

# How to modify an existing guardianship or remove the current guardian

These instructions explain how to change a guardianship or remove the guardian.

- This may accompany a guardianship complaint.
- This may be used if the incapacitated person has regained some or all capacity and the guardian's authority should change as a result.
- This may be used if the existing guardian should be removed from that position.

## 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:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case. You can contact the King County Bar Association to ask for a referral.
- Ask the Family Law Facilitator's office for a list of low-cost and free legal resources.

King County Superior Court  
516 3<sup>rd</sup> Ave, Room W-382  
Seattle, WA 98104

Maleng Regional Justice Center  
401 4<sup>th</sup> Ave North, Room 3D  
Kent, WA 98032

## Step 1: Fill out these forms

Download these forms at:

<https://kingcounty.gov/courts/clerk/forms.aspx>

Form name	Form number	Notes	Completed
Notice of Court Date (Ex Parte)	<a href="#">Kent</a> or <a href="#">Seattle</a>	See Step 2.	<input type="checkbox"/>

<http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14#Guardianship>

Form name	Form number	Notes	Completed
<a href="#">Motion to Modify a Guardianship/Remove a Guardian/Modify a Guardian's Authority</a>	WPF GDN 08.0300	Fill out with as much detail as you would like the court to know about your concerns and your proposed solutions.	<input type="checkbox"/>
<a href="#">Declaration of (name):</a> <hr/>	FL All Family 135	Explain why the Court should agree with your request if there is additional information you want the Court to know that is not in your Motion to Modify	<input type="checkbox"/>
<a href="#">Order on Guardianship Motion to Modify/Terminate</a>	WPF GDN 08.0400	Fill out the way you would like the Judicial Officer to sign.	<input type="checkbox"/>

## Step 2: How to choose a court date.

To set your court date, you must fill out and file the *Notice of Court Date (Ex Parte)*, [Kent](#) or [Seattle](#). That form lets you choose a date for your court hearing. The date you choose **must** be at least **14 days** after the day you file the Notice of Court Date (Ex Parte) **and** at least **14 days** from the day you plan to have the other party served. Allow **17 days** if serving by mail.

Guardianship motions are heard at 10:30am, Monday-Friday.

### How many copies do I need?

**Original** set to file with Clerk's office

**Copy 1** is for your records

**Copy 2** is for the current Guardian

**Copy 3** is to serve on the incapacitated person

**Copy 4+** is for any other person/entity who has filed a Special Notice of Interest

### Step 3: Take your completed forms to the Clerk’s office and file them.

File with the Clerk (2C in Kent and E-609 in Seattle) the originals of all papers from Step 1 **except** the Order. The order is your proposed Order, and will be filed after the hearing.

### Step 4: Deliver Commissioner’s copy.

The Commissioner’s copy is a set of all forms from Step 1 **including** the proposed Orders that you would like the court to sign at the hearing. Take this set of copies to the Ex Parte Department (W-325 in Seattle and 1J in Kent) and turn it at least 14 days before your hearing.

Copy and complete the chart below to the upper right hand corner of the first page of the set of forms you are delivering to the Commissioner:

<b>Commissioner’s Working Papers</b> <b>Family Law Motions</b> Hearing Date: _____ Hearing Time: <u>10:30AM</u> Presented By: (your name): _____
--

### Step 5: Have the other parties (guardian & incapacitated person) served.

#### What to serve

Serve the other party with a copy of all forms from Step 1.

#### How to serve

Provided that no order restrains you from having contact with the other party, you may deliver or mail them yourself at least **14 calendar days by 12 noon** before the hearing (add 3 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 ***Proof of Mailing or Hand Delivery*** (FL All Family 112) form. File the original with the Clerk’s Office, keep a copy for your records, and bring it with you to the hearing.

You can download at: <https://kingcounty.gov/courts/clerk/forms.aspx>

Form name	Form number	Notes	Completed
<i>Proof of Mailing or Hand Delivery</i>		See Step 5.	<input type="checkbox"/>

### Step 6: Go to your hearing.

- Arrive at least 30 minutes early! You will need time to go through security.
- Go to the Ex Parte Department (W-325 in Seattle and 1J in Kent) at the courthouse to check in.
- Take your original orders and all copies of the forms you filed.
- You must give the Court your original orders if asked. If you want copies of the signed orders on the day of your hearing, tell the Clerk.