

**PCLSPR 98.16W -- SETTLEMENT OF CLAIMS OF MINORS AND ~~INCAPACITATED PERSONS~~INDIVIDUALS
SUBJECT TO GUARDIANSHIP AND/OR CONSERVATORSHIP**

(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 WA;

(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)**; and whether the attorney is aware of any pending Bar Association disciplinary proceedings or of any criminal charges that have been filed against him/her; and

(4) whether the attorney has any relationship with the involved parents, guardians, conservators, insurers, or other attorneys in the case; and

(5) a statement as to whether or not there has been compliance with **RCW 4.24.010**, specifically, the notice requirements to a parent who is not named as a plaintiff.

(c) Attendance at Hearings. The presence of the Settlement Guardian ad Litem, custodial parent, or legal custodian, and the affected person is required unless waived by the Court in advance of the hearing for good cause shown, pursuant to an Order obtained in Civil Division A or the Ex Parte Division.

(d) Notice and Hearing. All hearings shall be scheduled with a Note for Commissioner's Calendar by using the electronic filing and scheduling process provided by LINX via the public website (<https://linxonline.co.pierce.wa.us/linxweb/Main.cfm>) or from a public kiosk in the Clerk's Office. The Note shall be filed at least seven (7) court 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. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar.

The Court Commissioner may set special hearings at other times if complex or unusual issues may be present.

(e) Civil Hearing Information Form/Proposed Orders (Form U). For matters docketed on the probate, trust, guardianship, conservatorship, other protective arrangement, and minor settlement calendar in Civil Division A, a Civil Hearing Information Form (Form U) shall be filed and served listing all motions, petitions, and supporting documents, including affidavits, declarations, certified statements, Guardian ad litem reports, responsive and reply documents the attorneys or self-represented parties want the court to review for the hearing. Failure to timely provide the appropriate Hearing Information Form may result in the hearing being stricken or continued.

Both the moving party and the responding party shall file their Civil Hearing Information Forms (Form U) by using the Clerk's electronic filing process as defined in **PCLGR 30(b)(5)(C)** no later than 12:00 noon two (2) court days prior to the scheduled hearing. Working copies shall no longer be delivered or furnished for any Commissioner's docket.

For probate, trust, guardianship, conservatorship, other protective arrangement, and minor settlement cases (model form Order Approving Minor Settlement is found in the Appendix, **Form W**), proposed orders shall be provided when submitting the Civil Hearing Information Form (Form U). For all other matters, proposed orders shall be presented to the court at the time of the hearing.

(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 approving a structured annuity settlement involving a minor or ~~incapacitated person~~individual subject to guardianship/conservatorship:

“Neither the minor nor ~~incapacitated person~~individual subject to guardianship and/or conservatorship, 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 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~~individual subject to guardianship and/or conservatorship 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~~individual subject to guardianship and/or conservatorship, 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~~individual subject to guardianship and/or conservatorship. In all cases, except where waived for good cause, the form of Receipt used shall be as set forth in Appendix, [Form X](#). 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~~individual subject to guardianship and/or conservatorship prior to their eighteenth (18th) birthday shall be scheduled by e-filing a Note for Commissioner’s Calendar, scheduling the hearing in Civil Division A and the parties shall comply with all requirements set forth in subsection [\(e\)](#) above.

(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.

Waiver of Requirement to E-file. See [PCLGR 30\(b\)\(5\)\(C\)](#).