SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

In re the Estate of: [FULL NAME OF DECEDENT], Deceased.	**No. [CASE NUMBER]** **ORDER APPOINTING PROBATE GUARDIAN AD LITEM** **(CLERK'S ACTION REQUIRED)**

On the court's own motion or upon a Petition for Appointment of a Probate Guardian ad Litem having been filed herein, the Court finding that the court has jurisdiction over this matter and that a Probate Guardian ad Litem is required to investigate and evaluate a proposed distribution or otherwise protect the interests of a minor or adult incapacitated person; now therefore,

THE COURT ORDERS

A. Unless otherwise ordered, a hearing on the Report of Guardian ad Litem shall occur no later than the filing of a Declaration of Completion or a Petition for Decree of Distribution or to Approve Final Report at the following courthouse:

☐ KNT Cases: Room 1-J of the Regional Justice Center, 401 Fourth Avenue North, Kent, Washington 98032

☐ SEA Cases: Room W-325 of the King County Courthouse, 516 Third Avenue, Seattle, Washington 98104.

[NAME OF PETITIONER OR COUNSEL]
[ADDRESS]
[PHONE NUMBER]

B. Probate Guardian ad Litem: _____ is found or known by the Court to be a suitable, disinterested person having the requisite knowledge, training and expertise to perform the duties required by RCW Title 11 and SPR 98.16W, and is hereby appointed to represent the interests of the following minor(s) or incapacitated person(s): _____.

IMPORTANT MESSAGE FOR THE PROBATE GUARDIAN AD LITEM

C. Duties. The Probate Guardian ad Litem shall have the following duties:

1. To investigate and evaluate the adequacy of the proposed distribution in light of the terms of the Will, Trust, or laws of intestate succession; and to report and make recommendations to the Court concerning the nature or form of the proposed distribution in light of the needs and best interests of the minor(s) or incapacitated person(s).

2. To review written or oral reports from the attorneys, guardians, and medical providers necessary to permit a complete report as required by SPR 98.16W.

3. To provide the Court with a written report, which shall include a description, **in depth appropriate to the proposed distribution** of the following information, at a minimum:

   a) Summary: State the amount of the distribution that is proposed by the Personal Representative, that you are recommending, and form in which the net proceeds will be applied.

   b) Appointment of Probate Guardian ad Litem: State your name, date of appointment, and the date that you started working on this matter. Give a brief statement of your experience and qualifications as pertain to serving as a Probate Guardian ad Litem, or attach a Curriculum Vitae. Describe your relationship, if any, with the deceased, and any family member, guardian, or attorneys involved in this proceeding or facts from which it arose.

   c) Investigation: Describe the investigation you conducted, the persons interviewed, and the documents you reviewed.

   d) Law: Describe the applicable provisions of the Will or laws of intestacy.

   e) Assets Available: State the nature and extent of all assets available to satisfy the distribution.

[NAME OF PETITIONER OR COUNSEL]
[ADDRESS]
[PHONE NUMBER]

f) Other Claims: Identify all other claims of the minor(s) or incapacitated person(s) arising within or outside of this estate.

g) Apportionment: Indicate the amount, basis, and justification for allocating the gross distribution among the heirs or beneficiaries of the estate.

h) Fees and Expenses: Discuss and evaluate the reasonableness of the attorney's fees requested, costs to be reimbursed, Probate Guardian ad Litem fees and any other deductions from the proceeds of the estate and/or the share of the minor(s) or incapacitated person(s).

i) Disposition of Net Proceeds: Set forth your determination of the distribution to which the incapacitated person is entitled, and your recommendation as to the form of the distribution and the name of the fiduciary to whom it should be transferred. Give your reasons and recommendations regarding as to how the funds should be placed. If a legal guardianship is required, state the nominee and the terms that you recommend. If you recommend an annuity or structured settlement, state why that option is preferred; the specific pay out schedule recommended and how it relates to the specific needs of the incapacitated person; and a statement which includes the cost of the structured portion, the interest rate received, and the name and financial rating of the company providing the annuity. If you or any party recommend the creation of a trust as recipient of the distribution, give your recommendation as to the special needs of the incapacitated person and how they would be served by having a trust; specific provisions that ought to be included or omitted from the trust; and your nomination of professional to draft the trust, and a recommended fee therefore.

j) Probate Guardian ad Litem Fees: Attach a declaration of your time and services, giving your professional rate and the amounts sought. Indicate who you recommend pay the fees and costs.

k) Presence at Hearing: State whether the minor(s) or incapacitated person(s), the Probate Guardian ad Litem, and any other person(s) should be present at the hearing to approve the distribution.

l) Settlement Approval Sought in Other Jurisdiction: State whether the distribution has been submitted for approval in any other court or jurisdiction.

4. The Probate Guardian ad Litem shall file a report with the Court within _____ after appointment and provide a copy to each party, or to their counsel, if they are represented.

5. To accomplish all other duties specifically required under SPR 98.16W and any order of the court filed herein.

[NAME OF PETITIONER OR COUNSEL]
[ADDRESS]
[PHONE NUMBER]

D. The cost of this proceeding and the Probate Guardian ad Litem's fee will be paid as approved as a part of the distribution, or is reserved for determination at the time the estate is ready to be closed.

E. The Court's working copy of the report and supporting documentation shall be delivered to the Ex Parte & Probate Department of the proper case assignment area, not later than 7 days preceding the hearing.

F. The Probate Guardian ad Litem shall not employ or retain counsel or experts to assist in these duties except as authorized in advance by the Court, and shall promptly advise the Court if others have retained such a person without Court authorization, including, but not limited to the retention of counsel to initiate litigation or draft a trust.

G. The Probate Guardian ad Litem may seek further instruction from the Court upon petition and notice to all parties, in accordance with court rules.

H. Counsel requesting this appointment is directed to provide a copy of this order to the Probate Guardian ad Litem appointed by this order within the next three days.

I. Approximate anticipated distribution: $_____

J. Other: _____

DATED: _____, 20___.

_____
Judge/Court Commissioner

Presented by:

_____
[FULL NAME OF THE PETITIONER OR ATTORNEY NAME AND BAR # IF REPRESENTED BY COUNSEL]

[NAME OF PETITIONER OR COUNSEL]
[ADDRESS]
[PHONE NUMBER]