

How to Modify/Terminate a Minor Guardianship/Nonparent Custody Order

For parties *who agree*

Use these instructions if,

- You have a final Minor Guardianship or Nonparent Custody Order signed by a judicial officer,
- You and all other people involved in the case (including the child or children if age 12 or above) **agree** on the terms of the *change(s)* that should be made in the order or agree to terminate (end) the order because the reason the guardian or custodian was appointed is no longer true, and
- You and all the other people in the involved in the case **will sign** court papers to show that s/he agrees.

However, if you want to change the support amount, do not use these instructions. You must file to change child support *separately*. Ask the facilitator for information on how to change child support.

Due to COVID-19, most hearings are being done by phone or video. You should consult the King County Superior Court webpage for the most up to date information. <https://www.kingcounty.gov/courts/superior-court.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 and make copies

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

Form Name	Form Number	Notes	Completed
Notice of Hearing about a Petition to Terminate or Change a Minor Guardianship or Non-Parent Custody Order	GDN M 501	See Step 5 for how to select a hearing date for this form.	<input type="checkbox"/>
Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order	GDN M 502	<p>“Joinder” on the last page of the petition needs to be signed by the other parent(s), child over 12, guardian, or non-parent custodian if they agree to join the petition.</p> <p>A separate <i>Agreement to Join Petition (Joinder)</i> (Form FL All Family 119) should be signed by each party that agrees to join the petition and filed in the court file.</p>	<input type="checkbox"/>
You must attach to your petition a copy of the final Minor Guardianship or Non-Parent Custody Order you want to change to your petition. If the Guardianship or Custody Order you want to change was made in another state or county, you need to file a certified copy of that order.			<input type="checkbox"/>

All of these forms can be downloaded at: <http://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Form Number	Notes	Completed
Case Assignment Area Designation and Case Information Cover Sheet		Probate/Guardianship	<input type="checkbox"/>
Confidential Information Form	GDN M 410		<input type="checkbox"/>

If you are requesting a change in the court-ordered residential schedule, you will also need:

Form Name	Form Number	Notes	Completed
Residential Schedule	GDN M 105	Fill this out the way that you would like the court to decide	<input type="checkbox"/>

Step 2: Make copies

How many copies do I need?

- **Original** set of all documents to file with the Clerk’s Office
- **Copy 1** of all documents for your personal records.
- **Other Copies** –Make a copy for each party listed in the *Notice of Hearing about a Petition to Terminate or Change a Minor Guardianship or Non-Parent Custody Order*.
 - This includes:
 - each parent of the child
 - any person with court-ordered custody or guardianship of the child
 - the child (if they are 12 or older)
 - anyone ordered to receive notice under the court-ordered custody or guardianship that you want to be changed

Step 3: Start (file) your case.

The Clerk will ask you to pay a 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.

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 Petition to Change or Terminate*. You will need to fill in the hearing date before filing and serving this on the other parties. See Step 4.

Step 4: Look at your Joinder (on last page of your *Petition* or separate “*Joinder*” form)

A person that signs the “Joinder” may mark one of two boxes on the form, and these boxes tell you and the court whether a person in agreement with your request requires additional notice about what happens in the case.

Waiver of Notice – If any other person in your court case marks the box, “I do not need to be notified about the court’s hearings or decisions in this case,” this means that the other person *waives notice*.

Tip: If the other person *waives notice*, then you are not required to serve the other party and you are not required to have that person sign the completed documents in Step 5, **AS LONG AS** the final documents contain the same information as the *Petition*. If the change you asked the court for in the *Petition* is different than the change you are asking for in the completed documents in Step 5, then you must have all of the people that signed the “Joinder” sign your Step 5 documents.

Demand for Notice - If any other person in your court case marks the box, “The person who filed this *Petition* must notify me about any hearings in this case” or something similar, this means that person *demand*s notice.

If the person that signed the “Joinder” fails to mark a box, then the court treats that choice the same way as if a person *demand*s notice.

Tip: If the other person *demand*s notice or fails to mark a box, then then that person **must:**

- Sign the completed documents in Step 5, **or**
- You must serve that person the completed documents in Step 5. You can personally deliver the forms to the other party 14 days before the hearing date or if you can mail the documents 17 days before the hearing.

You must take a completed *Proof of Mailing or Hand Delivery* form to your hearing to prove that your spouse/partner was properly served.

Proof of Mailing or Hand Delivery	FL All Family 112	Download form at www.courts.wa.gov/forms/	<input type="checkbox"/>
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Step 5: Complete your final documents to finalize your case

Completely fill out and sign these forms. As a self-represented party, you are responsible for filling out all final documents the way want the Court to sign them.

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

Parent’s Consent to Minor Guardianship	GDN M 304	One for each legal parent (only if a parent is in agreement with the proposed change or termination)	<input type="checkbox"/>
Minor Guardianship Findings and Order (if appointing a new guardian or standby guardian)	GDN M 105	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"/>
Order on Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order	GDN M 503	Fill this out the way you would like the court to decide	<input type="checkbox"/>

Also fill out these forms if you are asking to change child support:

Child Support Worksheets (CSW)	WSCSS-Worksheets		<input type="checkbox"/>
Child Support Order	FL All Family 130	One order for each parent who must pay support.	<input type="checkbox"/>
Financial Declaration of (name):	FL All Family 131		<input type="checkbox"/>

Fill out the *Notice of Hearing about a Petition to Change or Terminate* form. When you file the case, the Clerk’s Office will give you a case schedule with the Status Conference date. Use this Status Conference date on your *Notice of Hearing* form.

Make copies of the *Notice of Hearing* and *Order Setting Modification/Termination Case Schedule*. You should make enough copies for each individual identified in Step 2 that signed the “Joinder” and marked the box demanding notice or failed to mark a box.

Step 6: Go to the Status Hearing

The date, time, and place for this hearing are listed on your *Case Schedule*. You must go to this hearing. The court may dismiss your case if you fail to follow your Case Schedule and fail to appear at this hearing.

You can request to have your final documents be granted at this hearing if all parties agree, all your forms have been completed correctly and proof of notice of the hearing was given to all parties that either demanded notice or failed to mark a box on the “Joinder” form.

If you are unable to complete your case at the Status Conference, the court may refer you to other court services for assistance.

Step 7: Schedule your final hearing

Fill out another *Notice of Hearing form* (GDN M 501). The hearing should be set in front of the assigned judge on a Friday at 10:00 a.m. with 14 days’ notice to the court and each individual that *demand*ed notice on their Joinder form.

Make copies of the *Notice of Hearing form* and all of the **Step 5 documents.** You should make enough copies to give each individual who *demand*ed notice. See **Step 4**.

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 in the *Case Schedule*.

Step 9: Email Proposed Orders to Assigned Judge

Your "Proposed Orders" are the forms from **Step 5**.

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 in the *Case Schedule*.

Step 10: Attend Virtual Hearing

All Minor Guardianship Hearings are being held via Zoom on **Fridays at 10:00 AM** (the Zoom Application can be downloaded for free to your device).

See the *Case Schedule* for the contact information to connect to 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.