



Appointment of a Court Visitor or Guardian ad Litem in Minor Guardianships

Is any parent unable to be served?

Is the minor 12 years old or older and unrepresented?

Is there an allegation a parent has waived notice?

COURT VISITOR (RCW 130.195(4))

The Court **MUST** appoint a Visitor if you answer "Yes" to any.

Submit a Petition (No Court form) and Order (SC Form FL - 108) to Appoint Visitor (EPVC)

Ex Parte order entered appointing Family Court Services (FCS) as visitor (SC Form FL -108)

FCS Visitor performs the following:

1. Interviews the minor re: minor's views on guardianship;
2. (If necessary) Ascertain if parent cannot be located with due diligence;
3. (If necessary) Ascertain if parent consents to guardianship.

FCS issues written report to Court and parties

GUARDIAN AD LITEM (RCW 11.130.075)

Motion (No Court form)
and Order (GDN M 409)
appointing GAL
EPVC

Court may appoint A Guardian
ad Litem "at any time" if Court
determines individual's interests
not adequately represented.

Ex Parte order appointing GAL – selected
from Court registry of approved GALs.
Form GDN M 409 with instructions to GAL
re: scope of investigation. If parties are
indigent, GAL paid by County.

GAL conducts investigation, interviews
parties, etc.

GAL issues written report to Court and
parties

- **Procedure for Appointment:** The court may consider appointing a Court Visitor or Guardian ad Litem upon the filing of a petition and (proposed) Order Appointing Guardian ad Litem or Court Visitor (GDN M 409). You can file this motion [Ex Parte via the Clerk.](#)
- **Appointment:** The Court shall appoint a person from the registry on a rotational basis. In exceptional circumstances where the Court finds a need for specialized skills or training, the Court may make an appointment out of rotational order or may appoint a person not listed on the registry. Family Court Services may be appointed as a court visitor under RCW 11.130.195 in both LIMITED (parents retain visitation rights and decision-making rights) and FULL Guardianships (parents retain no rights) FCS should **not** be appointed in Emergency or Temporary Guardianship matters. FCS will **not** make recommendations as to whether the guardianship should be granted or the terms of the guardianship (if granted). FCS shall serve as a Court Visitor in a limited role only to verify information and to report to the court on statutorily required components of the case.
- **Notice:** The attorney or pro se litigant will notify the court visitor of the appointment once the order has been signed by the court. All parties must serve the GAL or Visitor with: notice of any court hearing or proposed agreement involving these children, and copies of all documents they file in this case.
- **Process:** The visitor interviews all parties involved; the minor, the individual(s) petitioning for guardianship, family members and others as directed by the court. The visitor will prepare a written report documenting the information obtained from the interviews, list all factual findings and a recommendation as to the appropriateness of the requested guardianship (except in cases where FCS is appointed). The written report must be submitted to the court within ten (10) days of any hearing requiring a report. A copy must also be served on all parties in the case.

Superior Court of Washington, County of _____

In the Guardianship of:

Respondent/s (*minors/children*)

No. _____

Order Appointing Guardian ad Litem or
Court Visitor

GAL Appointed (ORAPGL)

Visitor Appointed (ORAPCV)

Clerks Action: 10

Order Appointing Guardian ad Litem or Court Visitor

Use this form to appoint a GAL or Court Visitor in a Minor Guardianship Case.

1. Children needing Guardian ad Litem (GAL) or Court Visitor (Visitor)

A GAL or Visitor should be appointed for the children listed below:

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	

2. The court has authority to make this appointment under *Uniform Guardianship Act 11.130.*

The court **must** appoint a Visitor because: (*check all that apply*)

one or more of the children is 12 or older and does **not** have a lawyer.

the petitioner says a parent waived their right to notice

the petitioner says they were unable to serve a parent

The court should appoint a GAL because the children's interest otherwise would not be adequately represented.

The court orders:

3. (GAL / Visitor's name): _____ is appointed
[] Guardian ad Litem [] Court Visitor for the children listed in 1 above.

4. Rights

All parties must serve the GAL or Visitor with:

- notice of any court hearing or proposed agreement involving these children, and
- copies of all documents they file in this case.

The court clerk must give the GAL or Visitor free certified copies of this *Order* upon request.

5. Court Visitor's duties

[] Does not apply.

[] A GAL shall perform the duties of a Visitor until the Visitor program is established.

[] The Visitor must go to all court hearings and pretrial conferences for this case that are related to the children, unless the court says otherwise.

The Visitor is ordered to investigate and file a report on the issues checked below.
(check all that apply):

- [] Meet with the minor/s and explain the rights outlined in the *Notice of Hearing*. Find out the children's views about the guardianship or guardian. Inform the court if the minor wants access to all documents filed in this case.
- [] Decide if a parent who was not served can be located with reasonable effort.
- [] Interview the petitioner and the minor.
- [] Confirm whether a parent consents to guardianship.
- [] Other issues about the standby guardian petition.
- [] Other: _____

6. GAL's duties

[] Does not apply.

[] The Guardian ad Litem's (GAL's) duties include:

- Inform the court about, and represent, the needs and best interests of the children.
- Protect the legal interests of the children in this case;
- Explain (to the extent possible) the legal papers and correspondence related to this case to the children;
- Participate in court hearings related to the GAL's duties through written reports and supplemental oral reports; and
- Follow all court orders and go to all meetings and court hearings related to the GAL's duties or scope of appointment.

[] Other (*specify*): _____

7. Report

The GAL/Visitor's report must include facts about the issues listed in 5 or 6 above.

Deadline! Unless the court extends the deadline, the report must be filed and served on all parties at least 10 days prior to any hearing requiring a report.

8. Access to the children and information

The GAL/Visitor is allowed reasonable access to the children, and to all records and people with information that affects the children, including:

- Child care providers
- Physical and mental health care providers
- Schools and other educational institutions
- Law enforcement agencies, Child Protective Services, and the Department of Children, Youth, and Family (or equivalent agencies, if outside Washington)

Note: agencies may withhold or black out legally protected parts of requested information.

9. Release of information

The signatures of parties or children age 12 or older below mean that they give permission to the agencies and professionals listed in **8** above to share information about themselves and their children with the GAL/Visitor.

10. Confidentiality

The GAL/Visitor will:

- Have access to all Superior Court and Juvenile Court files related to his/her duties, including sealed and confidential documents. *Exception:* The GAL/Visitor will not have access to information sealed under RCW 13.50.050(7);
- Keep confidential any sealed and confidential information (unless his or her duties as GAL/Visitor require otherwise);
- Tell the court if his/her report includes any sealed or confidential information; and
- File their report in two parts: one public and one sealed, as required by GR 22.

The parties (or their lawyers, if any) have the right to inspect and copy the GAL/Visitor file, including the names and addresses of everyone the GAL/Visitor consulted. *Exception:* information in the GAL/Visitor's file that is confidential by law or sealed by a court shall **not** be shared with the parties or their lawyers.

11. Fees

The GAL/Visitor's hourly fee is \$ _____. The GAL/Visitor may not charge more than a total of \$ _____ without court review and approval.

The GAL/Visitor's fees will be paid as follows (*check one*):

- [] ____ % paid by Petitioner _____
____ % paid by Parent _____
____ % paid by Parent _____
- [] ____ % or \$ _____ paid by the County at public expense. However, if the parties' financial circumstances change, the court may order the parties to pay the fees according to their ability to pay.
- [] Other: _____

Billing Process:

- The GAL must file an itemized statement of time and expenses with the court and provide a copy to the person/s or entity responsible for payment.
- The GAL may file any request for payment with the court, along with an itemized statement and a proposed order.

12. Other orders (if any):

Ordered.

	▶	
<i>Date</i>		<i>Judge or Commissioner</i>

Petitioner and Respondent or their lawyers fill out below:

A party's signature authorizes release of information as described in 9 above.

Presented by:

<i>Signature of Party/Lawyer</i>	<i>Printed Name</i>	<i>WSBA No.</i>

Copy received and approved by:

<i>Signature of Parent</i>	<i>Printed Name</i>

<i>Signature of Parent</i>	<i>Printed Name</i>

Children age 12 or older sign below to authorize release of information as described in 8:

<i>Child signs here</i>	<i>Print name</i>	<i>Date</i>

<i>Other child signs here</i>	<i>Print name</i>	<i>Date</i>

Guardian ad Litem/ Court Visitor signs below to accept appointment:

<i>GAL/Visitor signs here</i>	<i>Print name</i>	<i>Date</i>