

How to

Ask for an Emergency Guardianship

Temporary Guardianship of a minor valid for only 60 days with the possibility of one 60-day extension.

WARNINGS!

- If you are asking to appoint a minor guardian for longer than 60 days, you will also need to file a *Minor Guardianship Petition*. See Instruction MG-1.
- If there is an immediate threat of harm to the child, see Instruction MG-7 regarding filing for an Immediate Guardianship Order.
- 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.

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

Form Name	Form Number	Notes	Completed
Confidential Information Sheet	GDN M 410		
Summons	GDN M 001		<input type="checkbox"/>
Emergency Minor Guardianship Petition	GDN M 202		<input type="checkbox"/>
Notice of Hearing about an Emergency Minor Guardianship	GDN M 201	See Step 6 for information on how to either choose a hearing date or use the court date provided in the Case Schedule.	<input type="checkbox"/>
Emergency Minor Guardianship Order	GDN M 203	Fill this out the way you would like the Commissioner to decide	<input type="checkbox"/>
Motion for DCYF Order and Order to DCYF to Release CPS Information	GDN M 404 and 405	Complete and submit Ex Parte via the Clerk as soon as possible.	<input type="checkbox"/>
Criminal History Cover Sheet	GDN M 407	You must file a copy of a Washington State Patrol Background check for the proposed guardian and all adult members of the guardian's household. You must do so before the hearing 14 days after filing.	<input type="checkbox"/>

Use these forms to ask for permission not to serve the *Declaration Explaining Reasons for Minor Guardianship* on the minor:

Motion to Withhold Certain Documents from the Minor	GDN M 106		<input type="checkbox"/>
Order on Motion to Withhold	GDN M 107	Fill this out the way you would like the court to decide	<input type="checkbox"/>

This form can be downloaded at: <http://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Form Number	Notes	Completed
Case Assignment Area Form & Case Index Cover Sheets			<input type="checkbox"/>

If you are asking for temporary child support at the next hearing, 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"/>

Fill out these forms if the child is – or might be – a member of an Indian tribe:

Indian Child Welfare Act Notice	GDN M 401	If the child is, or may be, a member of an Indian tribe, send this <i>Notice</i> to the Department of the Interior, Bureau of Indian Affairs	<input type="checkbox"/>
Indian Child Welfare Act Notice - Attachment	GDN M 402	If there is more than one child who may be a member of an Indian tribe involved in the Emergency Minor Guardianship, use this form for any additional children	<input type="checkbox"/>
Proof of Mailing – ICWA Notice	GDN M 403	Use this as proof you mailed the ICWA Notice and Attachment to any possible Indian tribes the children may belong to.	<input type="checkbox"/>

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

Form Name	Form Number	Notes	Completed
Declaration of Reasonable Notice in Emergency Guardianship Case	DCLR	This is for you to fill out after you have provided notice to the other parties (see Step 7).	<input type="checkbox"/>

Step 2: Make copies

What documents do I need to copy to serve on the other parties?

- *Summons*
- *Petition for Emergency Minor Guardianship*
- *Notice of Hearing about an Emergency Minor Guardianship*
- *(Proposed) Emergency Minor Guardianship Order*

How many copies?

- **Original** set to file with the Clerk's Office
- **Copy 1** for your personal records. These copies are not limited to the three listed above.
- **Other Copies** – you must make a copy for each party listed in the *Notice of Hearing About Minor Guardianship Attachment*. This includes:
 - each parent
 - any person with court-ordered custody or guardianship
 - the child (if they are 12 or older)
 - anyone who had custody of the child at least 60 days in the last two years
 - the child's grandparents
 - any adult siblings of the child

Step 3: Start (file) your case

The Clerk will ask you to pay a filing fee.

If your petition is asking to appoint a relative of the child as a guardian, the Clerk's Office will automatically waive the filing fee.

If you cannot afford to pay the fee, apply to waive the fee. The application is here:

- For [Kent](#):
<http://www.kingcounty.gov/~media/courts/Clerk/forms/waive-ff-inst-kent.ashx?la=en>
- For [Seattle](#):
<http://www.kingcounty.gov/~media/courts/Clerk/forms/waive-ff-inst-sea.ashx?la=en>

The instructions about how to get a fee waiver approved during COVID-19 here:

<https://www.kingcounty.gov/~media/courts/Clerk/docs/misc/Updated-Instructions-for-Ex-Parte-via-the-Clerk-Fee-Waiver.ashx?la=en>

File your documents.

File the following documents completed in Steps 1 and 2:

- *Summons*
- *Petition for Emergency Minor Guardianship*
- *Notice of Hearing about an Emergency Minor Guardianship*
- *Child Support Worksheets (if any),*
- *Indian Child Welfare Act Notice (if applicable),*
- *Proof of Mailing (Indian Child Welfare Act Notice) (if applicable)*
- Any documents to support your motion that you want the court to see.

You can start (file), your case by either bringing your original forms to the Clerk's Office (room 2C in Kent and E-609 in Seattle),

OR

You can file your case 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 the *Notice of Hearing about an Emergency Minor Guardianship Petition*. You will need to fill in the hearing date before filing and serving this on the other parties. See Step 6.

Step 4: File your WSP Background Check

You are required to file a copy of a Washington State Patrol background check for the proposed guardian and all adult members of the guardian's household.

You can print these directly from the Washington State Patrol website here:
<https://watch.wsp.wa.gov/Home/Notice?ReturnPage=%2FHome%2FIndex>.

To file these with the court, complete the [Criminal History Cover Sheet \(GDN M 407\)](#), attach all reports and file with the Clerk's Office.

Step 5: Present Motions

To have the court consider your *Motion and Order Directing DCFS/CPS to Release Information* and *Motion to Withhold Certain Documents from the Minor* you must submit them through the Clerk's Office, Ex Parte via the Clerk.

You can do this in person, online, or via mail. See the website for more information: <https://www.kingcounty.gov/courts/clerk/documents/ExParte.aspx>.

The Clerk's office will present your motion(s) to a judicial officer on your behalf.

After the order is signed the Clerk will automatically file the original and return a copy of the order to you via the method you requested.

Step 6: Complete the Notice of Hearing about Emergency Minor Guardianship

Once you file the *Emergency Minor Guardianship Petition*, you will be issued an *Order Setting Emergency Minor Guardianship Case Schedule (Case Schedule)*. In addition to the case number, there will be a date set on the Case Schedule for the Emergency Minor Guardianship Hearing. Use this date to complete your *Notice of Hearing about Emergency Minor Guardianship*.

If you filed a *Petition for Minor Guardianship* at the same time you filed the *Petition for Emergency Minor Guardianship*, you may be issued a case schedule for a Minor Guardianship, which will not have a hearing date listed. You must pick the first Friday at 11:00 a.m. at least 14 days after the date you filed the case. Use this date to complete the *Notice of Hearing about Emergency Guardianship*.

Make copies of the Notice of Hearing and Order Setting Minor Guardianship Petition Case Schedule forms. You should make enough copies for each individual identified in Step 2.

Step 7: Provide Notice of the Hearing

You must provide reasonable notice to all parties listed in the *Notice Attachment* (see Step 2).

You must provide a copy of the documents listed in Step 4, either by mail, or some other way likely to provide notice (for example email, last known mailing address, social media contact, SMS text, or hand delivery).

Once you have provided notice, complete the [Declaration of Reasonable Notice in Emergency Guardianship Case](#) form. Keep a copy for your own records and file the original with the Clerk’s Office.

Step 8: Confirm attendance at your 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 for your assigned judge can be found [here](#) or in the Case Schedule for the Emergency Minor Guardianship.

Step 9: 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. The bailiff’s contact information for your assigned judge can be found [here](#) or in the Case Schedule for the Emergency Minor Guardianship.

Step 10: 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 11: Attend Virtual Hearing

All Emergency Guardianship Hearings are being held via Zoom on **Fridays** at **11:00 AM** (the Zoom Application can be downloaded for free to your device).

See the *Order Setting Emergency Minor Guardianship Case Schedule* for the contact information to connect to Zoom Hearing.

If you filed a *Petition for Minor Guardianship* at the same time you filed the *Petition for Emergency Minor Guardianship*, you may be issued a case schedule for a Minor Guardianship, which will not have the information to connect the Zoom hearing. Contact the bailiff for information about how to connect to your

Zoom Hearing.

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 12: 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.