



# King County Superior Court Emergency Local Rule Amendments

## LCR 98.22 Minor Guardianship

**(a) Applicability.** This rule shall apply to petitions for guardianship of a minor filed pursuant to ch. 11.130, RCW.

**(b) Forms.** The statewide guardianship pattern forms (GDN M 001-605) shall be used for all court filings in these matters. If there is no statewide guardianship pattern form, parties may use local forms. The pattern forms can be found at [www.courts.wa.gov](http://www.courts.wa.gov).

**(c) Proceedings.**

**(1) How Initiated.** An action for Guardianship of a minor brought by a nonparent must be filed under a new cause number and cannot be commenced under an existing case. The case is commenced by the filing of a Summons, Petition, Declaration Explaining the Reasons for Minor Guardianship, and Motion to Withhold Certain Documents from the Minor. (*Optional:* Although optional, it is highly recommended that the issue of whether minors receive the documents be considered and resolved at the initial stage of the proceedings.) At the time of filing, the petitioner shall also submit the Order Directing DCFS/CPS to Release Information and the Order to Withhold Certain Documents from the Minor (optional) to Ex Parte via the Clerk.

*Note:* If the children subject to the guardianship do not have the same parents, separate cases must be filed for each child or group of children who have the same parents.

Immediately after filing the case and receiving the Case Schedule, the petitioner **must** complete Notice of Hearing (**GDN M 101**) with the date and time that the court has set and the list of people entitled to notice. The Notice of Hearing should be served along with the Summons, Petition, and Case Schedule.

**(2) Requirements.** The petitioner(s) shall obtain a Washington State Patrol and Child Protective Services (CPS) background checks on the proposed guardian and all adult household members of the guardian. The proposed Guardian shall attend the mandatory lay guardian training within 60 days of filing or, if the training is not yet available, within 60 days of the training being available.

**(3) Case Assignment.** All Minor Guardianship actions shall be assigned to the Unified Family Court judge(s) designated by the Chief UFC Judge. All motions will be heard in the Ex Parte Department on the ex parte guardianship calendar unless provided herein or ordered by the court. Upon certification by an Ex Parte Commissioner or the assigned judge that a case is contested, a trial date will be assigned and additional deadlines set. If a case is set for trial then all motions will be heard by the assigned judge. Until a case has been set for trial, no discovery shall be permitted.

**(4) Finalization.** Agreed or default Minor Guardianship finalizations shall be noted on the ex parte guardianship calendar.

**(d) Presentation of Order Appointing Guardian Ad Litem or Visitor.** The initial Orders appointing a Guardian ad Litem, Attorney, and Visitor shall be presented via the Clerk to the Ex Parte Department.

**(e) Notice and Hearing.** Except as otherwise noted herein, all hearings shall be scheduled with a Note for Calendar on the Ex Parte Guardianship Calendar at 10:30 a.m. The Note shall be filed at least 14 days prior to the scheduled hearing date. The Ex Parte judicial officer may set special hearings at other times at their discretion. Any party opposing a motion shall file and serve responsive papers in opposition to a motion not later than 12:00 noon four judicial days before the date the motion is scheduled for hearing. Any papers in strict reply shall be served no later than 12:00 noon two judicial days before the date the motion is scheduled for hearing.



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**(f) Status Hearing.** At the time of filing, the court will set a hearing approximately 60 days after filing. The parties shall appear at that hearing to address whether service has been completed on all parties requiring notice, background and CPS checks have been completed, any necessary court visitor, GAL, or attorney has been appointed, and other issues necessary for the case to move forward. If neither the petitioner nor the proposed guardian appears at the scheduled hearing, the case may be dismissed. The court will determine whether the case is likely to be resolved by agreement, or by default, or should be certified for trial. After certification that a case is contested, all motions and other proceedings shall be set before the assigned judge.

**(g) Petitions for Emergency Minor Guardianship.** When an Emergency Minor Guardianship Petition (**GDN M 202**) is filed, a hearing will be set before the assigned UFC judge on the first Friday that is at least 14 days after filing. Any Motion for Immediate Order, without notice (**GDN M 204**) shall be heard in the Ex Parte Department according to the process described on the Ex Parte & Probate Department's website and/or in the Ex Parte manual. The return hearing will be set before the assigned UFC judge on the first Friday that provides at least three calendar days' notice to responding parents.

**(h) Petitions for Standby Guardians.** Following expiration of the required statutory 60 days, a hearing regarding appointment of a standby guardian may be noted in the Ex Parte Department on the guardianship calendar with at least 14 days' notice.

**(i) Motions for Temporary Child Support, Temporary Restraining Orders and to Restrain or Permit Relocation.** Motions to set temporary child support, for a temporary restraining order, or to permit or restrain relocation, shall be set before the assigned UFC judge on at least 14 days' notice. Parties may petition the court for temporary restraining orders entered on an emergency basis to prevent immediate injury, loss, or damage. See also CR 65. The moving party shall present the Motion for Ex Parte Restraining Order in the Ex Parte Department. The Order to Show Cause shall schedule a return hearing before the UFC judge within 14 days, unless extended for good cause. **Note:** The statute does not provide for temporary guardianship orders in actions for full guardianship. To obtain an immediate guardianship order or to seek a temporary guardianship order for up to 60 days, you must file an Emergency Minor Guardianship Petition.

**(j) Domestic Violence, Anti-Harassment, or other order seeking protection under another defined statute.** Any matter related to issuance of a protection order that includes protecting a child subject to any minor guardianship matter shall be filed separately from the Minor Guardianship matter under a new cause of action. The court shall set full protection order hearings before the assigned judge to be heard concurrent with these proceedings.

**(k) Acceptance of Appointment.** The guardian name(s) must be typed or printed on the acceptance of appointment as it appears in the order. If a guardian changes their name, they must obtain an order for new letters and file an acceptance of appointment under the new name in order to receive new letters of guardianship. The expiration date of the letters shall remain the same unless changed by the new order.