**SPOKANE COUNTY SUPERIOR COURT**

**TITLE 11 GAL/COURT VISITOR TRAINING**

**GOOD THINGS NEW INVESTIGATORS SHOULD KNOW**

Sharon Ann Saito, Court Visitor

 **Q:** **Much of what we do as Court Visitors/Guardians ad Litem (investigators) is defined by the Orders Appointing Court Visitors for the various Articles under RCW 11.130 et seq. What do I do if an issue arises which does not appear to neatly fit in the Order Appointing Court Visitor**?

**A:**  Seek direction from the Court by way of a Motion for Order of Instructions after

notifying the parties. Identify the issue(s) of concern, possible resolutions to provide for and protect our Respondent’s interests or estate, and request authority to take the action(s) necessary to protect the best interests of your subject.

The role of Court Visitor is defined in RCW 11.130.280 (adult guardianship), RCW

11.130.380 (conservatorship) and RCW 11.130.605 (petition for a protective arrangement not guardianship). We are permitted to investigate, report upon, and take action on “any other matter the court directs.” RCW 11.130.280 (6)(h), RCW 11.130.380(7)(f), and RCW 11.130.605(7)(g). The Court’s discretion is recognized in case law and by RCW 11.130.015. Quasi-judicial immunity applies if you stay within your parameters, so be sure to identify for the record what the Court is allowing you to do.

 Your Motion and Order of Instructions may be brought ex parte at the Thursday guardianship docket from 9:00-9:30 AM. In Courtroom 304. Give the Ex Parte Clerk your documents and wait for the signed originals to be returned. Conform your copies once the original Order of Instructions is logged by the clerk.

Please note **pro tem Court Commissioners are not allowed to sign guardianship orders.** If you have an urgent matter that cannot wait for a Thursday ex parte docket, contact the Guardianship Monitoring Program (509.477.2622) for their assistance in locating an available Court Commissioner who may be able to assist you.

**Q: While working on my investigation, I realize I am close to exhausting my**

**time allotted in my original Order Appointing Court Visitor (generally 15 hours). What do I do?**

**A:** Using the Motion for Order of Instructions form (and Order of Instructions), petition

the Court for additional hours. Clearly state the basis/bases for your request. Give an estimate for the time you think you will need to complete your investigation and Report. Include an itemized interim invoice which details your activities. The current Spokane County practice is to submit your Motion and Order of Instructions to the Honorable Rachelle Anderson’s judicial assistant for the Court’s consideration. Take care to request additional time ***before*** you are over your allotted time. Failure to obtain permission for expenditure of additional time, whether at private pay or county pay, may result in the denial of payment for the extra time. Court visitors’ fees and costs are generally approved at the guardianship hearing if the Court finds the fees reasonable. Do not presume additional time will be approved as a matter of course or on a nunc pro tunc basis. The Court is juggling an unpredictable and increasing influx of cases with fixed budgets that are established long before we appear in Court. Good time management is an art. Do your best.

 If you are practicing in a County other than Spokane, please check with your Court Administrator for their local rules or practices.

 **Q: I have completed my Motion and Declaration for Court Visitor Fees and provided my fee information to the Petitioner’s attorney for inclusion in the Order Appointing Guardian/Conservator. My plan is to file my Motion and Declaration before the hearing. Is there anything else I need to do?**

 **A:** If your Respondent’s assets are less than $3000, or payment of your fees and costs would work a financial hardship on the Respondent, you are likely going to be paid by the County at the rate specified in your Order Appointing Court Visitor. I recommend sending a copy of your Motion and Declaration, itemized invoice and any receipts, to Assistant Court Administrator Leanne Wakefield (LWakefield@spokanecounty.org) for review and pre-approval in County-pay cases. Ms. Wakefield may also be reached at 509.477.4477.

 If you are anticipating payment from the Respondent’s estate, she will not need to review and pre-approve your payment request. I would recommend filing a Receipt of Payment once you receive payment from the Respondent’s estate

 **Q: What expenses or fees might be reimbursable in County-pay cases?**

 **A**: Allowable reimbursements by Spokane County include:

 \*Photocopies done by Court Visitor: approved at $0.10 per page

 \*Medical record copies requested from medical provider: approved up to $100.00

 maximum if receipt provided

 \*Long distance telephone charges: approved as to actual charges with receipt

 provided

\*Postage approved as to actual costs for regular postage; certified postage of

 receipt provided

\*Medical Report required for Court Visitor Report: approved up to $75.00 if

 receipt provided

\*Parking fees (non-parking meters): approved up to $50.00 if receipt provided

\*Mileage reimbursement: not allowed (but Court Visitor may bill for travel time)

\*Facsimile: not approved

\*Express Mail, FedEx, USP, Courier, etc.: not approved

***Practice tip:***  ***Medical records are handled differently from practice to practice with some providers charging a fee just to open up an activity record, then charging per page and/or for time while others will do this for free. It is wise to inquire. When making your request for medical records, let the records custodian know that you do not have access to the patient’s funds for copies and ask if you may be able to schedule an appointment to review the records. Or ask for a written cost estimate. Eastern State Hospital will pull their paper files and make an appointment for you to review records on site. As of 2022, Petitioning hospitals’ records were obtainable at no cost from the hospital’s social work staff, either by fax or encrypted email. The Veteran’s Administration requires use of their own forms for requesting records but will provide records on CD at no charge. Many community health care providers will provide records and the Professional Evaluation for no charge.***

**Q: What will I need when approaching a financial institution for account or balance information for my Respondent?**

1. Generally speaking, you will need a certified copy of a Court Order allowing you

access to your Respondent’s financial information and your driver’s license to verify you are the person named in the Order. You may want to verify ownership of the bank or credit union account and obtain a copy of the signature card for the owner. Banks and credit unions may print copies of past statements at no charge to you as Court Visitor.

 ***Practice tip: You may need to speak with the branch manager for your request,***

 ***so an appointment may be required. Some financial institutions are more user-friendly***

***than others and are able to assist you immediately. It is a good practice to ask for a***

***business card or two, thank the person who helps you with a follow-up note or email,***

***and retain their contact information in your resource file. If there are concerns about***

***exploitation, enlist the financial institution’s assistance in deferring outgoing***

***transactions to allow you time to obtain an Order of Instructions to temporarily***

***suspend disbursements, ATM cards, telephone or on-line transfers until the hearing on***

***the Petition. Return as soon as you can to the financial institution with a certified copy***

***of the Order of Instructions that permits you to safeguard your Respondent’s assets. If***

***automatic payments were previously set up by the Respondent, your Order can allow***

***those to go through OR you may need to request Court permission to temporarily***

***assist with bill payment. Document your actions taken by filing with the court the bills***

***received and paid, a copy of the cashier’s check in the creditor’s name and for the***

***amount requested, and a declaration as to the date payment was made.***

**Q: Will I have a mentor to help me as a new Court Visitor?**

 **A:** Depending on the jurisdiction, maybe or maybe not. In Spokane, the guardianship bar is a collegial group and you are likely to find colleagues who are more than willing to field a question or meet with you. The Guardianship Monitoring Program (GMP) maintains the registry of Court Investigators/Guardians ad Litem and you may call any one of us, or ask GMP for their suggestions of good people to call who may have faced similar issues. Ana or Kristina “attend” every guardianship docket and may have good insight on who may be able to help.