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FILED
KING COUNTY, WASHINGTON

JAN 03 2022

SEA
SUPERIOR COURT CLERK

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

IN THE MATTER OF THE CASE
MANAGEMENT OF GUARDIANSHIPS,
CONSERVATORSHIPS, AND OTHER
PROTECTIVE ARRANGEMENTS

No. *22-0-12050-1*

**GENERAL ORDER RE CASE
MANAGEMENT OF GUARDIANSHIPS,
CONSERVATORSHIPS, AND OTHER
PROTECTIVE ARRANGEMENTS**

This matter comes before the Court related to the January 1, 2022 implementation of RCW 11.130 in Washington State. The provisions of the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (UGA) effective January 1, 2022, include those affecting adult guardianships, and conservatorships and protective arrangements applicable to both adults and minors.

IT IS HEREBY ORDERED that, based on the January 1, 2022 implementation of the law, and the administrative decisions of this court related to the management of these cases, and the need to communicate with the public and potential litigants about how these cases will be handled in King County Superior Court, the following provisions will apply to these cases when filed. These provisions will also be developed as a proposed local rule and considered by this court via regular rule development processes.

1 All parties and persons are encouraged to monitor the King County Superior Court
2 Ex Parte Department website at [https://kingcounty.gov/courts/superior-court/ex-parte-](https://kingcounty.gov/courts/superior-court/ex-parte-probate.aspx)
3 [probate.aspx](https://kingcounty.gov/courts/superior-court/ex-parte-probate.aspx) for updates.

4 The court ORDERS the following:

5 A. GENERAL PROVISIONS

6 (1) **Mandatory Forms.** Unless otherwise stated herein, or in existing court rules or statutes,
7 the most current mandatory local and state forms shall be used. In the event relief is
8 requested in addition to that included in the mandatory forms, a supplemental order shall
9 be used which is clearly captioned as such. For a complete list of available forms, please
10 consult <https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=133>

11 (2) **Separate Causes of Action.** Except for petitions requesting appointment of a guardian
12 and conservator, all petitions (emergency / regular) must be filed as separate petitions.
13 The court may, on its own motion, consolidate all separately filed emergency petitions
14 into the regular petition when all petitions are regarding the same respondent. Such
15 consolidations may be completed at the entry of the Case Management order or at any
16 other stage of the proceeding on the court's own motion. A Petition for Other Protective
17 Arrangement must be filed as a separate cause of action distinct from any Petition for
18 Guardianship or Conservatorship.

19 (3) **How Initiated.** A case shall be commenced by filing a Party Information Form (PIF) and
20 designated Petition for the requested cause of action. All cases including those where no
21 filing fee shall be charged by the court pursuant to RCW 11.130.170, which are filed by
22 attorneys shall be initiated using the Clerk's online eFiling application. Non-attorneys are
23 not required to e-file but are encouraged to do so.

(4) **Case Management Order.** In each case commenced under RCW 11.130, except those
governed by LCR 98.22, the court shall issue a Case Management Order upon receipt of
the petition. The Ex Parte Department will administer an internal case review calendar
each day at which time a Case Management Order will be entered addressing a variety of
case management issues including, but not limited to: 1) Consolidation of Related Cases,
2) Assignment of matter to designated Ex Parte Commissioner or Department, 3)
Appointment of Court Visitor, 4) Appointment of Attorney for Respondent, 5) Setting

1 filing deadlines and hearings; 6) Any other matter deemed necessary for efficient
2 administration of justice. The Ex Parte Department will provide a copy of the Case
3 Management order to the Petitioner and any appointed court visitor and/or attorney for
respondent no later than the court day following case review.

4 **(5) Appointment of Court Visitor, Guardian ad Litem, or Attorney for Respondent**

5 (a) When the appointment of a court visitor, guardian ad litem, or attorney is required,
6 the appointee shall come from the Guardian Ad Litem/Court Visitor Registry
maintained by the Superior Court Registry Manager.

7 (b) Appointments shall be completed in alphabetical rotational sequence, except: 1) For
8 good cause, or 2) Any respondent or person subject to guardianship may petition the
9 court for appointment of an attorney of their choosing. Any attorney purporting to
10 represent the respondent or person subject to the guardianship must petition the court
11 for appointment. Such appointments may therefore be made outside of rotational
sequence.

12 (c) Within five days after notice of appointment, the appointed court visitor shall serve on the
13 parties and file with the court a Notice of Appearance and Statement of Qualifications
14 (Court Visitor). In the event the appointed court visitor declines the appointment
15 consistent with the provisions of the King County Superior Court Guardian ad Litem
16 Administrative Policy¹ they shall file a Declination of Appointment, and serve a copy
17 upon any parties as soon as practicable. A copy should also be served on the Ex Parte
18 Department via email service immediately upon filing. Any request to decline
appointment or to withdraw as appointed court visitor, guardian ad litem, or attorney for
incapacitated person made more than five days after service of the Notice of Appointment
shall be made via noticed motion on the Emergency Motions calendar.

19 (d) The Court encourages parties to keep litigation pressing forward and continues the
20 presumption that Court Visitor (formerly Guardian ad Litem) interviews may occur via
remote means provided good cause is shown

21 **(6) Case Assignment.** All motions will be heard in the Ex Parte Department on the Ex Parte
22 Guardianship Calendar unless provided herein or ordered by the court.

23

¹ https://www.kcba.org/kcba/cle/pdf/175-2012_administrative_policy.pdf

1 (7) **Certification for Trial.** The respondent has the right to trial on the issue of whether a basis
2 exists for the appointment of a guardian or conservator and on the rights to be retained or
3 restricted if a guardian or conservator is appointed. RCW 11.130.035(3). Any party may,
4 at any stage of the proceedings, file a Motion for Certification for Trial or for Assignment
5 to a Judge for Case Management. Such a motion should be noted in the Ex Parte
6 Department as described herein, unless it is an agreed order in which case it may be
7 submitted Ex Parte via the Clerk. Upon certification by an Ex Parte Commissioner that a
8 case is contested, a trial date will be set and additional deadlines set. If a case is set for
9 trial then all motions will be heard by the assigned judge until such time an order
10 reassigning the matter to the Ex Parte Department is entered by the assigned Judge or the
11 Chief Civil Judge.

12 (8) **Hearings - Generally.** Hearings set by the Case Schedule or Case Management Order shall
13 be set on the Probate/Guardianship calendar on Mondays at 10:30 AM (Seattle) and
14 Tuesdays at 10:30 (Kent). All other hearings shall be heard on the Probate/Guardianship
15 calendar and must be scheduled by filing an Ex Parte Notice of Court Date, or by obtaining
16 an Order setting the court date (if required). Motions set on the incorrect or unavailable
17 calendar will be stricken. To view available court dates, visit: <https://dja-prd-ecexapl.kingcounty.gov/?q=node/473>.

18 (9) **Hearing on Appointment.** The hearing on appointment may not proceed unless the
19 respondent attends the hearing or if there is clear and convincing evidence that the
20 respondent has refused to attend or there is no practical way for the respondent to attend
21 even with supportive services and technological assistance². If it is not reasonably feasible
22 for the Respondent to attend the hearing at the location court proceedings are usually held,
23 the court shall make reasonable efforts to hold the hearing at an alternative location. Unless
excused for good cause, a proposed guardian shall attend the hearing³. The proposed
guardian or conservator shall file and provide to the Court in advance of the hearing, a
Disclosure of Bankruptcy or Criminal History (GDN ALL 002). The Hearing on
Appointment must be closed on request of the respondent and a showing of good cause.
Such a request should be made as soon as practicable with notice to all parties.

² RCW 11.130.295 and RCW 11.130.400.

³ RCW 11.130.295(6) and RCW 11.130.400(6).

1 **(10) Filing and Working Copies.** All pleadings for noted matters shall be filed and
2 noted for hearing at least 14 days before the scheduled date. Working copies of all
3 reports, accountings, and contested matters otherwise noted or requiring notice must be
4 submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or
5 commissioner, not later than 14 days preceding the hearing. Response documents,
6 including briefs, if any, must be filed with the clerk and copies served on all parties and
7 submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or
8 commissioner, no later than noon four judicial days prior to the hearing time; documents
9 in strict reply thereto shall be similarly filed and served no later than noon two judicial
10 days prior to the hearing.

11 It is the Court's preference that parties utilize e-working copies. In no-fee cases,
12 parties should utilize the policies set forth on the Ex Parte Department website. Except
13 when personal service is otherwise required by statute or rule, a party or other person that
14 is required to file documents electronically in an action must also serve documents and
15 accept service of documents electronically from all other parties or persons. Parties
16 should expect to receive service of orders entered electronically via eService.

17 **(11) Guardianship/Conservatorship Training.** Except as provided herein, no person
18 shall be appointed guardian/conservator by the court until he/she has successfully
19 completed the Mandatory Guardian/Conservator Training sponsored by the
20 Administrative Office of the Courts. A party who wishes to serve as a lay guardian or
21 conservator shall complete the on-line required training offered by the Administrative
22 Office of the Courts prior to the request for appointment⁴. In emergent circumstances,
23 the court may defer the training, but it must be completed no later than 90 days after
24 appointment. Successful completion shall be evidenced by a certificate issued by the
25 training provider and filing of the form Declaration of Guardianship/Conservator
26 training⁵. The training is available here:

27 [https://www.courts.wa.gov/content/webinar/2022LayGuardianTraining/content/index.ht
28 ml#/](https://www.courts.wa.gov/content/webinar/2022LayGuardianTraining/content/index.html#/)

29 ⁴ RCW 11.130.090(2)(a).

30 ⁵<https://www.courts.wa.gov/guardianportal/adultlayguardianship/docs/Adult%20Lay%20Guardian%20or%20Conservator%20Certificate.pdf>

1 *Exception.* Certified Professional Guardians/Conservators are not required to attend
2 guardian/conservator training as long as the guardian/conservator is in good standing with the
3 Certified Professional Guardian/Conservator Board. The court may waive the training for
4 attorneys, bank trust officers and other professionals who have been appointed as
guardians/conservators in the past.

5 **B. CASES INITIATED UNDER RCW 11.88**

6 **(1) Pending Petitions under RCW 11.88.** For adult guardianships and conservatorships, the
7 Uniform Guardianship Act applies to actions “commenced after January 1, 2022”. (RCW
8 11.130.910(1)). Accordingly, any petition for appointment of a guardian for an adult,
9 commenced prior to January 1, 2022, shall be governed by RCW 11.88 et seq., and may be
10 finalized under RCW 11.88, even if that occurs after January 1, 2022. Once a guardian has been
11 appointed, then the UGA shall be applied per RCW 11.130.910(2). Any petition filed after
12 January 1, 2022 shall comply with the requirements of 11.130 or the petition shall be dismissed.
13 Proposed orders in matters pending under RCW 11.88 should be presented in a form consistent
with the King County Superior Court pattern “Order Appointing Guardian” located online here:
[https://kingcounty.gov/~media/courts/superior-court/docs/ex-parte-probate/guardianship-
forms/05-order-appointing-guardian-of-person-and-or-estate-pdf.ashx?la=en](https://kingcounty.gov/~media/courts/superior-court/docs/ex-parte-probate/guardianship-forms/05-order-appointing-guardian-of-person-and-or-estate-pdf.ashx?la=en).

14 **(2) Cases Established Under RCW 11.88.** Cases with orders appointing guardians entered
15 before January 1, 2022 or matters commenced under RCW 11.88 and finalized after January 1,
16 2022, do not need to take any action until the first review hearing set by the Guardianship
17 Tracking Schedule. At the time of the next review hearing the court may enter an Order to Issue
18 Letters of Office. A Guardian or Conservator may also, at any time, file a Petition to Issue
19 Letters of Office for RCW 11.130 Guardianship or Conservatorship. Such a petition should be
20 submitted Ex Parte via the Clerk using King County Superior Court’s approved process:
<https://kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>. If a party is requesting a
21 material change in authority under RCW 11.130, they must note a hearing and provide notice
22 consistent with RCW. 11.130.275, RCW 11.130.370, and/or RCW 11.130.600.

21 **C. MINOR GUARDIANSHIPS & CONSERVATORSHIPS**

22 **(1) Minor Guardianships** will continue to be heard consistent with Local Civil Rule 98.22
23 except as otherwise described herein. An action for Conservatorship of a Minor shall be
initiated by filing a Party Information Form and Minor Conservatorship

1 Petition (GDN C 107). Such a petition must be filed under a new cause number and
2 many not be commenced under an existing case. The case shall otherwise be administered
3 as set forth herein.

4 **D. GUARDIANSHIP, CONSERVATORSHIP, AND OTHER PROTECTIVE
ARRANGEMENTS**

5 **(1) How Initiated.** A case shall be commenced by filing a Party Information Form, a
6 Petition (GDN C 102 Petition for Guardianship, Conservatorship, and/or a Protective
7 Arrangement. A Petition for Other Protective Arrangement must be filed as a separate cause of
8 action distinct from any Petition for Guardianship or Conservatorship.

9 **(2) Case Management and Hearing.** As soon as practicable after filing, the Court shall
10 issue an order setting the hearing for Appointment of Guardian or Conservator on the
11 next Monday or Tuesday not more than 60 days after filing consistent with
12 RCW 11.130.275/370. The parties must appear at that hearing unless the court has previously
13 granted an Order Shortening or Extending Time for good cause and has set a different
14 hearing date or the case has otherwise reached disposition.

15 **Important!** Immediately after filing the case and receiving the Case Management Order, the
16 petitioner **must** complete and file a Notice of Hearing (GDN ALL 008) with the date and time
17 that the court has set and the list of people entitled to notice. The Notice of Hearing should be
18 served along with the Petition, and Case Schedule and/or Case Management Order, Order
19 Appointing Court Visitor or Attorney, Notice of Petition for Guardian, Conservator, or
20 Protective Arrangement for Adult (GDN C 101), and any other documents required by rule,
21 statute, or court order. Personal service must be completed upon the Respondent and the
22 appointed Court Visitor and attorney within 5 days of filing the Petition. Service must also be
23 given to those listed in RCW 11.130.595(1)-(3) and any other person as the court may determine.

**E. EMERGENCY GUARDIANSHIP OF AN ADULT AND EMERGENCY
CONSERVATORSHIP OF ADULT OR MINOR.**

(1) How Initiated. An action for Emergency Guardianship of an Adult and Emergency
Conservatorship of Adult or Minor must be filed under a new cause number and may not be
commenced under an existing case. A case shall be commenced by filing the Personal
Information Form, and Petition (GDN E 301 Petition for Emergency Guardianship of Adult
and/or Conservatorship of an Adult/Minor). When an Emergency Petition (GDN E 301) is filed

1 and no Motion for Immediate Order is filed, the court shall, as soon as practicable, issue a Case
2 Management Order. The Petitioner may set the matter for hearing by selecting a hearing date no
3 less than 14 days in advance and filing a Notice of Hearing (GDN ALL 008). The Notice of
4 Hearing should be served along with the Petition, and Case Schedule and/or Case Management
5 Order, Order Appointing Court Visitor or Attorney and any other documents required by rule,
6 statute, or court order. Personal service must be completed upon the Respondent and the
7 appointed Court Visitor and attorney within two days of filing the petition and no less than
8 fourteen days prior to the hearing.

9 **(2) Immediate Orders.** Any Motion for Immediate Orders shall be heard on the Ex Parte
10 Emergency Motions Calendar according to the process described on the Ex Parte & Probate
11 Department's website and/or in the Ex Parte manual. When in-person hearings are again
12 available, the moving party shall appear in person in the Ex Parte Department on a walk-in basis.

13 If the court grants a Petition without notice a return hearing shall be set by the Ex Parte
14 Department not later than five days after the appointment. The Court shall issue a Case
15 Management Order and give notice of the appointment not later than forty-eight hours after the
16 appointment to:

- 17 (i) The respondent;
- 18 (ii) The respondent's attorney; and
- 19 (iii) Any other person the court determines.

20 **(3)** Any motions to extend an Emergency Guardianship or Conservatorship order by 60
21 days consistent with RCW 11.130.320(8) and/or RCW 11.130.430(8) shall be set before the Ex
22 Parte Department on at least 14 calendar days' notice.

23 **F. POST APPOINTMENT REQUIREMENTS**

(1) Letters of Office. The court shall issue letters of office to a guardian on filing by the
guardian of an acceptance of appointment. The court shall issue letters of conservatorship to a
conservator on filing by the conservator of an acceptance of appointment and filing of any
required bond or compliance with any other verified receipt required by the court. In any matter
in which bond and/or verified receipt is required after entry of the Order of Appointment but
prior to issuance of letters, the guardian/conservator shall seek entry of an order approving
bond and/or verified receipt and directing issuance of letters, Ex Parte via the Clerk. A

1 guardian or conservator who is a nonresident of this state shall also file Designation of and
2 Consent by In-State (Resident) Agent (GDN ALL 008) prior to issuance of Letters of office.

3 **(2) Acceptance of Appointment.** The guardian or conservator name(s) must be typed or
4 printed on the acceptance of appointment as it appears in the order. When a guardian or
5 conservator changes their name, they must obtain an order for new letters and file an acceptance
6 of appointment under the new name in order to receive new letters of office. The expiration date
7 of the letters shall remain the same unless changed by the new order.

8 **(3) Guardian's/Conservator's Report And/or Accounting.** All reports filed and noted
9 for presentation on or after January 1, 2022 shall be submitted using the state model forms for
10 reporting to the court on adult guardianships and conservatorships (Forms GDN R 204, GDN R
11 205, and GDN R 206). In matters where the individual's estate is no more than \$2,000 and the
12 only source of income is SSI, SSA [Social Security Retirement], and/or SSD [Social Security
13 Disability], the Guardian of the Estate/Conservator may submit a copy of the Social Security
14 representative payee form instead of completing section C (form GDN R 204).

15 Notice of the filing under this section of a guardian/conservator's
16 report, together with a copy of the report, must be given to the individual and any other Notice
17 Party not later than fourteen days after filing. An Order Approving Report shall be obtained
18 within sixty (60) days of filing the report and accounting.

19 **(5) Report and/or Accounting, How presented.** Guardianship and conservatorship
20 plans, reports, and accountings may be presented for approval, Ex Parte via the Clerk, without
21 the necessity of noting the case on the appropriate motion calendar, provided that if any person
22 has requested special notice of proceedings or is entitled to notice pursuant to any statute, court
23 order or notice of appearance, the party submitting an order must obtain the approval and
signature of the party entitled to notice on any proposed order of approval.

All other hearings shall be heard on the Ex Parte Probate/Guardianship calendar
and must be scheduled by filing an Ex Parte Notice of Court Date, or by obtaining an Order
setting the court date (if required). Motions set by Notice of Court Date shall be filed and
noted for hearing at least 14 (calendar) days before the scheduled date. Motions set on the
incorrect or unavailable calendar will be stricken. The Court may set special hearings at other
times if complex or unusual issues are present.

1 **(4) Reporting Periods.** Upon signing of the order appointing guardian or conservator, the
2 Guardian/Conservator's plan and Conservator's Inventory shall be due within 90 days. Notice of
3 filing shall be given not later than 14 days after filing. An Order Approving Plan/Inventory shall
4 obtain no less than 30 days after filing. The next annual/biennial/triennial report shall be within
5 90 days of the anniversary of the appointment. The order of appointment shall include a Clerk's
6 Action Summary on the first page in a format substantially the same as that set forth in RCW
7 11.130.665.

8 **(a)** Matters in which venue is changed to King County shall retain the reporting period
9 established by the previous jurisdiction until the next accounting is reviewed by the court.

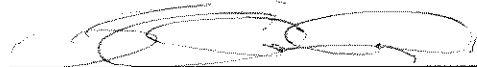
10 **(b)** Matters with multiple guardians and/or conservators shall have all reports due on the
11 anniversary of the appointment of the first guardian/conservator. The court may designate a
12 different term (i.e. annual, biennial or triennial) for the guardian or conservator report.

13 **(c)** If a successor guardian or conservator is appointed, reports shall be due on the
14 anniversary of that appointment.

15 **(d)** The Court may, at its discretion, approve changes to the anniversary dates and/or
16 reporting cycle. Any changes to the reporting cycle of a guardian or trustee shall be approved by
17 the court on a form provided by the Clerk's Office. Any such order containing a directive to
18 modify the reporting period shall be clearly captioned as such and may not be combined with any
19 other order.

20 **IT IS SO ORDERED.**

21 Dated: January 3, 2022

22 

23 JUDGE PATRICK OISHI

Presiding Judge, King County Superior Court