

How to

Ask for an Immediate Order when filing for Emergency Guardianship

WARNINGS!

- You can file this request only if you have already filed an *Emergency Minor Guardianship Petition*. See instruction: Emergency Guardianship (60 day).
- 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>.

Step 1: Fill out these forms.

Motion for Immediate Guardianship

All of these forms can be downloaded at: www.courts.wa.gov/forms/

Form Name	Form Number	Notes	Completed
Motion for Immediate Order (Ex Parte)- Emergency Minor Guardianship and Restraining Order	GDN M 204		<input type="checkbox"/>
Immediate Order (Ex Parte) and Hearing Notice- Emergency Minor Guardianship and Restraining Order	GDN M 205	See Step 5 for information on how to choose a hearing date for the court to sign this order.	<input type="checkbox"/>
Emergency Minor Guardianship Order	GDN M 203	Fill this out the way you would like the Commissioner to decide at the next hearing	<input type="checkbox"/>

If you are asking for temporary 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 Commissioner to decide	<input type="checkbox"/>
Financial Declaration of _____	FL All Family 131		<input type="checkbox"/>
Sealed Financial Source Documents	FL All Family 011	Use this coversheet to keep your financial records confidential	<input type="checkbox"/>
<p>For the court to decide on financial issues, you must provide copies of financial documents, including:</p> <ul style="list-style-type: none"> ▪ Your W-2s and complete personal tax returns for the past 2 years ▪ Your most recent pay stubs (at least 6 months) ▪ Complete partnership/corporate tax returns for the past 2 years if you have a 5% interest or more ▪ Statements from all of your banks and financial institutions for the past 6 months 			

Print this, but do not fill it out yet. You will need it later.

Form Name	Form Number	Notes	Completed
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Step 2: Notice

Before scheduling your hearing date, you must first determine whether you are required to provide the other parties with notice of the hearing.

Notice is NOT required:

If providing notice to the other parties would substantially harm the child's health, safety, and welfare, you do NOT need to notify the other parties of the hearing. Explain why notice could harm the children in your *Motion for Immediate Order (Ex Parte) - Emergency Minor Guardianship and Restraining Order*.

Notice is required:

Tell the other parties the date and time of the hearing at least **two days** in advance of the date you select in Step 4. In your *Motion for Immediate Order (Ex Parte)- Emergency Minor Guardianship and Restraining Order*, write what you have done to notify the following other parties:

- each parent
- the child (if 12 or older and the court has not signed an *Order on Motion to Withhold* giving you permission to withhold all documents and evidence after the *Summons, Notice, and Petition*)
- any person who has the child in his/her custody
- any attorney involved

Step 3: Select your first hearing date.

A. If you do NOT have to notify the other parties.

Before 11 am, 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 "Emergency Motions" to see if there is a 2 pm hearing available.

Option 1: If a 2 pm "Emergency Motion" hearing is available

Select the available hearing and fill out the *Notice of Court Date Ex Parte Commissioners* form with today's date.

Option 2: If a 2 pm "Emergency Motion" hearing is NOT available

By noon, fill out the *Notice of Court Date Ex Parte Commissioners* form (available at <https://www.kingcounty.gov/courts/clerk/forms.aspx>) with today's date and email that document, along with all documents from **Step 1 and Step 4** below to scexparteorders@kingcounty.gov. The subject line of the email should

read “REQUEST FOR EXCEPTION TODAY [enter date]: CASE NUMBER: [enter your case number].”

NOTE: Be sure to complete Step 4 before emailing your documents.

B. If you MUST notify the other parties.

Go to <https://kingcounty.gov/courts/clerk/calendars.aspx> and click on “Calendar Availability Tool” under the Ex Parte Calendar heading. Click on the drop-down menu to select “Emergency Motions.”

Pick an available date and time that is at least **two days** after you will notify the other parties.

Use your selected date and time to complete the *Notice of Court Date Ex Parte Commissioners* form, which can be downloaded at: <https://www.kingcounty.gov/courts/clerk/forms.aspx>

Step 4: Select your second hearing date.

At the “Emergency Motion” hearing in Ex Parte, the court decides if you will be the guardian until the next hearing, which must be within five business days. This second hearing will be before your assigned judge.

In the *Immediate Order (Ex Parte) and Hearing Notice- Emergency Minor Guardianship and Restraining Order*, complete the following:

- **Date:** Enter the first Friday, 11 am that is at least **3** days after all parties are served with all forms from Steps 1 and 2.
- **Where:** Court address and courtroom for your assigned judge.
- **Judge:** Name of your assigned judge (from the Case Schedule issued when the Emergency Minor Guardianship Petition was filed).

Step 5: Email Working Papers to Ex Parte Department.

NOTE: If you requested a same day exception under Step 3(A) above, you may skip this step, as you have already submitted your working copies via email.

Your “working papers” are every document you completed in Steps 1 and 3.

Immediately after Step 4, email your working papers to scexparteorders@kingcounty.gov:

Ex Parte Department Working Papers Email

- The subject line of the email should read “NOTICE OF HEARING ON _____(DATE): CASE NUMBER _____.”
- Include all parties in the email (if there is no threat of harm see Step 2).
- Attach the *Immediate Order (Ex Parte)- Emergency Minor Guardianship and Restraining Order* in WORD, if possible.
- Attach a copy of the Emergency Guardianship Petition.
- Working papers may be provided in person to the judges’ mailroom (C-203 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 6: **Make copies.**

- **Original** set to file with Clerk’s Office
- **Copy 1** for your personal records
- **Other Copies** for each person who needs notice:
 - each parent
 - the child (if 12 or older and the court has not signed an *Order on Motion to Withhold* giving you permission to withhold all documents and evidence after the *Summons, Notice, and Petition*)
 - any person who has the child in his/her custody
 - any attorney involved

Step 7: **File these forms with the Clerk’s Office.**

File the following documents from Steps 1 and 2 at the Clerk’s Office (room 2C in Kent and E-609 in Seattle):

- *Notice of Court Date Ex Parte Commissioners*
- *Motion for Immediate Order (Ex Parte)-Emergency Minor Guardianship and Restraining Order*
- If requesting child support, *Financial Declaration, Child Support Worksheet*, and supporting financial records.

OR

You may file these documents electronically through the Clerk’s Office E-Filing website at <https://www.kingcounty.gov/courts/clerk/documents/efiling.aspx>.

Step 8: Attend your first hearing in Ex Parte.

Hearings in the Ex Parte Department are conducted as Zoom meetings until further notice. Instructions for attending are in the *Notice of Court Date Ex Parte Commissioners* form you filled out in Step 3.

At the hearing, the Commissioner will decide whether to approve your request for an Immediate Guardianship Order.

Step 9: Notify all parties within 48 hours.

If the court signed your Immediate Guardianship Order, you must *within 48 hours*:

- give a copy of all the forms completed in Steps 1 and 4 to the following parties:
 - each parent
 - the child (if 12 or older and the court has not signed an *Order on Motion to Withhold* giving you permission to withhold all documents and evidence after the *Summons, Notice, and Petition*)
 - any person who has the child in his/her custody
 - any attorney involved

- in a way likely to provide notice (for example email, last known mailing address, social media contact, SMS text, hand delivery, or mail).

Then, complete the [Declaration of Service](#) form. Keep a copy for your own records and file the original with the Clerk's Office.

Step 10: Confirm attendance at your second hearing.

At least two days before the hearing before the assigned judge, contact the bailiff to confirm that you will be attending. The bailiff's contact information is in the Case Schedule, which you received from the Clerk's Office when you filed the Emergency Minor Guardianship Petition.

Step 11: Email proposed orders to assigned judge.

Your "Proposed Orders" are the following forms:

- *Emergency Minor Guardianship Order*
- If requesting child support, *Child Support Order*.

Email your proposed orders to your assigned judge by **noon the day before** your hearing.

Step 12: File Acceptance of Appointment

By noon the day before your hearing, 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 13: Attend the second hearing.

Participate in the guardianship hearing, which will be a Zoom meeting with the assigned judge. Instructions on how to join the Zoom meeting are in the Case Schedule, which you received from the Clerk's Office when you filed the Emergency Minor Guardianship Petition.

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 14: 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.