

How to

Finish a Minor Guardianship by Default when Parents were Personally Served

WARNINGS!

- Use this instruction ONLY after you have filed for a Minor Guardianship AND none of the other parties have filed an *Objection to Minor Guardianship* or a *Parent's Consent to Minor Guardianship* by the deadline:

| | |
|----------------|---|
| 20 days | If respondents were served in person in Washington state. |
| 60 days | If respondents were served in person outside of Washington state. |
| 90 days | If respondents were served by mail. |

- Do NOT use these instructions if you are only seeking an *Emergency Guardianship Order*. See *Emergency Guardianship* instruction.
- If final documents are not signed by a judge within 90 days of the case being filed, the court will review the case for activity. The court may dismiss your case and fine you \$50 if there is no activity.
- Due to COVID-19, all hearings are being done by phone or video and some offices are providing only remote services. You should consult the King County Superior Court and the Ex Parte Department webpages for the most up to date information:
<https://www.kingcounty.gov/courts/superior-court.aspx>
<https://www.kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>.

Talk to a lawyer, if you can

These instructions have been developed by the King County Superior Court Family Law Information Center. They are not intended to be a substitute for legal advice. They provide only legal *information*. It's a good idea to talk to a lawyer before you file any forms.

If you **cannot** afford a lawyer, you can:

- Get a list of low-cost and free legal resources.
<https://kingcounty.gov/~media/courts/superior-court/docs/family/facilitator/family-law-resources.ashx?la=en>
- Get help from the Family Law Facilitators office. You can get information about their services at <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx>.

Form Name

Form Number

Notes

Completed

| | | | |
|---|-------------------|---|--------------------------|
| Motion for Default | FL All Family 161 | Complete all sections in this form | <input type="checkbox"/> |
| Order on Motion for Default | FL All Family 162 | Fill this out the way you would like the Judge to sign it | <input type="checkbox"/> |
| Minor Guardianship Findings and Order | GDN M 105 | Fill this out the way you would like the court to decide | <input type="checkbox"/> |
| Acceptance of Appointment | GDN M 003 | Fill this out the way you would like the court to decide | <input type="checkbox"/> |
| Residential Schedule (if requested) | GDN M 104 | Fill this out the way you would like the court to decide | <input type="checkbox"/> |
| Declaration of Service | GDN All 007 | Fill this out if you need to provide notice (see Step 5) | <input type="checkbox"/> |

If you are asking for child support, you need to fill out these forms:

| | | | |
|---|---|---|--------------------------|
| Child Support Worksheets | WSCSS-Worksheets | Online Child Support Calculation software is available at: https://fortress.wa.gov/dshs/dcs/SSGen/Home/QuickEstimator | <input type="checkbox"/> |
| Child Support Schedule & Instructions | Use this information to calculate Child Support Worksheets. | | |
| Child Support Order | FL All Family 130 | Fill this out the way that you would like the Judge to decide | <input type="checkbox"/> |

Step 2: Make copies

- **Original** set to file with the Clerk’s Office (room 2C in Kent and E-609 in Seattle).
- **Copy 1** for your personal records. These copies are not limited to the three listed above.
- **Additional copies** for anyone you may need to serve (See Step 6).

Step 3: Does a Court Visitor need to be appointed?

Is the child 12 or older?

If the child is younger than age 12, go to Step 4.

If the child is 12 or older, the court must appoint a court visitor to interview the child and petitioner.

If a court visitor needs to be appointed, you must file a motion and get an order appointing a court *visitor before finishing your case by default*. See *How to Ask for a Court Visitor* instruction.

In addition, you will also need to complete a [60 Day Checklist](#), attend your 60-Day Hearing, and wait until the court visitor that was appointed by the court to finish a report about the guardianship before you can finalize by default.

Step 4: Select your hearing date

All motions for default are being conducted in Ex Parte by video until further notice starting at 10:30 a.m.

Check the Calendar Availability Tool under the Ex Parte Calendar heading at <https://kingcounty.gov/courts/clerk/calendars.aspx>. Click on the drop-down menu to select “Probate/Guardianship” to see what dates are available. Choose a date that is at least 14 court days out.

Fill out the *Notice of Court Date Ex Parte* form (Kent or Seattle) (available at <https://www.kingcounty.gov/courts/clerk/forms.aspx>) with the date you selected.

Step 5: File your documents.

You can file your documents from Step 1 and 4 either bringing your original forms to the Clerk’s Office (room 2C in Kent and E-609 in Seattle),

OR

You can file them online on the Clerk’s website at: <https://www.kingcounty.gov/court/clerk/documents/efiling.aspx>. If you have questions about e-filing call 206-477-3000, or email eServices@kingcounty.gov.

DO NOT FILE your proposed *Minor Guardianship Findings and Order, Order on Motion for Default, and Child Support Order*.

Step 6: Provide notice to other parties.

If any other party has participated in the case (such as attended a hearing or filed any documents in the case), you must provide that party with notice of your hearing.

What to provide: All forms from Step 1 and the *Notice of Court Date Ex Parte* from Step 4.

As long as no order restrains you from having contact with the other party, you may deliver or mail the forms yourself at least 7 calendar days before the hearing (add more days for mailing).

If the other party has an attorney deliver or mail the forms to the attorney instead. After you have delivered or mailed the forms to the other party or attorney, fill out the [Declaration of Service](#) form. File the original with the Clerk’s Office, keep a copy for your records, and bring it with you to the hearing.

You may also have someone else serve the other party or his/her attorney for you. The server must be over 18. After serving, the server fills out the [Declaration of Service](#) form and returns it to you. File the original with the Clerk’s Office, keep a copy for your records, and bring it with you to the hearing.

Step 7: Give working copies to the Ex Parte Department.

At least one week before your hearing, you will need to provide the Ex Parte Department with working copies of all of the documents you filed in the case, including the forms from Step 1. There are three ways to provide working copies:

1. Provide electronically

To provide your working copies electronically, you can use the Clerk’s Office website [here](#). You will be required to pay a fee for this service.

2. Provide via email.

You can also email your working copies to scexparteorders@kingcounty.gov.

| Ex Parte Department Working Papers Email |
|---|
| <ul style="list-style-type: none">• The subject line of the email should read “Working Papers _____(DATE/TIME OF HEARING) - CASE NUMBER _____(SEA/KNT).”• Include all parties in the email.• Attach a copy of all documents you have filed in the case. |

3. Provide in person.

Working papers may be provided in person to the judges' mailroom (C203) in Seattle or Room 2D in Kent) only if email is not an option for you. On the top righthand corner, write:

WORKING COPIES

Hearing:_____ [date of the hearing]

Ex Parte Department/Minor Guardianship

Submitted by:_____ [your name]

Step 8: File Acceptance of Appointment.

At least one week before your hearing date, file the completed form below with the Clerk's Office:

| Form Name | Form Number | Notes | Completed |
|---|-------------|--|--------------------------|
| Acceptance of Appointment | GDN M 003 | Fill this out the way you would like the court to decide | <input type="checkbox"/> |

Step 9: Attend the Ex Parte Virtual Status Hearing.

All Ex Parte hearings are being conducted by video until further notice starting at 10:30 a.m. Check the Ex Parte department website at <https://www.kingcounty.gov/courts/superior-court/ex-parte-probate.aspx> for the latest information on how the hearing will be conducted.

Instructions for attending are in the *Notice of Court Date Ex Parte* form you filled out in Step 4.

At the hearing, the Commissioner will decide whether to approve your request for an *Order of Default* and final orders. If there are issues with your case, the Commissioner may refuse to sign your documents and require you to fix the problems before you can schedule another hearing to finalize by default.

Finally, if the petitioner or proposed guardian does not appear for this hearing, the case may be dismissed.

Fee Waiver Requests

At the hearing, if the court is approving your request for guardianship and you cannot afford to pay for copies of the Letters of Guardianship, ask the judge to waive the fees.

Step 10: Get Letters of Guardianship

If the court approves your request to become the guardian, you will need Letters of Guardianship to prove you can make decisions for the child.

Ask for copies of the Letters of Guardianship in person (room 2C in Kent and E-609 in Seattle), by mail, or online.

More information on how to get copies of court records is available at:
<https://kingcounty.gov/courts/clerk/access-records/records.aspx>

Any questions about how to get your Letters of Guardianship should be directed to: (206) 296-9300 or clerksofficecustomerservice@kingcounty.gov.