shall include the following information:

- (1) the number of years the attorney has been in practice in the State of Washington;
- (2) a summary of the type of practice of the attorney for at least the last five (5) years;

- (3) an affirmation that the attorney does not have any conflict of interest as contemplated in SPR 98.16.W(d);
- (4) whether the attorney is aware of any pending Bar Association disciplinary proceedings or of any criminal charges that have been filed against his/her; and
- (5) whether the attorney has any relationship with the involved parents, guardians, insurers or other attorneys in the case; and
- (6) a statement as to whether or not there has been compliance with RCW 4.24.010, specifically, the notice requirements to parent who is not named as a plaintiff.

(c) **Attendance at Hearings.** The presence of the Settlement Guardian ad Litem and the affected person is required unless waived by the Court pursuant to an Order obtained from the Commissioner in Civil Division A in advance of the hearing for good cause shown. A custodial parent or legal custodian ~~should~~ **shall** be present for the settlement of claims involving a minor unless their presence is waived by the Court for good cause shown by the Commissioner assigned to Civil Division A in advance of the hearing.

(d) **Report/Working Copies/Proposed Orders.** The Settlement Guardian ad Litem, ~~or other person filing the report if no Settlement Guardian ad Litem is required,~~ shall file their report in the Clerk's Office. The moving party shall be responsible for ensuring working copies, including proposed orders and the Settlement Guardian ad Litem report, ~~are delivered to the Commissioner Services Department no later than 12:00 noon two (2) court days prior to the hearing. A copy of the Note for Commissioner's Calendar shall be attached to each set of copies delivered to the Commissioner Services Department. In the upper right hand corner mark "Working Copies", the name of the calendar, the date and time of the hearing and who is providing the papers (moving party or opposing party). are provided at least two (2) court days prior to the hearing by delivering the working copies and the report directly to the Commissioner Services Department. The upper right hand corner of the copy delivered to the Commissioner Services Department shall be marked "working copy," the name of the calendar and the date and time of hearing written on the document.~~ Anyone e-filing documents shall be responsible for ensuring working copies are timely provided to the Commissioner Services Department. A fax or email transmittal of working copies shall not be acceptable delivery.

(e) **Notice and Hearing.** All hearings shall be scheduled by properly completing a Note for Commissioner's Calendar. The original Note shall be efiled in the Clerk's Office ~~and a copy filed with the Commissioner Services Department.~~ The Note ~~must~~ shall be filed at least six (6) ~~court working~~ days prior to the scheduled hearing date. Consistent with RCW 4.24.010, notice of said motion shall be given to a parent who was

not originally named as a plaintiff or is no longer a custodian of the minor or incapacitated person.

The Court Commissioner may set special hearings at other times if complex or unusual issues may be present. Counsel or the Settlement Guardian ad Litem ~~shall should~~ make the commissioner aware of the need for a special setting at least six (6) days in advance. ~~A fax or email transmittal of working copies shall not be acceptable delivery.~~

(f) **Multiple Minors.** In the event the filed claim involves multiple minors, separate proposed court orders shall be presented to the court addressing each individual minor. Each proposed Order shall also include reference to the day, month and year of the minor's eighteenth (18th) birthday.

(g) **Structured Annuity Settlements.** Unless waived by the Court for good cause shown, the following language shall be inserted into any court order involving a structured annuity settlement involving a minor or incapacitated person:

"Neither the minor nor incapacitated person, nor his estate, nor any subsequent beneficiary or recipient of any payments or any part of any payments under this structured settlement shall have the right to accelerate, commute or otherwise reduce to present value or to a lump sum any of the payments or any part of the payments due under this structured annuity settlement or this order unless by later motion good cause has been shown to lift or modify these restrictions.

No payment under the structured settlement annuity contract or this order ~~shall may~~ be transferred as defined in RCW 19.205.010 (18), accelerated, deferred, increased or decreased, or anticipated, sold, mortgaged, assigned or encumbered in any manner by the minor or incapacitated person or any other recipient of the payments unless by later motion good cause has been shown to lift or modify these restrictions."

(h) **Receipt of Deposit of Funds.** Unless waived by the Court for good cause shown, a verification of blocked account and receipt of deposit of funds into either the Registry of the Court or such institution as the court order directs shall be filed within forty-five (45) days by independent counsel for the minor or incapacitated person, counsel for the insurance carrier or, by the court appointed Settlement Guardian ad Litem should there be no independent counsel on behalf of the minor or incapacitated person. In the event a party other than the Settlement Guardian ad Litem deposits the funds, they shall provide a copy of the receipt of deposit and verification of blocked account to the Settlement Guardian ad Litem. Failure to comply with this provision may subject the parties to a noncompliance hearing and the assessment of terms.

(i) **Discharge of Settlement Guardian ad Litem.** No court appointed Settlement Guardian ad Litem shall be considered discharged by the court until a receipt of deposit of funds has been filed as set forth above.

(j) **Disbursements.** All motions relating to disbursements from the court approved settlement proceeds of a minor or incapacitated person shall be scheduled by properly ~~completing e~~ filing a Note for Commissioner's Calendar and the parties shall comply with all requirements set forth in ~~as set forth~~ in subsection (d) and (e) above. ~~Working copies shall be delivered at least two (2) court days prior to the hearing by delivery to the Commissioner Services Department. Consistent with RCW 4.24.010, notice of said motion shall be given to a parent who was not originally named as a plaintiff or is no longer a custodian of the minor or incapacitated person. A fax or email transmittal of working copies shall not be acceptable delivery.~~

(k) **Fees/Costs.** All fees and costs requested by the attorney for the minor and/or court appointed Settlement Guardian ad Litem are subject to court approval only.

~~[Adopted effective September 1, 2000; amended effective September 1, 2007; amended effective September 1, 2009.]~~

PCLSPR 98.18 COURT-CREATED TRUSTS

(a) **Scope of Rule.** This rule shall apply to any trust created by the court, including but not limited to trusts created pursuant to SPR 98.16W, RCW 11.88 and RCW 11.92, such as special needs trusts and settlement trusts.

~~(b)~~(e) **Drafting of Trust Instrument.** A trust instrument shall only be drafted after a written guardian ad litem recommendation and/or a court order that specifies the relevant terms of such trust, unless the requirement of such recommendation or court order is waived by the court for good cause.

(c) **Guardian ad Litem/Guardian.** The court shall only order a court-created trust upon the written recommendation of a qualified guardian ad litem or guardian, unless the requirement of a guardian ad litem or guardian is specifically waived by the court for good cause. Based on the facts and circumstances, the court may authorize the petitioner, the guardian ad litem or guardian to hire trust counsel to evaluate any proposed trust instrument, to draft a trust instrument or any other duties as enumerated by the court.

The guardian ad litem's or guardian's report shall:

- (1) Identify why a court-created trust is in the best interests of the beneficiary;
- (2) Specifically identify any other roles expected of a trustee or trust advisory committee member in the life of the beneficiary (e.g. this requirement would include caregivers, professional advisors, family or others who might receive direct or independent economic benefit from trust expenditures); and
- (3) Specifically recommend why a Trust Advisory Committee is appropriate or not appropriate if proposed by petitioner.

(d) **Special Master.** In its discretion, the court may appoint a Special Master to provide independent analysis to the court with regard to the proposed trust instrument or provide such assistance as ordered by the court.

~~(e)~~ **Declaration of Proposed Trustee.** Prior to appointment, each trustee shall file with the court a Declaration of Proposed Trustee as set forth in Form L unless waived by the court. If the proposed trustee 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 shall be disclosed.

(f) **Notice and Hearing.** All hearings shall be scheduled by properly completing a Note for Commissioner's Calendar. The original Note shall be efiled in the Clerk's Office. The Note shall be filed at least six (6) court days prior to the scheduled hearing date.

(g) **Attendance at Hearings.** The presence of the Guardian ad Litem/Guardian, Special Master and the affected person is required unless waived by the Court pursuant to an Order obtained from the Commissioner in Civil Division A in advance of the hearing for good cause shown.

(h) **Report/Working Copies/Proposed Orders.** The Guardian ad Litem and Special Master shall file their reports in the Clerk's Office. The moving party shall be responsible for ensuring working copies, including proposed orders, the Guardian ad Litem report and report of Special Master, are delivered to the Commissioner Services Department no later than 12:00 noon two (2) court days prior to the hearing. A copy of the Note for Commissioner's Calendar shall be attached to each set of copies delivered to the Commissioner Services Department. In the upper right hand corner mark "Working Copies", the name of the calendar, the date and time of the hearing and who is providing the papers (moving party or opposing party). Anyone e-filing documents shall be responsible for ensuring working copies are timely provided to the Commissioner Services Department. A fax or email transmittal of working copies shall not be acceptable delivery.

~~(i)(f)~~ **Order Approving/Declaring Trust.** Within thirty (30) days, the Order Approving/Declaring the Trust shall be filed in a court file with a guardianship case or cause number to allow the court to track the matter. Likewise, the trust instrument must be filed under the same cause number. Any guardian ad litem shall not be discharged until such filing has occurred.

~~(j)~~ **Fees/Costs.** All fees and costs requested by the attorney for the minor and/or court appointed Settlement Guardian ad Litem are subject to court approval only.

~~(k)(g)~~ **Review Hearings.** Upon signing the Order Approving/Declaring the Trust, the court shall ~~will~~ specify the report interval for the first periodic report and accounting. At the time the Order Approving/Declaring the Trust is filed with the clerk's office, the clerk shall ~~will~~ schedule the date for the initial review hearing on the assigned ~~Superior Court~~ Judicial Department's Friday motion docket, not more than 120 days after the anniversary date of the Order. Trusts shall ~~must~~ be reviewed at least annually unless the court extends the review period. The periodic reports and accountings shall ~~must~~ be filed within 90 days after the anniversary date of the trust's creation.

Review hearings on subsequent periodic reports and accountings shall ~~will~~ be automatically scheduled by the court and heard on the assigned ~~Superior Court~~ Judicial Department's Friday motion docket not more than 120 days after the anniversary date of the trust's creation. Any change to the scheduled review date shall be noted before the assigned department. Review hearings on final reports and accountings shall ~~must~~ be noted and heard on the assigned Superior Court's Department's Friday motion docket.

~~(l)(h)~~ **Trustee Summary.** A Trustee Summary, as set forth in Form M shall be completed and placed directly below the case caption or on a separate cover page on all orders creating a trust and orders approving a trustee's periodic report or accounting.

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

~~(Adopted effective September 1, 2006; amended effective September 1, 2009)~~

**PCLSPR 98.20
GUARDIANSHIPS**

(a) **Presentation of Order Appointing Guardian ad Litem.** The initial presentation of an order appointing a Guardian ad Litem upon the filing of a Petition for

Guardianship shall be presented to the Court Commissioner in the Ex Parte Division. 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 with those Guardians ad Litem²s that 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 six (6) 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 by properly completing a Note for Commissioner's Calendar. The original Note shall be efiled in the Clerk's Office ~~and a copy filed with the Commissioner Services Department.~~ The Note shall ~~must~~ be filed at least six (6) court working days prior to the scheduled hearing date. The Court Commissioner may set special hearings at other times if complex or unusual issues are present. Counsel shall ~~should~~ make the Commissioner aware of the need for a special setting at least six (6) court days in advance. ~~A fax or email transmittal of working copies shall not be acceptable delivery.~~

(c) **Report/Working Copies/Proposed Orders.** The moving party shall be responsible for ensuring working copies, including proposed orders and the Guardian ad Litem report and any medical reports are delivered to the Commissioner Services Department no later than 12:00 noon two (2) court days prior to the hearing. A copy of the Note for Commissioner's Calendar shall be attached to each set of copies delivered to the Commissioner Services Department. In the upper right hand corner mark "Working Copies", the name of the calendar, the date and time of the hearing and who is providing the papers (moving party or opposing party). ~~All parties shall be responsible for ensuring working copies and proposed orders are provided at least two (2) court days prior to the hearing by delivering the working copies to the Commissioner Services Department. The upper right hand corner of the copy delivered to the Commissioner Services Department shall be marked "working copy," with the name of the calendar and the date and time of hearing written on the document.~~ Anyone e-filing documents shall be responsible for ensuring working copies are timely provided to the Commissioner Services Department. A fax or email transmittal of working copies shall not be acceptable delivery.

(d) **Declaration of Proposed Guardian.** Prior to appointment, a Declaration of Proposed Guardian shall be filed with the Court as set forth in Forms N or O, 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 ~~will~~ schedule the date for the *initial* review hearing on the assigned Superior Court Department's Friday motion docket, not more than 120 days after the anniversary date of the guardian's appointment. Guardianships shall ~~must~~ be reviewed at least annually unless the court extends the review period. The periodic reports and accountings shall ~~must~~ be filed and a working copy provided to the assigned 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 ~~will~~ 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 **judicial** assigned department's Friday motion docket. A working copy 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 P 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 clerk of the court shall ~~will~~ track all guardianship cases which require court review and shall ~~will~~ notify the court of cases where periodic reports and accountings are delinquent. The court may direct the guardian, and counsel to appear at a hearing where sanctions may be imposed or the guardian removed. The court 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 ~~will~~ issue Letters of Guardianship to the appointed guardian. The Letters shall ~~will~~ expire on the

120th 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) must 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~~ **must** 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 the~~ 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. Provided further, that 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.

~~(l) **Mandatory Forms.** The ~~Pierce County Superior Court State~~ Mandatory Guardianship forms shall be used. ~~except where a form is designated as "pattern" or no mandatory form exists for the particular matter. Both The mandatory and pattern~~ forms can be obtained on Pierce County Superior Court's website (www.co.pierce.wa.us/superior) 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 will be placed on Superior Court's website are available at: www.courts.wa.gov/forms/~~

~~[Adopted effective June 1, 1990; amended effective July 2, 1996; amended effective September 1, 2001; amended September 1, 2004; amended September 1, 2005; amended September 1, 2006; amended effective September 1, 2007; amended effective September 1, 2008; amended effective September 1, 2009.]~~

PCLRSR 98.30

PUBLIC EXPENSE GUARDIANS AD LITEM AND ATTORNEYS FOR ALLEGED INCOMPETENT PERSONS PURSUANT TO RCW 11.88

(a) **Application and Petition.** All persons asserting a right to the services of an attorney or a guardian ad litem at public expense shall make application to the court at the time of the filing of the Petition for Guardianship, or as soon thereafter as the qualifying financial situation is known, setting forth:

(1) The financial condition of the alleged incompetent (or incapacitated) person and of persons responsible for the alleged incompetent (or incapacitated) person's obligations, and the resulting substantial hardship, if any, if payment of fees is required.

(2) The Petition for Guardianship shall also, whenever possible, indicate:

- (A) if the assets are expected to be less than \$3,000;
- (B) whether there is a request that the filing fee be waived; and
- (C) whether a guardian ad litem at public expense is being sought.

(b) **Guardian ad Litem at Public Expense ~~Assignment and Order~~ Language.** If the court approves an application for the appointment of a guardian ad litem at public expense, the case shall ~~will~~ be assigned in the Ex Parte Department to the appropriate guardian ad litem at public expense.

(1) All orders appointing a guardian ad litem at public expense shall include language that "If the estate is found not to qualify for services at public expense, the assigned public expense guardian ad litem shall, before significant work is performed or time elapsed, return the cause for reassignment to a regular RCW 11.88 guardian ad litem from the Certified Registry."

(2) All orders appointing a guardian ad litem at public expense shall include language that "If significant work by the public expense guardian ad litem has been performed or time elapsed, the public expense guardian ad litem will perform all duties and then apply for fees from the court. The fees shall be compensation to Pierce County".

(c) **Attorney Assignment and Fees.** When the court appoints an attorney for the alleged ~~incompetent (or incapacitated)~~ person which attorney will be paid at public expense, the order will provide that the hourly rate to be charged by the attorney is \$75.00 per hour or less, and that all fees paid shall ~~will~~ be reasonable fees as determined by the judicial officer.

~~(d) —Attorney Notice and Service on Pierce County Prosecutor. If an appointment as the attorney for an alleged incompetent (or incapacitated) person at public expense is accepted, the attorney shall immediately give notice of the appointment to the Chief Civil Deputy of the Pierce County Prosecutor. The attorney shall also serve that office with any motion requesting the payment of his or her reasonable fees at public expense, together with all supporting declarations or affidavits and the note for~~

~~commissioner's calendar, all in the manner provided in the rules. The Chief Civil Deputy of the Pierce County Prosecutor should contemporaneously be kept advised before any extraordinary attorney work is performed at public expense.~~

~~[Adopted effective September 1, 2007; amended effective September 1, 2009.]~~

Forms: Form Q Commissioners' Calendars and Form R Order and Joint Notice of Participation in Collaborative Law

Reason for request: The words pro se have been replaced so Form Q needs to reflect this change. Form R is new based upon the change to PCLSPR 94.04.

[FORM R]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

Petitioner,
vs.
Respondent.

CASE NO.

**ORDER AND JOINT NOTICE OF
PARTICIPATION
IN COLLABORATIVE LAW**

DOCKET CODE:

Notice is hereby given that both parties in the above-identified matter mutually agree that they wish to participate in collaborative law. All future dates reflected in the Order Setting Case Schedule shall be cancelled by the Court.

FURTHER, both parties understand that should this case not resolve within six (6) months from the date of this Notice, the parties shall appear before the Court on the following date for a mandatory status conference to advise the Court of the progress in this matter.

MANDATORY HEARING DATE: _____.

Counsel and the Court may agree, ~~telephonically~~, to continue the status conference to a later date if participation in the collaborative law process is ongoing as the status conference date approaches.

Done in Open Court this ____ day of _____

JUDGE

DATE

PETITIONER'S ATTORNEY
WSBA #

DATE

RESPONDENT'S ATTORNEY
WSBA #

POLICIES ARE SUBMITTED FOR INFORMATION PURPOSES ONLY

Part IV Administrative Policies

Policies 1-5

Reason for request: to omit superfluous language and require the parenting seminar providers to efile the certificates of completion.

PART VI. ADMINISTRATIVE POLICIES

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- 1. **Pierce County Superior Court Administrative Policy Re: Guardian ad Litem/Parenting Investigator Registry for Pierce County--Family Law Proceedings**
(Adopted 5/4/98; amended 4/5/99; amended 5/6/02; amended 12/5/05; amended effective 7/1/2008; amended effective 9/1/2009)
- 2. **Pierce County Superior Court RCW 26.09.220 and RCW 26.12.175 Guardian ad Litem/Parenting Investigator Code of Conduct**
(Adopted 5/4/98; amended 5/6/02; amended effective 9/1/2009)
- 3. **Pierce County Superior Court Administrative Policy for the Guardian ad Litem Registry for Guardianships.**
(Adopted 5/4/98; amended 4/5/99; amended 5/6/02; amended effective 7/1/2008; amended effective 9/1/2009)
- 4. **Pierce County Superior Court RCW 11.88 Guardian ad Litem Code of Conduct.**
(Adopted 5/4/98; amended 4/5/99; amended 5/6/02)
- 5. **Pierce County Superior Court Administrative Policy re: Impact on Children Seminar.**
(Adopted 10/2/00; amended 6/5/05; amended 9/1/2008; amended effective 9/1/2009)

POLICY 1

PIERCE COUNTY SUPERIOR COURT ADMINISTRATIVE

**POLICY RE: GUARDIAN AD LITEM/PARENTING INVESTIGATOR
REGISTRY FOR PIERCE COUNTY--FAMILY LAW PROCEEDINGS**

**I. QUALIFICATIONS: REGISTRY FOR GUARDIANS AD
LITEM/PARENTING INVESTIGATORS IN FAMILY LAW PROCEEDINGS.**

1.1 The Pierce County Superior Court Administrator or their designee shall be responsible for maintaining a registry of those qualified to serve as Guardians ad Litem/Parenting Investigators for parenting matters as provided in RCW 26.09.220 and RCW 26.12.175.

1.2 Applicants to the Pierce County Guardian ad Litem/Parenting Investigator registry must successfully complete training requirements of the Administrative Office of the Courts (AOC).

A. **ATTORNEYS:** Must be a member of the Washington State Bar Association in good standing.

B. **NON-ATTORNEYS:** Must have five years experience working with children and families involved in disputes over parenting issues, dissolution or parentage determinations. A Bachelor's Degree in a related academic discipline is required and a Master's Degree in related academic discipline is preferred.

C. **ALL APPLICANTS:** Shall be of high moral character, and shall not have any:

1. Felony convictions or any convictions involving theft, dishonesty, or moral turpitude.
2. Suspension or revocation of professional certification or license.
3. Pending investigation or action for either 1 or 2 above.

D. **ALL APPLICANTS:** Shall agree to abide by the Guardian ad Litem/Parenting Investigator Code of Conduct, Pierce County Superior Court Administrative Policy, and all applicable statutes and Court Rules.

1.3 The Pierce County Guardian ad Litem Committee shall review applications periodically, prior to the creation of the updated Registry. Placement on the Registry does not guarantee appointment as a guardian.

1.4 The Registry shall be open for new applications at least once a year, as set by the Pierce County Superior Court. A new Registry shall be created by July 1 of each year.

1.5 Each applicant, including persons currently on the Registry, must annually complete and file the following documents with the Court Administrator:

A. Application

B. Code of Conduct

C. Washington State Patrol Request for Conviction Criminal History Record, with the results provided to the Court Administrator as part of the required application materials.

1.6 Persons applying for the Registry for the first time, or after a substantial break in service, will be notified of their provisional placement on the Registry, and shall then be eligible for appointment as a Guardian ad Litem/Parenting Investigator after meeting the requirements of the Pierce County Superior Court Guardian ad Litem Committee.

1.7 First-time registrants, or registrants returning after a substantial break in service, shall complete their required mentoring and have on file, with Superior Court Administration, the Declaration of Mentoring Completion before they may reapply for the following year's Registry. Special authorization to reapply and continue provisional placement in the second year may be granted by the Pierce County Superior Court Guardian ad Litem Committee.

1.8 Registry members must attend continuing education as required by Pierce County Superior Court.

1.9 The Court Administrator, or designee, shall maintain a separate file for each person on the Registry. Each file shall include an Applicant's Certificate of Completion of training. In addition, the file will include all application materials and all formal complaints or grievances, related to an Applicant's service as a Guardian ad Litem/Parenting Investigator, which were retained and acted upon by Pierce County Superior Court. The information contained in the files shall be open for public review in the office of Superior Court Administration during normal business hours.

II. APPOINTMENT FROM REGISTRY.

2.1 Request for appointment of a Guardian ad Litem/Parenting Investigator shall be made to a Superior Court Commissioner or Judge, who shall generate an Order for Selection of a Guardian ad Litem/Parenting Investigator. This Order contains randomly selected names from the Registry and an apportionment of responsibility for payment of the retainer. Each party ~~may~~ shall strike one person from this randomly selected set of names within 3 days. Upon payment of the retainer in full, the Petitioner is responsible for obtaining the Order Appointing Guardian ad Litem/Parenting Investigator and the timely presentation of the Order to the Ex Parte Commissioner for approval and signature.

2.2 If the judicial officer determines from the financial affidavits that a pro bono or county pay Guardian ad Litem/Parenting Investigator is required, the parties will be directed to properly file, serve and note a motion before the assigned Family Court Judge.

2.3 Any Commissioner or Judge who deviates from the rotational order established for the Registry shall make an appropriate written record pursuant to statute.

2.4 In the event the person appointed Guardian ad Litem/Parenting Investigator chooses not to serve, regardless of the reason, the Judicial Officer shall generate a new Order for Selection of a Guardian ad Litem/Parenting Investigator.

2.5 If the parties stipulate to recommend the appointment of a particular Guardian ad Litem/Parenting Investigator, who shall be on the registry, the parties must present, prior to appointment, a written stipulation, signed by both parties and their attorneys, which specifies:

- A. The amount of the retainer charged;
- B. The agreement between the parties regarding payment of the retainer and all fees;
- C. The hourly rate charged by the recommended Guardian ad Litem/Parenting Investigator; and
- D. The statutory reasons for a non-rotational appointment.

2.6 All retainers and additional fees shall be paid into the Clerk of the Court and disbursed pursuant to Court Order. A stipulation alone is not a basis for a non-rotational appointment if the judicial officer finds the statutory factors for a non-rotational appointment are not present.

III. PLACEMENT ON REGISTRY.

3.1 Once placed on the registry, a person shall remain on the registry for one year unless:

- A. The person fails to maintain current information required by law or local rule;
- B. The person is removed by his or her own request; or
- C. The person is removed pursuant to action by the Superior Court Judges under Section IV. below.

IV. COMPLAINT PROCEDURES.

4.1 COMPLAINTS BY A GUARDIAN AD LITEM/PARENTING INVESTIGATOR shall be timely addressed by the Pierce County Superior Court through its **Family Law Guardian ad Litem/Parenting Investigator Grievance** Committee. Such complaints shall be in writing and delivered to the Court Administrator. A written response will be provided to the Guardian ad Litem/Parenting Investigator.

4.2 COMPLAINTS AGAINST A GUARDIAN AD LITEM/PARENTING INVESTIGATOR DURING THE PENDENCY OF THE CASE.

A. Complaints shall be by written motion properly served and noted, pursuant to Pierce County Local Rules. The motion shall be made directly to the assigned trial department, its designee, or the Presiding Judge. Complaints may be made by any party to the case or his or her attorney.

B. The judicial officer may decide, in his or her discretion, to remove, retain, substitute, or stay the work or appointment of the Guardian ad Litem/Parenting Investigator in the active case. Any such decision shall be documented by a written order. The Family Law Guardian ad Litem/Parenting Investigator Grievance Committee shall be notified of any remedial action.

C. Complaints by a party to the case or his or her attorney, or the judicial officer, may be referred for remedial action after the completion of the case, and according to the processes specified in sections 4.3-4.9 below.

4.3 COMPLAINTS AGAINST GUARDIAN AD LITEM/PARENTING INVESTIGATOR AFTER THE CASE IS COMPLETE.

A. If the Court Administrator:

1. Receives a written complaint, based upon personal knowledge, alleging that a Parenting Investigator or Guardian ad Litem:

- a) has violated this policy regarding the requirements for participation on the registry; or
- b) has misrepresented his or her qualifications to be on the registry; or
- c) is not suitable to act as a Guardian ad Litem/Parenting Investigator, or raises questions about the conduct of the Guardian ad Litem/Parenting Investigator in a particular case; or

2. In any manner becomes aware of a reason that would place the suitability of the Guardian ad Litem/Parenting Investigator in question,

then under 1. or 2. above, the matter shall be referred to the judges on the Family Law Guardian ad Litem/Parenting Investigator Grievance Committee.

B. If it is determined that the case is completed and that the complaint was submitted upon personal knowledge, the judges on the Family Law Guardian ad Litem/Parenting Investigator Grievance Committee shall seek a written response from the Guardian ad Litem/Parenting Investigator. Such response shall be due within 30 days.

C. All matters/materials shall be submitted in writing only. There shall be no live testimony or oral testimony. A copy of the response from the Guardian ad Litem/Parenting Investigator shall be sent to the person initiating the complaint.

D. The Guardian ad Litem/Parenting Investigator may be suspended pending resolution of the complaint. The Guardian ad Litem/Parenting Investigator and complaining person shall be notified in writing of any decision to suspend the Guardian ad Litem/Parenting Investigator, pending resolution or otherwise.

4.4 Information regarding suitability to serve as a Guardian ad Litem/Parenting Investigator, which does not relate to a particular case, may be directed to the **Family Law Guardian ad Litem/Parenting Investigator Grievance** Committee. The source of the information and its content may be communicated to the Guardian ad Litem/Parenting Investigator for their written response.

4.5 The Committee shall forward any recommendation to remove a Guardian ad Litem/Parenting Investigator from the Registry to the Presiding Judge, who shall present the recommendation to the Superior Court Judges at their next meeting.

4.6 In the discretion of a majority of the Pierce County Superior Court Judges, a person may be denied admission to the Registry or may be removed from the Registry for any reason that places the suitability of the person to act as a Guardian ad Litem/Parenting Investigator in question, including but not limited to, failure to comply with the applicable requirements of the Administrative Policy, the Code of Conduct, State law, and Guardian ad Litem Rules (GALR).

4.7 Any person filing a grievance or complaint against the Guardian ad Litem/Parenting Investigator, shall be notified in writing of the final decision of the Superior Court Judges within 60 days of the response to the complaint being received.

4.8 In addition to recommending removal, the **Family Law Guardian ad Litem/Parenting Investigator Grievance** Committee may order remedial measures, including but not limited to further education, additional training and mentoring, and/or suspension, as a condition to remaining on the Registry or receiving new cases. The **Family Law Guardian ad Litem/Parenting Investigator Grievance** Committee shall regularly make a report of all such remedial actions.

4.9 AOC REPORTING REQUIREMENTS

As required, the AOC shall be timely notified of the names on the Guardian ad Litem/Parenting Investigator Registry. The AOC shall be notified immediately of the name of any Guardian ad Litem removed from the rotational Registry as a result of a grievance or decision of the Superior Court Judges.

(Adopted 5/4/98; amended 4/5/99; amended 5/6/02; amended 12/12/05; amended 4/14/08 and amended effective 7/1/08; amended effective September 1, 2009)

POLICY 2 (~~Adopted 5/4/98; amended 5/6/02; 9/1/2009~~)

**PIERCE COUNTY SUPERIOR COURT RCW 26.09.220 AND RCW 26.12.175
GUARDIAN AD LITEM/PARENTING INVESTIGATOR CODE OF CONDUCT**

All Guardian ad Litem/Parenting Investigator²s shall fully comply with this Code of Conduct and the requirements of Superior Court GALR, ~~effective 11/01~~:

1. The appointed Guardian ad Litem/Parenting Investigator shall decline the appointment if he/she is not qualified, competent, or able to complete the matter in a timely manner.
2. The Guardian ad Litem/Parenting Investigator shall maintain the ethical principles of his/her own profession in addition to compliance with this Code of Conduct.
3. The Guardian ad Litem/Parenting Investigator shall promptly advise the court of any grounds for disqualification or unavailability to serve.
4. The Guardian ad Litem/Parenting Investigator shall avoid self-dealing or association from which the Guardian ad Litem/Parenting Investigator might directly or indirectly benefit, other than from compensation as a Guardian ad Litem/Parenting Investigator.
5. The Guardian ad Litem/Parenting Investigator shall not guarantee or create the impression that any portion of the investigation will remain confidential, and shall inform all witnesses that the information gathered by the Guardian ad Litem/Parenting Investigator must be reported to the court.
6. All records, including contemporaneously maintained time and expense records, of the Guardian ad Litem/Parenting Investigator shall promptly be made available to the parties and their attorneys for review upon request, without formal discovery request(s) being made. Copies of the records may be made by the parties and their attorneys under circumstances that assure that the file remains complete, organized and intact.
7. The Guardian ad Litem/Parenting Investigator shall be available to testify if called by a party.
8. Once admitted to the RCW 26.09 Certified Registry, all Guardian ad Litem/Parenting Investigator's shall fully comply with all continuing education requirements established under Pierce County Local Rules and GALR, as amended.
9. The Guardian ad Litem shall report to D.S.H.S. and the court, any child abuse as defined in RCW 26.44.030, 26.12.175 and RCW 26.12.177.

The undersigned acknowledges receipt of the foregoing, has read the same and GALR, and agrees to be governed by all.

Date

Signature

POLICY 3

PIERCE COUNTY SUPERIOR COURT ADMINISTRATIVE

**POLICY RE: GUARDIAN AD LITEM REGISTRY FOR PIERCE COUNTY--
GUARDIANSHIP PROCEEDINGS**

**I. QUALIFICATIONS: REGISTRY FOR GUARDIANS AD LITEM IN
GUARDIANSHIP PROCEEDINGS.**

1.1 The Pierce County Superior Court Administrator or their designee shall be responsible for maintaining a Registry of those qualified to serve as Guardian ad Litem for guardianship matters as provided in RCW 11.88.

1.2 Applicants to the Pierce County RCW 11.88 Guardian ad Litem Registry must successfully meet all qualifications set forth in RCW 11.88 and this Policy. Applicants must attend and satisfactorily complete the mandatory training approved by the Pierce County Superior Court. Registry members must attend and satisfactorily complete continuing education as required by the Pierce County Superior Court as well as any statute, court rule and regulation in order to qualify for continued placement on the Registry.

1.3 A person whose application for placement or continued placement on the Registry does not, in the opinion of the majority of members of the Pierce County Superior Court Guardian ad Litem Committee, meet the Court's requirements for admission to and placement on the Registry shall not be approved.

1.4 In the sole discretion of a majority of the Pierce County Superior Court Judges, a person may be denied admission to the Registry for any reason that places the suitability of the person to act as a Guardian ad Litem in question, including but not limited to, failure to comply with the applicable requirements of this Administrative Policy, the Code of Conduct, State law, court rules, the Rules of Professional Conduct (RPC), and Guardian ad Litem Rules (GALR). The procedures described in Section IV below do not apply to decisions regarding the application or continued placement of an applicant for Guardian ad Litem.

A. **ATTORNEYS:** Must be a member of the Washington State Bar Association in good standing and demonstrate relevant experience working in the needs of impaired elderly people, an understanding of issues surrounding "abuse and neglect" of the elderly, physical disabilities, mental illness, developmental disabilities, and/or other areas relevant to the needs of incapacitated persons, legal procedure, and the GAL requirements of RCW 11.88.

B. **NON-ATTORNEYS:** Must have five years relevant experience working in the needs of impaired elderly people, an understanding of issues surrounding "abuse and neglect" of the elderly, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons, legal procedure, and the GAL requirements of RCW 11.88.

C. **ALL APPLICANTS:** Shall be of high moral character, and shall not have any:

1. Felony convictions or any convictions involving theft, dishonesty, or moral turpitude.
2. Suspension or revocation of professional certification or license.
3. Pending investigation or action for either 1 or 2 above.

D. **ALL APPLICANTS:** Shall agree to abide by the current Guardian ad Litem Code of Conduct and this Pierce County Superior Court Administrative Policy, as well as all applicable statutes and court rules.

1.5 The Pierce County Guardian ad Litem Committee shall review applications periodically, prior to the creation of the updated Registry.

1.6 The Registry shall be open for new applications at least once a year, as set by the Pierce County Superior Court. A new Registry shall be created by July 1 of each year.

1.7 Each applicant, including persons currently on the Registry, must annually complete and timely file the following documents with the Court Administrator:

- A. Application for Pierce County Superior Court Guardian ad Litem Registry Title 11 (all new applicants) or a Renewal Application (all current registry participants);
- B. Signed agreement to abide by Administrative Policy 4, Code of Conduct;
- C. Current Washington State Patrol Request for Conviction Criminal History Record, with the results to be provided to the Court Administrator as part of the required application materials; and
- D. Current Certificate of Attendance at applicable mandatory training.

1.8 Each applicant will be notified of the decision regarding placement on the Registry. Only those applicants approved for placement on the Registry shall be eligible for appointment as a Guardian ad Litem. Placement on the Registry does not guarantee appointment as a Guardian ad Litem.

1.9 The Court Administrator, or designee, shall maintain a separate file for each person on the Registry. Each file shall include each applicant's application materials and all formal complaints related to an applicant's service as a Guardian ad Litem which were retained and acted upon by Pierce County Superior Court. The information contained in the files shall be open for public review in the office of Superior Court Administration during normal business hours.

II. **PLACEMENT ON REGISTRY.**

2.1 Once approved by the Superior Court and placed on the Registry, a person shall remain on the registry for one year unless:

- A. The person fails to maintain current information or qualifications required by law or court rule;
- B. The person is removed by his or her own request; or
- C. The person is removed pursuant to action by the Superior Court Judges under Section IV below.

III. APPOINTMENT FROM REGISTRY.

3.1 Request for appointment of a Guardian ad Litem in all guardianship proceedings shall be made by submitting an Order Appointing Guardian ad Litem to the Superior Court Ex Parte Department. The clerk on the Ex Parte Department shall write in the name which is next on the applicable rotational list and initial the same. The Order shall then be submitted to the Ex Parte Department for signature or such other action as may be appropriate. An Order Appointing a Guardian ad Litem for an indigent person shall only be made from the rotational list of contracted RCW 11.88 Guardian ad Litem for Indigent Persons.

3.2 Any judicial officer who deviates from the rotational order established for the Registry shall fully comply with the provisions of RCW 11.88 for the purposes of making an appropriate written record pursuant to statute for said deviation. In the event a person who is not next on the rotation list is approved by the Court, the appointed person's name shall go to the bottom of the rotation list.

3.3 In the event the person appointed Guardian ad Litem chooses not to serve, regardless of the reason, that person's name shall go to the bottom of the rotational list just as if they had served.

IV. COMPLAINT PROCEDURES.

4.1 Any complaint regarding a person who is on the Registry shall be timely submitted to the Court Administrator. Any such complaint shall be submitted in writing and shall be based upon personal knowledge. The Court Administrator shall refer to the Judges on the Guardian ad Litem Committee the following:

- A. A written complaint received by the Court Administrator, alleging that a Guardian ad Litem:
 - 1) has violated this Administrative Policy regarding requirements for participation on this Registry; or
 - 2) has misrepresented his or her qualifications to be on the Registry; or
 - 3) is not suitable to act as a Guardian ad Litem or raises questions about the conduct of the Guardian ad Litem in a particular case;
 - 4) exceeds the authority of the Order Appointing Guardian ad Litem;OR

- B. Any reason, of which the Court Administrator becomes aware in any manner that would place the suitability of a person to act as a Guardian ad Litem in question.

4.2A. If it is determined that the case is completed and that the complaint was submitted upon personal knowledge, the Judges on the Guardian ad Litem Committee shall seek a written response from the Guardian ad Litem. Such response shall be due in 30 days. If the complaint is filed by a judicial officer, the judicial officer shall not participate in the complaint procedure after submitting the written complaint. Conduct of a Guardian ad Litem in an active case shall be addressed to the assigned Judge, or to the Commissioners, pursuant to court rules.

4.2B. Information regarding suitability to serve as a Guardian ad Litem, which does not relate to a particular case, may be directed to the Guardian ad Litem Committee for consideration and action. The source of the information and its content may, at the Committee's discretion, be communicated to the Guardian ad Litem for their written response.

4.3 All materials, including the complaint response and any supporting documentation, shall be submitted in writing only. There shall be no live testimony or oral testimony. A copy of the response from the Guardian ad Litem shall be sent to the person initiating the complaint.

4.4 The Guardian ad Litem may be suspended from the Registry by the Guardian ad Litem Committee pending resolution of the complaint. The Guardian ad Litem and complaining person shall be notified in writing of any decision to suspend the Guardian ad Litem, pending resolution or otherwise.

4.5 The Committee shall forward any recommendation to remove a Guardian ad Litem from the Registry to the Presiding Judge, who shall present the recommendation to the Superior Court Judges at their next meeting.

4.6 In the discretion of a majority of the Pierce County Superior Court Judges, a person may be ~~may be~~ removed from the Registry for any reason that places the suitability of the person to act as a Guardian ad Litem in question, including but not limited to, failure to comply with the applicable requirements of this Administrative Policy, the Code of Conduct, State law, court rules, the Rules of Professional Conduct (RPC), and Guardian ad Litem Rules (GALR).

4.7 In lieu of recommending removal, the Guardian ad Litem Committee may order remedial measures, including by not limited to further education, additional training and mentoring, and/or suspension or probation, as a condition to remaining on the Registry or to receiving appointments on new cases. The Guardian ad Litem Committee shall regularly make a report of all such remedial actions to the Presiding Judge.

4.8 Any person filing a complaint against a Guardian ad Litem shall be notified in writing of the final decision of the Guardian ad Litem Committee or Superior Court Judges.

4.9 Nothing herein is intended to limit the discretion of a judicial officer to remove or retain a Guardian ad Litem in an active case. Conduct of a Guardian ad Litem in an active case shall be addressed to the assigned Judge, or to the Commissioners, pursuant to court rules.

V. AOC REPORTING REQUIREMENTS

5.1 As required, the AOC shall be timely notified of the names on the Guardian ad Litem Registry. The AOC shall be notified immediately of the name of any Guardian ad Litem removed from the Registry as a result of a complaint or decision of the Superior Court Judges.

(Adopted 5/4/98; amended 4/5/99; amended 5/6/02; amended 9/1/04; amended effective July 1, 2008; amended effective September 1, 2009)

POLICY 4 (Adopted 5/4/98; amended 5/6/02; amended 9/1/2009)

PIERCE COUNTY SUPERIOR COURT RCW 11.88 GUARDIAN AD LITEM CODE OF CONDUCT

All Guardian ad Litem²s shall fully comply with this Code of Conduct and the requirements of Superior Court GALR:

1. The appointed Guardian ad Litem shall decline the appointment if he/she is not qualified, competent, or able to complete the matter in a timely manner.
2. The Guardian ad Litem shall maintain the ethical principles of his/her own profession in addition to compliance with this Code of Conduct.
3. The Guardian ad Litem shall promptly advise the court of any grounds for disqualification or unavailability to serve.
4. The Guardian ad Litem shall avoid self-dealing or association from which the Guardian ad Litem might directly or indirectly benefit, other than from compensation as a Guardian ad Litem.
5. The Guardian ad Litem shall not guarantee or create the impression that any portion of the investigation will remain confidential, and shall inform all witnesses that the information gathered by the Guardian ad Litem must be reported to the court.

6. All records, including contemporaneously maintained time and expense records, of the Guardian ad Litem shall promptly be made available to the parties and their attorneys for review upon request, without formal discovery request(s) being made. Copies of the records may be made by the parties and their attorneys under circumstances that assure that the file remains complete, organized and intact.
7. Once admitted to the RCW 11.88 Registry, all Guardian ad Litem shall fully comply with all continuing education requirements established under Pierce County Local Rules and GALR, as amended.
8. The Guardian ad Litem shall report to D.S.H.S. and the court, any adult abuse as defined in RCW 74.34.020(2).

The undersigned acknowledges receipt of the foregoing, has read the same and GALR, and agrees to be governed by all.

Date

Signature

POLICY 5

PIERCE COUNTY SUPERIOR COURT ADMINISTRATIVE POLICY RE: IMPACT ON CHILDREN SEMINAR

Pierce County Local Rule for Special Proceedings 94.05, ~~effective September 1, 2000,~~ mandates the parties' attendance at a seminar designed to address the impact family restructuring has on children. See attached PCSPR 94.05.

This Administrative Policy contains the guidelines governing the content of the seminar, the minimum credentials and experience required of seminar instructors and administrative requirements of an acceptable program. The **Superior Court Judges'** committee will review submitted proposals and approve those programs, which meet the outlined criteria.

I. SEMINAR CONTENT:

The seminar must contain these minimum elements:

- A) the developmental stages of childhood;
- B) stress indicators in children;
- C) age appropriate expectations of children;

- D) the impact of divorce on children;
- E) the grief process;
- F) reducing stress for children through an amicable resolution of disputes;
- G) the long term impact of parental conflict on children;
- H) importance of child's relationships with both parents, and with extended family members, and fostering those relationships;
- I) communication skills for divorced parents;
- J) practical skills for working together;
- K) impact on children when step-parents and blended families enter their lives;

II. QUALIFICATIONS OF INSTRUCTORS

A team of not less than two instructors, one male and one female shall conduct Impact on Children Seminar. Instructors should be familiar with the required statutory provisions of parenting plans, and have the following minimum credentials and experience:

- A) A Master's Degree in Social Work, Psychology or other related behavioral science;
- B) Supervised experience in treatment of emotionally disturbed children, adolescents and their families;
- C) Significant experience in providing a wide range of mental health services to children and families, with specific experience in the areas of separation/divorce, loss and grief, and blended families;
- D) Extensive knowledge of child development, age appropriate expectations for children, and positive parenting;
- E) Substantial knowledge of the impact on children of alcohol/drug abuse by family members;
- F) An ability to work with other agencies as part of a collaborative program; and
- G) Strong oral communications skills.

~~Changes in instructors shall not occur without approval by the judges' committee.
Instructors may shall not solicit business during the seminar.~~

III. ADMINISTRATION OF PROGRAM

A) FEES:

Each party attending a seminar shall pay a fee charged by the approved provider. The fees charged shall be approved by the Court and shall be no greater than \$60.00 per seminar, unless otherwise approved by the Superior Court Judges. Collection of the fees is the responsibility of the approved provider. The seminars shall be conducted at no cost to the county's general revenue allocation to the court.

B) SLIDING FEE SCALE AND WAIVER:

The provider shall develop a sliding fee scale and waiver for individuals unable to pay.

C) CERTIFICATE OF COMPLETION:

The provider shall efile each attendee's Certificate of Completion with the court. The provider shall give each attendee a Certificate of Completion. The certificate shall include the name of the person attending the seminar, the location and date of attendance and the Superior Court Cause Number. The certificate must be on 8.5 inch, white paper; must have a 3-inch top margin, 1-inch side margins (nothing should be in the top margin area) and the case number should be just below the top margin on the right side of the document. The provider shall also advise each attendee that he or she must file their Certificate of Completion with the court.

D) ATTENDANCE AT SEMINAR:

In no case shall opposing parties be required to attend a seminar together; nor more than one seminar.

E). NUMBER OF AND LENGTH OF SEMINARS:

The provider shall develop a schedule of seminars that will accommodate individuals who work during the day and those who work during the evenings.

F) NUMBER OF PARTICIPANTS:

The provider shall propose a minimum and maximum number of participants for each seminar. As well as indicate the minimum number of participant required in order to present the seminar.

G) LOCATION OF SEMINARS:

The provider shall propose the location(s) of seminars to accommodate seminar attendees who will come from all areas of Piece County.

H) EVALUATIONS:

The provider shall conduct anonymous written evaluations at the end of each seminar. A report, in the format developed by the Court, summarizing the responses shall be given to the Superior Court Judges' Committee monthly.

I) INSTRUCTORS:

Changes in instructors shall not occur without approval by the Superior Court Judges' Committee ~~judges' committee~~. Instructors ~~may~~ shall not solicit business during the seminar.

(Adopted 5/4/98; amended 4/5/99; 5/6/02; September 1, 2006; September 1, 2008; September 1, 2009)