

GERALD W. NEIL  
CHRISTOPHER E. NEIL  
DEBORAH J. JAMESON

**NEIL & NEIL, P.S.**  
ATTORNEYS AT LAW  
5302 PACIFIC AVENUE  
TACOMA, WASHINGTON 98408  
(253) 475-8600  
(253) 473-5746 FAX

April 29, 2022

Re: Proposed Changes to Pierce County Local Rules

Dear Local Rules Committee :

We appreciate the opportunity to comment on the local rule changes necessitated by RCW 11.130 (the UGA). The TPCBA Guardianship Committee created a sub-group to review the proposed local rule changes and comment. Attached are our proposed changes. This letter is a summary of the changes and comments.

**PCLR 7 Motions** We made a change to section b(1)(H) to reflect the new UGA language.

**PCLSPR 98.16W** We made a change to section (d) to reflect the new UGA language.

**PCLSPR 98.18** We made changes to sections (b) and (h) to reflect the new UGA language.

We also made a change to section (g). We recommend removing the requirement to obtain advance permission from the court to waive the presence of the GAL, Court Visitor, Conservator, Guardian, Special Master or affected person. We think the waiver can happen at the time of the regular hearing and would save the expense of an extra hearing.

**PCLSPR 98.20** We made changes in sections (a) and (b) to conform to the UGA. Under RCW 11.130.065, all hearings (with some exceptions) must be set out at least 14 days.

We also recommend changing section (b)(3) because confirmation of the sale of real estate is no longer required under the UGA and we thought that "matters requiring court approval" would cover all the times in the UGA when a guardian/conservator should go to court for authorization.

We recommend changing the response/reply time. The person responding would now have approximately 13 days to formulate their response under the UGA, while a reply is due with as little as 24 hours after presentation of that response. We recommend the person responding to a motion file their response 4 court days prior to the hearing. The deadline to reply would be unchanged, in effect giving the replying party 24 additional hours to reply

We recommend adding the mandatory review of the Guardian/Conservator's Plan to the dates the Clerk's Office sets when a Guardian/Conservator is appointed. It will ensure those mandatory reviews are not missed.

We were not sure if section (j) will need to be changed when the combined protection order law becomes effective this July.

Finally, we recommend changing section (k) to reflect what the current practice is in Pierce County. We confirmed with the Clerk's Office that the guardian does not need to file a Notice of Loss of Right to Vote. The Clerk's Office is able to pick it up from the Order and notify the Auditor's Office without action by the Guardian.

**PCLSPR 98.30** We recommend removing section (b)(1). If a public expense court visitor finds that a case is not qualified for services at public expense, we do not see a need for the case to be re-assigned. The Court Visitors on the public pay list also handle private pay cases. It seems to serve no purpose to require the case to be re-assigned and adds expense.

**Form M and Form N** We recommend changing number 10: Disciplinary Proceedings. We think that people should disclose all disciplinary proceedings by a disciplinary body or licensing agency, not just applicable ones. We also broadened the description of the types of boards, associations, etc.

Finally, we would recommend a change to **PCLR 98.04** (even though one was not proposed) to make it clear that there is authority to seal death certificates. There is no statute or local rule on point. GR 22 allows sealing information in family law and guardianship cases, but not probates. Some of the information in a death certificate contains personal identifiers and the document itself is a health care record. We drafted some language for your consideration.

**(i) Death Certificate.** Death Certificates shall be considered to be a Personal Health Care Record. Death Certificates should be filed with a cover sheet, similar to that found on the Washington Courts Forms Website, Form WPF DRPSCU 09.0260. The Clerk shall treat Death Certificates as confidential documents.

We appreciate the Committee's work on the many changes necessitated by the UGA. Our Guardianship Committee also deeply appreciates the support from the bench and the opportunity to comment on the changes to the local rules.

Very Truly Yours,

On behalf of the TPCBA Guardianship Committee,

DEBORAH JAMESON  
SCOTT WINSHIP  
JAMES BATES  
CHRISTOPHER NEIL