

Superior Court

Notice to the Bar & Public

July 7, 2009

ATTENTION Law Office Personnel: Please ensure that ALL staff, attorneys and non-attorneys are aware of the contents of this notice.

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- **Guardian ad Litem Fees, Domestic Relations and Guardianship Cases**

Due to county budget reductions the Court must restrict its discretion to grant guardian ad litem fee waivers, when possible. Henceforward the following guardian ad litem fee waiver policies will be in effect:

Domestic Relations Cases

Under RCW 26.09.220 and RCW 26.12.175 the court has the discretion to appoint a guardian ad litem, and if both parents are indigent to require that the guardian ad litem fee be paid at public expense. Effective immediately the Court will refrain from exercising its discretion to appoint guardians ad litem in domestic relations cases when those fees would be borne at public expense. The court will require the parties to pay all costs of the GAL and can no longer provide for payment at public expense.

Guardianship Cases

Under RCW 11.88.090 the Court is required to appoint a guardian ad litem in most instances. RCW 11.88.090(10) provides that the Court may charge the guardian ad litem fee to the petitioner, the alleged incapacitated person or any person who has appeared in the action, as it deems just. Effective immediately, the court will assess the guardian ad litem fee to the alleged incapacitated person, unless the court finds that such payment would result in substantial hardship upon such person, in which event the court will order that the petitioner be charged to pay the guardian ad litem fee.