

LSPR 98.16W ESTATES – GUARDIANSHIP – SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

(b) Petition.

(5) Petitions for minor settlements are heard at main campus. A petition for settlement of a claim governed by LSPR 98.16W shall be filed as a civil litigation case and assigned to a trial judge unless the petitioner also asks to establish a guardianship, conservatorship, or trust, in which case the matter shall be filed as a probate or guardianship case and heard at Family & Juvenile Court. Petitions that are filed as civil litigation matters shall be noted on the Friday Motion Calendar of the assigned judge, absent good cause for immediate action. The court may excuse the appearance of counsel at its discretion. Judge's copies of the guardian ad litem's or independent counsel's report and the petition for approval of the settlement shall be submitted to the court according to LCR 5(d)(1)(c).

(c) Appointment, Role and Termination of the Settlement Guardian ad Litem; Exceptions to Appointment.

(3) The party who is petitioning for approval of a settlement under this rule must nominate a Settlement Guardian ad Litem and present the nominee's qualifications to the court. The motion to appoint a SGAL may be presented ex parte.

[Effective September 1, 2002; Amended effective September 1, 2011; September 1, 2015; September 1, 2021; September 1, 2022; September 1, 2023.]