

FILED
KING COUNTY, WASHINGTON

DEC 31 2020

SEA
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

IN RE THE MATTER OF THE CASE MANAGEMENT
OF MINOR GUARDIANSHIP CAUSES OF ACTION

No. 20-0-12050-5

GENERAL ORDER RE MINOR GUARDIANSHIP
CASE MANAGEMENT

This matter comes before the Court related to the January 1, 2021 implementation of RCW 11.130 in Washington State.

IT IS HEREBY ORDERED that, based on the January 1, 2021 implementation of the law, and the administrative decisions of this court related to management of these cases, and the need to communicate with the public and potential litigants about how these cases will be handled in King County Superior Court, the following provisions will apply to these cases when filed. These provisions will also be developed as a proposed local rule and considered by this court via regular rule development processes.

(a) Minor Guardianship Proceedings.

(1) *How Initiated.* An action for Guardianship of a minor brought by a nonparent must be filed under a new cause number and may not 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).¹ 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. Petitioners shall use the State pattern forms (**GDN M 001, 102, 103, 106-107, and 404-405**). *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.

¹ Although optional, it is highly recommended that the issue of whether minors receive the documents is considered and resolved at the initial stage of the proceedings.

1
2 **Important!** Immediately after filing the case and receiving the Case Schedule, the petitioner **must**
3 complete Notice of Hearing (**GDN M 101**) with the date and time that the court has set and the list of
4 people entitled to notice. The Notice of Hearing should be served along with the Summons, Petition and
5 Case Schedule.

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

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

16 (4) *Finalization.* Minor Guardianship finalizations, by agreement or by default, shall be noted on the ex
17 parte guardianship calendar.

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

20
21 **(c) Notice and Hearing.** Except as otherwise noted herein, all hearings shall be scheduled with a Note for
22 Calendar on the Ex Parte Guardianship Calendar at 10:30 a.m. The Note shall be filed at least 14 days
23 prior to the scheduled hearing date. The Ex Parte judicial officer may set special hearings at other times if
24 complex or unusual issues are present. Any party opposing a motion shall file and serve responsive papers
25 in opposition to a motion not later than 12:00 noon four court days before the date the motion is
26 scheduled for hearing. Any papers in strict reply shall be served no later than 12:00 noon two court days
27 before the date the motion is scheduled for hearing.

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

9 **(e) Petitions for Emergency Minor Guardianship.** When an Emergency Minor Guardianship Petition
10 **(GDN M 202)** is filed, a hearing will be set before the assigned UFC Judge on the first Friday that is at
11 least 14 days after filing. Any Motion for Immediate Order, without notice **(GDN M 204)** shall be heard
12 in the Ex Parte Department. The motion shall be presented via videoconference or telephone hearing in
13 the Ex Parte Department using the Ex Parte emergency hearings process. When in-person hearings are
14 again available, the moving party shall appear in person in the Ex Parte Department on a walk-in basis.
15 The return hearing will be set before the assigned UFC Judge on the first Friday that provides at least
16 three days' notice to responding parents.

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

20 **(g) Motions for Temporary Child Support, Temporary Restraining Orders and to Restrain or**
21 **Permit Relocation.** Motions to set temporary child support, for a temporary restraining order, or to
22 permit or restrain relocation, shall be set before the assigned UFC judge on at least fourteen days' notice
23 to the extent not inconsistent with statute or other local rule. Parties may petition the court for temporary
24 restraining orders entered on an emergency basis to prevent immediate injury, loss or damage. See also
25 CR 65. The moving party shall present the Motion for Ex Parte Restraining Order in the Ex Parte
26 Department. The Order to Show Cause shall schedule a return hearing before the UFC Judge within 14
27 days, unless extended for good cause. *Note:* The statute does not provide for temporary guardianship
28 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.

1 **(h) Domestic Violence, Anti-Harassment, or other order seeking protection under another defined**
2 **statute.** Any matter related to issuance of a protection order protecting a child subject to any minor
3 guardianship matter is to be filed separately from the Minor Guardianship matter under a new cause of
4 action. The court shall set full protection order hearings before the assigned judge to be heard concurrent
5 with these proceedings, and the clerk shall relate the cases in the case management system.

6 **(i) Forms.** The statewide guardianship pattern forms (GDN M 001-605) shall be used for all matters
7 covered by the forms.


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

12
13 **IT IS SO ORDERED** that these provisions will govern management of minor guardianship
14 cases.

15 **IT IS ALSO ORDERED** that the clerk shall assign minor guardianship cases and emergency
16 minor guardianship petitions cases to UFC Judges Whedbee (Seattle) and Sutton (Kent).

17 **IT IS SO ORDERED** that the attached case schedules are approved for minor guardianship and
18 emergency minor guardianship cases.

19
20 Dated: December 31, 2020

21
22 
23 _____
24 JUDGE JIM ROGERS
25 Presiding Judge, King County Superior Court
26
27
28

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

«\$Case_CaseName_Legal»

No. «\$DJA_Case_Number»

**Order Setting Minor Guardianship Petition
Case Schedule**

Assigned Judge: xxx

FILED DATE: «\$subCase_FilingDate»
MANDATORY STATUS HEARING: XXXX

I. ORDER

Pursuant to King County Local Rule 4.0 (KCLCR 4.0), IT IS ORDERED that all parties involved in this action shall comply with the schedule listed below and that failure to meet these event dates may result in the dismissal of the petition.

DATED: «\$subCase_FilingDate»

«\$PresidingJudgeSig»

PRESIDING JUDGE

II. NOTICES

NOTICE TO PETITIONER:

The Petitioner must serve a copy of this *Order Setting Case Schedule (Schedule)* to all parties required to be served. The *Schedule* may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

The Court has set a mandatory hearing in this matter. At the hearing, the Court will review the status of this case, including whether the following steps have been completed:

1. Notice of Hearing, Summons, Petition, and Case Schedule have been served on all parties requiring service.
2. Completion of Washington State Patrol criminal history reports and Washington Child Protection Service reports for all persons seeking to be appointed guardian of the respondent minor, and all persons who reside in the household of any proposed guardian.
3. If appointment of a visitor is necessary, whether one has been appointed.
4. If appointment of a guardian ad litem (GAL) is necessary, whether one has been appointed.
5. If appointment of an attorney for the minor or any parent of the minor is necessary, whether one has been appointed.
6. All necessary parties have been served.

The court will determine if the matter is likely to be resolved by agreement or default, or should be certified for trial. The court will also inquire as to whether there are other cases in this or other jurisdictions regarding the child, and as to whether the child may be an Indian child pursuant to ICWA

All motions will be heard in the Ex Parte Department on the ex parte guardianship calendar unless specified in general order, local rule or ordered by the court. All hearings shall be scheduled with a Note for Calendar. 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 if complex or unusual issues are present. 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. After certification that a case is contested, all motions and other proceedings shall be set before the assigned judge. Until a case has been set for trial, no discovery shall be permitted.

FILING PAPERS THAT RESOLVE THE CASE:

Minor Guardianship finalizations, by agreement or by default, shall be noted on 14 days' notice on the Ex Parte Guardianship Calendar. You are required to give a copy of these documents to all parties in this case.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

NOTICE OF NON-COMPLIANCE FEES:

If a final document is not entered within 90 days from the date stamped on this notice, your file will be reviewed. If there is no evidence of ongoing action and the case appears to be abandoned, your case may be dismissed by the Court. At that time, a "Notice of Case Closure" will be issued.

Pursuant to King County Code 4A.630.020, a fee will be assessed for failure to bring case to completion and an invoice will be mailed to you from the King County Office of Finance within 30 days of the closure, for costs related to the failure to resolve and complete this action.

(King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk)

III. CASE SCHEDULE

CASE EVENT	DATE
Case Filed	«\$subCase_FilingDate»
Deadline to file proof of service of Summons, Petition, Notice of Hearing and Case Schedule on all parties required to be served.	F+30
Ex Parte Department Hearing Monday thru Friday 10:30 AM – Seattle cases Monday thru Friday 10:30 AM – Kent cases	Filing + 60 days

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

«\$Case_CaseName_Legal»

No. «\$DJA_Case_Number»

**Order Setting Emergency Minor Guardianship
Petition Case Schedule**

Assigned Judge: xxxx

FILED DATE: «\$subCase_FilingDate»

HEARING DATE: «\$subCase_CfTrialDate»

I. ORDER

Pursuant to King County Local Rule 4.0 (KCLCR 4.0), IT IS ORDERED that all parties involved in this action shall comply with the schedule listed below and that failure to meet these event dates may result in the dismissal of the petition.

DATED: «\$subCase_FilingDate»

«\$PresidingJudgeSig»

PRESIDING JUDGE

II. NOTICES

NOTICE TO PETITIONER:

The Petitioner must serve a copy of this *Order Setting Case Schedule (Schedule)* to all parties required to be served. The *Schedule* may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

A hearing on your Emergency Minor Guardianship Petition has been set before the assigned UFC Judge on the first Friday that is at least 14 days after filing. The hearing date appears above.

If you need immediate relief, you may file a Motion for Immediate Order (**Form GDN M 204**) and present the Immediate Order and Hearing Notice (**GDN M 205**) to the Ex Parte Department, pursuant to the Ex Parte Department emergency motions procedure.

Emergency Guardianships normally only last 60 days. If you need the guardianship to last longer than 60 days, you should also file a Minor Guardianship Petition.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

NOTICE OF NON-COMPLIANCE FEES:

Pursuant to King County Code 4A.630.020, a fee will be assessed for failure to bring case to completion and an invoice will be mailed to you from the King County Office of Finance within 30 days of the closure, for costs related to the failure to resolve and complete this action.

(King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk)

III. CASE SCHEDULE

CASE EVENT	DATE
Case Filed	«\$subCase_FilingDate»
Assigned Unified Family Court Judge Friday 11:00 AM – Seattle cases / Friday 11:00 AM – Kent cases	Filing + 14 days (2 weeks)