

EMERGENCY MINOR GUARDIANSHIP INFORMATION RCW 11.130

Emergency Guardianship. If you want emergency guardianship of a minor, then file the Emergency Guardianship Petition. An emergency minor guardianship lasts for 60 days and can be extended for another 60 days by the court. If you need guardianship for a longer time period, you should file a full minor guardianship petition.

STARTING THE CASE - What to File for Emergency Guardianship: You **MUST** file the following forms:

- Confidential Information Form. FL All Family 001.
- Summons. Form GDN M 001
- Emergency Minor Guardianship Petition. Form GDN M 202.
- Notice of Hearing about Emergency Minor Guardianship Petition. Form GDN M 201
- Declaration Explaining the Reasons for Minor Guardianship. Form GDN M 103.
- Motion and Order Directing DCYF to Release CPS Info. Form GDN M 404 & GDN M 405.

The Order can be presented ex parte upon filing.

- Petitioner's Criminal History (Must include any adult residing in the home) <https://www.wsp.wa.gov/crime/criminal-history/>

- Scheduling Order, Instructions, And Temporary Restrictions. (Provided by the Clerk of the Court)

If a Parent Agrees, then file: Parent's Consent to Minor Guardianship. Form GND M 304.

If you are asking for an Immediate Order in an Emergency without notice to the parents, then file:

- Motion for Immediate Order – Emergency Guardianship and Restraining Order – Ex Parte. Form GDN M 204 and Immediate Order & Hearing Notice GDN M 205. This must be presented to a Judge for signing. You will then need to serve these on the parents and appear for the hearing set on this order.

NOTICE and SERVICE:

You **MUST** serve copies of all the paperwork including the Notice of Hearing on the child's parents. After serving the parents you must file a declaration of service. The petitioner cannot serve the parents – you must have someone 18 years of age or older personally serve the parents or a person of suitable age in their household. You can use a professional process serve for this as well. The person who served the papers must fill out a declaration of service.

- Declaration of Service WPF GDN 04.0850. This gets filed with the court for each parent served.

You **must give notice** by mail or email or other means likely to get notice to:

- The child's adult siblings and grandparents
- Any adult who had the child in their primary care for sixty (60) days during the last two years or for 730 days in the last five years. (2 of the last 5 years)
- Any person that a parent or the youth chooses to be the guardian.

This includes all the forms you filed and Notice of the hearing date, time, and location.

WHAT TO BRING TO COURT – Emergency Guardianships

You **MUST** bring proposed Orders for the Judge to Sign.

- Order on Emergency Guardianship Petition. GDN M 203 (This is what gives you custody of the minor)
- Order Directing DCYF to Release CPS Records. GDN M 405 (if not already signed by a judge earlier)
- Letters of Guardianship. Form GDN ALL 004.

(This form shows schools, doctors, and others that you are the guardian)

- Disclosure of Bankruptcy or Criminal History. GDN ALL 002.

(You can get your criminal history from WSP WATCH website. <https://watch.wsp.wa.gov/>)

COPIES: You will need to bring copies of all of your orders for your records and to serve on the parents.

MONEY: If you do not bring an extra copy of all of the above forms for the court to conform for your records you **MUST** pay for copies.

Regular Copies: 50 cents per page, paid to the court clerk - cash or card accepted.

Certified Copies: \$5.00 for the first page and \$1.00 for each additional page – cash or card.

To obtain forms on-line: www.courts.wa.gov/forms/ or www.washingtonlawhelp.org

FINALIZING YOUR CASE:

To finalize your case, you will need to have agreement of the parents and youth over age 12.

If the parents have been served and not responded in the required time, you can move for a **default judgment** to finalize your case. Time after service for default: Personal service 21 days, by mail 91 days, by publication 61 days.

- Motion for Default - Form FL All Family 161 (fill this out and bring it to court)
- Order of Default - Form FL All Family 162 (fill this out and bring it to court)

If you do not have agreement of the parents and you cannot move for default because the parents appeared and opposed the guardianship, you will have to proceed to trial. Trial can be set to occur approximately four to six months after your first hearing.

RESOURCES TO ASSIST YOU

Yakima County Superior Court Local Rules: <https://www.yakimacounty.us/2457/Current-Local-Rules>

Washington Court Forms has the forms you will need.

Emergency Guardianship: <https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=129>

Full Minor Guardianship: <https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=130>

Change or End a Minor Guardianship: <https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=131>

Read the Law - RCW 11.130: <https://app.leg.wa.gov/RCW/default.aspx?cite=11.130>

Washington Law Help has forms and information to assist you in filing for a minor guardianship:

<https://www.washingtonlawhelp.org/>