



King County Superior Court Emergency Local Rule Amendments

red-line version

LCR 98.22 Minor Guardianship and Nonparental Custody

(a) Applicability. This rule applies ~~shall apply~~ to petitions for guardianship of a minor ~~filed~~ pursuant to RCW ch. 11.130, RCW ~~and to modifications and terminations of nonparental custody orders pursuant to RCW 26.10.~~

(b) Forms. The statewide guardianship pattern forms (GDN M 001-605) shall be used for all court filings in these matters unless there is a specific local form. If there is a local ~~no statewide guardianship pattern~~ form, parties shall ~~may~~ use the local forms. The pattern forms can be found at www.courts.wa.gov. The Party Information Form is ~~and Motion for Appointment of a Visitor are~~ local forms ~~and are~~ available here:

<https://kingcounty.gov/courts/clerk/forms.aspx>. For cases filed on or before December 31, 2022, parties must file a Party Information Form (PIF). For cases filed after January 1, 2023, parties must file a Confidential Information Form (CIF)(GDN M 410).

(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 started~~commenced~~ by the filing of a Summons, Petition, and Declaration Explaining the Reasons for Minor Guardianship. If there are multiple minors involved who do not have the same parents, a separate case must be filed for each minor or group of minors, who have the same parents.

(A), and Motion to Withhold Certain Documents Required at Filing. The petitioner must file a Summons, Petition, and Declaration Explaining from the Minor. (Optional: Although optional, it is highly recommended that the issue of whether minors receive the Reasons for Minor Guardianship documents be considered and resolved at the initial stage of the proceedings.) At the time of filing, the petitioner shall also submit the Motion and Order Directing DCYF/CPS to Release Information, the Party Information form, if filed on or before December 31, 2022 or the Confidential Information Form, if filed after January 1, 2023 ~~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 from the clerk, the petitioner **must** complete the Notice of Hearing (**GDN M 101**) with the date and time that the court has set, making sure to add to the Notice of Hearing ~~and~~ the list of people entitled to notice. The hearing shall be noted on the Ex Parte Guardianship calendar, not with the assigned judge. The Notice of Hearing, ~~should be served along with the~~ Summons, Petition, and Case Schedule must be served on all parties entitled to service.

(B) Other Documents to Submit at Filing. Although not required for filing, it is highly recommended that the following documents be submitted at the time of filing or as soon after filing as possible. If applicable, the Petitioner shall submit the Motion and Order to Withhold Certain Documents (GDN M 404 and 405) from the Minor to Ex Parte via the Clerk. The initial Orders appointing a Guardian ad Litem, Attorney, and/or Visitor as applicable to each case shall be presented through Ex Parte via the Clerk. The forms are located here: <https://kingcounty.gov/courts/superior-court/ex-parte-probate/Minor-Guardianships.aspx>.

(2) Requirements. The petitioner(s) shall promptly obtain and file a Washington State Patrol check and obtain an order for ~~and~~ Child Protective Services (CPS) background checks on the proposed guardian and all adult household members of the guardian. The Motions and



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Order to DCYF to Release CPS information (GDN M 404 and 405) shall be presented through Ex Parte via the Clerk. 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 this rule provides otherwise 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 or may be completed at the Status Hearing.

~~**(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 in this rule herein, all hearings shall be scheduled with a Note for Calendar on the Ex Parte Guardianship Calendar at 10:30 a.m. The Note for Calendar 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 pleadings 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 pleadings 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. Parties shall submit working papers to the Ex Parte Department of all pleadings they filed for the hearing. Working papers can be submitted to Ex Parte by following the instructions here: <https://kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>

(e f) Status Hearing. At the time of filing, the court will set a hearing in the Ex Parte Department approximately 60 days after filing. Before the 60-day hearing, the Petitioner must complete and file the 60-day hearing checklist. The form is located here: <https://kingcounty.gov/~media/courts/superior-court/docs/ex-parte-probate/guardianship-forms/UGA%20implementation/60-day-checklist.ashx?la=en>. Parties shall submit working papers to the Ex Parte Department of all pleadings they filed including the 60-day checklist. Working papers can be submitted to Ex Parte by following the instructions here: <https://kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>. The parties shall appear at that hearing to address whether service has been completed on all individuals parties requiring notice, background and CPS checks have been completed, any necessary court visitor, GAL, or attorney has been appointed, and any 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 set for trial. After a determination that a case is contested, the case will be referred to the assigned judge to set a trial date and scase schedule. If a case is assigned to a judge for trial, date setting and all motions and other proceedings shall be set before the assigned judge. There is no discovery in guardianship cases until the case is set for trial.

(f g) Petitions and Motions for Emergency Minor Guardianship.

(1) Petition for Emergency Guardianship. A party may file a Petition for Emergency Guardianship if there is no pending Minor Guardianship case and the petitioner will not file a Minor Guardianship case. When an Emergency Minor Guardianship Petition (GDN M 202) is



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filed, the clerk will issue a case schedule setting 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 on the Ex Parte Guardianship Calendar 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.~~ Any motions to extend an Emergency Guardianship order by 60 days ~~or until the Minor Guardianship is concluded~~ shall be set before the assigned judge with 14 days' notice. UFC Judge.

(2) Motions for Emergency Guardianship. A party may file a Motion for Emergency Guardianship (GDN M 206) at the same time a Minor Guardianship Petition is filed or if a Minor Guardianship case is already pending before the court. Hearings on the Motion for Emergency Guardianship or to extend an Emergency Minor Guardianship until the Minor Guardianship is concluded shall be set before the assigned judge with 14 days' notice.

(3) Motion for Immediate Order (Emergency Guardianship). A party may file a Motion for Immediate Order (Ex Parte) Emergency Minor Guardianship and Restraining Order (GDN M 204) either at the same time as filing a Minor Guardianship Petition or an Emergency Guardianship Petition or after filing either petition. If the Motion for Immediate Order (Ex Parte) Emergency Minor Guardianship and Restraining Order (GDN M 204) is filed at the same time as a Minor Guardianship Petition or within the same cause of action as a Minor Guardianship, a party must also file a Motion for Emergency Guardianship. The Motion for Immediate Order shall be heard in the Ex Parte Department according to the emergency hearing 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 judge on the first Friday that provides at least three calendar days' notice to responding parents. The moving party shall submit a proposed Immediate Minor Guardianship Order (Ex Parte) and Hearing notice (GDN M 205) with the Motion.

(g 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.

(h i) Consolidation of Cases. All petitions for guardianship must be filed as separate cases. The court may consolidate all separately filed emergency and standby guardianship petitions into the Minor Guardianship Petition when all petitions are regarding the same child(ren). Petitions for modification of existing Title 11 minor guardianships may be filed within the existing case.

(j) 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 to the Ex Parte Department according to the emergency hearing process described on the Ex Parte & Probate Department's website and/or in the Ex Parte manual. ~~Guardianship Calendar.~~ The Order to Show Cause shall schedule a return hearing before the assigned 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~~



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~~or to seek a temporary guardianship order for up to 60 days, you must file an Emergency Minor Guardianship Petition.~~

(j k) 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 l) 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 office guardianship. The expiration date of the letters shall remain the same unless changed by the new order.

(l m) Modifications and Terminations. All petitions to modify or terminate an ~~for modification of~~ existing Title 26 Non-Parent Custody order or nonparental custody orders or for modification of Title 11 Minor Guardianship order minor guardianships shall be initiated by filing a Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order (GDN M 502) ~~the GDN M 502 form~~ along with a copy of the custody or guardianship order. All Petitions to Terminate or Change a Non-Parent Custody Order shall order proposed to be filed under a new cause number. The clerk will modified. If the petition is to modify a Title 26 nonparental custody order, the clerk shall issue a new Title 11 cause number for all Petitions to Modify or Terminate a Title 26 Nonparental Custody Order. Petitions case number. If the petition is to modify or terminate a King County Title 11 Mminor Gguardianship, the petition to modify shall be filed under the existing cause number. All hearings in modification and termination matters are heard by the assigned judge. case number.

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(A) Documents Required at Filing. The petitioner must file a Summons, Petition, and Declaration Explaining the Reasons for Minor Guardianship. At the time of filing,



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the petitioner shall also submit the Motion and Order Directing DCYF/CPS to Release Information, the Party Information form, if filed on or before December 31, 2022 or the Confidential Information Form, if filed after January 1, 2023 to Ex Parte via the Clerk.

Immediately after receiving the Case Schedule from the clerk, the petitioner must complete the Notice of Hearing (GDN M 101) with the date and time that the court has set, making sure to add to the Notice of Hearing the list of people entitled to notice. The hearing shall be noted on the Ex Parte Guardianship calendar, not with the assigned judge. The Notice of Hearing, Summons, Petition, and Case Schedule must be served on all parties entitled to service.

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(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 this rule provides otherwise or ordered by the court.

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may be dismissed. The court will determine whether the case is likely to be resolved by agreement, by default, or should be set for trial. After a determination that a case is contested, the case will be referred to the assigned judge to set a trial date and case schedule. If a case is assigned to a judge for trial, all motions and other proceedings shall be set before the assigned judge. There is no discovery in guardianship cases until the case is set for trial.

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Department's website and/or in the Ex Parte manual. The Order to Show Cause shall schedule a return hearing before the assigned judge within 14 days, unless extended for good cause.

(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 office. The expiration date of the letters shall remain the same unless changed by the new order.

(l) Modifications and Terminations. All petitions to modify or terminate an existing Title 26 Non-Parent Custody order or Title 11 Minor Guardianship order shall be initiated by filing a Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order (GDN M 502) along with a copy of the custody or guardianship order. All Petitions to Terminate or Change a Non-Parent Custody Order shall be filed under a new cause number. The clerk will issue a new Title 11 cause number for all Petitions to Modify or Terminate a Title 26 Nonparental Custody Order. Petitions to modify or terminate a Title 11 Minor Guardianship shall be filed under the existing cause number. All hearings in modification and termination matters are heard by the assigned judge.