

How to

File for a Contested Minor Guardianship

WARNINGS!

- Do NOT use these instructions if you are seeking an order for a temporary emergency guardian. See *How to Ask for an Emergency Guardianship* instruction.
- 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 | | <input type="checkbox"/> |
| Summons | GDN M 001 | | <input type="checkbox"/> |
| Minor Guardianship Petition | GDN M 102 | | <input type="checkbox"/> |
| Declaration Explaining Reasons for Minor Guardianship | GDN M 103 | Explain the reasons for why the court should grant the minor guardianship | <input type="checkbox"/> |
| Residential Schedule | GDN M 104 | Fill this out the way that you would like the court to decide | <input type="checkbox"/> |
| Notice of Hearing about a Minor Guardianship Petition | GDN M 101 | See Step 4 for information on filling in the hearing date in this form. | <input type="checkbox"/> |
| Motion for DCYF Order and Order to DCYF to Release CPS Information | GDN M 404 and GDN M 405 | | <input type="checkbox"/> |

If you do not want to serve the declaration on the minor, 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 and Order on Motion to Withhold | GDN M 106 and GDN M 107 | Fill the order out the way you would like the court to decide | <input type="checkbox"/> |
|---|-------------------------|---|--------------------------|

These forms 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"/> |

| | | | |
|---|--|---|--------------------------|
| Sixty Day Hearing Checklist | | Complete and file at least two weeks before your 60 day hearing | <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"/> |
| Proof of Mailing (Indian Child Welfare Act Notice) | GDN M 403 | | <input type="checkbox"/> |
| ICWA Notice-Attachment for Additional Child | GDN M 402 | If there is more than one child who may be a member of an Indian tribe involved in the Non-Parent case, use this form for any additional children. | <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 Commissioner to decide | <input type="checkbox"/> |

Step 2: Make copies.

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

- *Summons*
- *Petition for Minor Guardianship*
- *Declaration Explaining Reasons for Minor Guardianship*

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
 - the child’s conservator
 - the proposed guardian requested by either parent or the child.

Step 3: Start (file) your case.

A. The Clerk may 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>

B. File your documents.

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 a Minor Guardianship Petition*. You will need to fill in the hearing date before filing and serving this on the other parties. See Step 4.

C. Present your 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. Unless your filing fees were waived, you must pay a fee.

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 4: Complete the *Notice of Hearing* form.

Fill out the *Notice of Hearing* form. When you file the case, the Clerk's Office will give you a *Order Setting Minor Guardianship Petition Case Schedule*. The order will list your Ex Parte Department Hearing date. Use this date to complete the *Notice of Hearing about a Minor Guardianship Petition*.

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 5: Have the other parties served.

The *Notice of Hearing Attachment* has two sections that identify all individuals who are entitled to notice either by personal service or other means. Section 1 of the Attachment lists parties who must be personally served:

- each parent
- any person with court-ordered custody or guardianship
- the child (if they are 12 or older)

You must serve these documents:

- *Notice of Hearing*
- *Summons*
- *Minor Guardianship Petition*
- *Reasons for Minor Guardianship* (do not serve on the child if the court signed your *Order on Motion to Withhold*)
- *Order Setting Minor Guardianship Petition Case Schedule*.

You must file proof of service with the court within 30 days of starting your case.

How to serve

Someone over 18 – **not you** - must serve (give) the other party copies of your court papers. After serving, the server fills out the [Declaration of Service](#) form and gives it to you. Keep a copy for your own records and file the original with the Clerk's Office.

If you cannot locate a parent for service, you must request a Court Visitor. See *How to Ask for a Court Visitor* instruction.

Step 6: Provide notice to other parties.

Section 2 of the *Notice of Hearing Attachment* lists people who are NOT entitled to personal service:

- 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
- the child's conservator
- the proposed guardian requested by either parent or the child.

Instead, you are required to provide a copy of the following documents:

- *Notice of Hearing*
- *Summons*
- *Minor Guardianship Petition*
- *Reasons for Minor Guardianship* (do not serve on the child if the court signed your *Order on Motion to Withhold*)
- *Order Setting Minor Guardianship Petition Case Schedule*.

The documents must be provided either by mail, or some other way likely to provide notice (for example email, last known mailing address, social media contact, SMS text, hand delivery).

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

You may ask the court for permission to waive notice. See *How to Ask to Waive Notice in a Petition for Minor Guardianship* Instruction.

Step 7: File Washington State Patrol Background checks.

Before your hearing, 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 8: Attend the Guardianship Training.

The proposed guardian must attend the mandatory lay guardian training within 60 days of the case being filed: [Washington State Courts - Guardian Portal](#)

Step 9: Does a Court Visitor need to be appointed?

1. Is the child 12 or older?

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

2. Do you know where the parents are?

If you cannot locate the parents, the court must appoint a court visitor to investigate the parents' whereabouts.

If a court visitor needs to be appointed, see *How to Ask for a Court Visitor* instruction.

If a court visitor does NOT need to be appointed, go to step 10.

Step 10: Complete and File the 60 Day Checklist.

You are required to complete and file a [60 Day Checklist](#) at least two weeks before your hearing. If you do not file the checklist or it is missing information, the court may set another hearing for you to complete the missing items.

Step 11: 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 the documents you filed. 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 12: 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.

At this hearing, the commissioner will address issues regarding service, background checks, attorney appointment, court visitor appointment, and other issues to move the case forward.

If all parties agree to the guardianship and have signed your proposed final orders, you may present them at this hearing to finish your case.

If the petitioner or proposed guardian do not appear for this hearing, the case may be dismissed.

If the commissioner certifies your case to go forward, you will receive an additional order containing your trial date and other deadlines.

Step 13: Complete your final documents.

Be sure to review the order for additional deadlines or other requirements.

If the court has certified the case to go forward, you will need to prepare the following documents to finalize the case (by agreement or at trial):

| | | | |
|--|-------------|--|--------------------------|
| Parent's Consent to Minor Guardianship | GDN M 304 | One for each legal parent | <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 ALL 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"/> |

If the other party is 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 Commissioner to decide | <input type="checkbox"/> |

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.