

# THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED )  
AMENDMENT TO SPR 98.16W—ESTATES— )  
GUARDIANSHIP—SETTLEMENT OF CLAIMS OF )  
MINORS AND INCAPACITATED )  
PERSONS )  
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**ORDER**

NO. 25700-A-1300

The Superior Court Judges' Association, having recommended the suggested amendment to SPR 98.16W—Estates—Guardianship—Settlement of Claims of Minors and Incapacitated Persons, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

**ORDERED:**

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in July 2020.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than September 30, 2020. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

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GUARDIANSHIP—SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED  
PERSONS

DATED at Olympia, Washington this 9th day of July, 2020.

For the Court

  
CHIEF JUSTICE

**GR 9 COVER SHEET**

**Suggested Amendment to  
Superior Court Special Proceedings Rules, SPR 98.16W  
ESTATES--GUARDIANSHIP--SETTLEMENT OF CLAIMS OF MINORS AND  
INCAPACITATED PERSONS**

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**A. Names of Proponent:**

Superior Court Judges Association (SCJA) Civil Law and Rules Committee.

**B. Spokesperson:**

Mary Sue Wilson  
SCJA Civil Rules Committee Chair  
Thurston County Superior Court Judge  
2000 Lakeridge Dr. SW, Building 2, Olympia, WA 98502  
(360) 709-3201

**C. Purpose:**

The SCJA Civil Rules Committee recommends an upward adjustment of the \$25,000 cut-off for certain procedures required for disposition of funds from the settlement of claims of minors under SPR 98.16W(j). This amount was established in 1997.

The committee believes the limit should be raised to \$50,000 and recommends amending SPR 98.16W(j)(1) and (2) to change \$ 25,000 to \$ 50,000. This would have the effect of allowing more flexibility for the use of funds for settlements up to \$ 50,000.

**D. Hearing:**

The proponents do not believe a public hearing is needed.

**E. Expedited Consideration:**

The proponents believe exceptional circumstances justify expedited consideration of the suggested amendment SPR 98.16W(j)(1) and (2) and request that the Rules Committee proceed to an abbreviated comment period.

## SUGGESTED RULE CHANGE

### RULE 98.16W. ESTATES--GUARDIANSHIP--SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

(a) - (i) (Unchanged.)

**(j) Control and Orders for Remaining Funds.** In calculating the amount remaining from a structured settlement, if the settlement required court approval only because the affected person was an unemancipated minor, then only the payments received and to be received before attaining majority age are counted. All orders directing funds to a blocked account should recite that the funds are payable upon further order of the court or to the affected person at his or her age of majority, which date should be specified. Upon approval of settlement and payment of all authorized fees, bills and expenses, the court shall order one of the following actions:

(1) ~~\$25,000~~ \$50,000 or Less. If the money or the value of other property remaining after deduction for all approved fees, bills and expenses is ~~\$25,000~~ \$50,000 or less, the court shall require that:

(A) – (C) (Unchanged.)

(2) *More than* ~~\$25,000~~ \$50,000. If the money or the value of other property remaining after deduction for all approved fees, bills and expenses exceeds ~~\$25,000~~ \$50,000, the court in the order or judgment shall:

(A) - (C) (Unchanged.)

(3) (Unchanged.)

**(k) (Unchanged.)**