

**PCLSPR 98.30 -- PUBLIC EXPENSE ~~GUARDIANS AD LITEM~~COURT VISITORS AND ATTORNEYS FOR ALLEGED INCAPACITATED PERSONS~~RESPONDENTS~~ PURSUANT TO ~~RCW 11.88~~ RCW 11.130**

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

**(1) Financial Condition.** The financial condition of the ~~alleged-incapacitated-person~~respondent and of persons responsible for the ~~alleged-incapacitated-person's~~respondent's obligations, and the resulting substantial hardship, if any, if payment of fees is required.

**(2) Other.** The Petition for Guardianship/Conservatorship or Other Protective Arrangement 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~~court visitor at public expense is being sought.

**(b) Guardian-ad Litem Court Visitor at Public Expense.** If the court approves an application for the appointment of a ~~guardian-ad litem~~court visitor at public expense, the case shall be assigned in the Ex Parte Division to the appropriate ~~guardian-ad litem~~court visitor at public expense.

**(1) Mandatory Language in Order.** All orders appointing a ~~guardian-ad litem~~court visitor 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 litemcourt visitor shall, before significant work is performed or time elapsed, return the case for reassignment to a regular ~~RCW 11.130~~RCW 11.88~~guardian-ad litem~~court visitor from the Certified Registry

If significant work by the public expense ~~guardian-ad litem~~court visitor has been performed or time elapsed, the public expense ~~guardian-ad litem~~court visitor shall perform all duties and then apply for fees at their private rate from the court."

**(2) Duty of ~~Guardian-ad Litem~~ Court Visitor to Advise Court.** The ~~Guardian-ad Litem~~Court Visitor shall immediately advise the court if the guardianship/conservatorship or other protective arrangement case qualifies for a ~~guardian-ad litem~~court visitor at public expense and before significant work is performed or time elapsed and return the case for reassignment to a ~~guardian-ad litem~~court visitor at public expense.

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