

EMERGENCY MINOR GUARDIANSHIP

Emergency Minor Guardianship Petition	GDN M 202
Notice of Hearing about Emergency Minor Guardianship Petition	GDN M 201
Order on Emergency Minor Guardianship Petition	GDN M 203
Motion and Order for Immediate Order (Ex Parte) – Emergency Minor Guardianship and Restraining Order	GDN M 204 GDN M 205
Motion and Order for Order Directing DCYF to Release CPS Information	GDN M 404 GDN M 405
Cover Sheet for Criminal History (Guardianship)	GDN M 407

Superior Court of Washington, County of _____

In the Guardianship of:

Respondent/s (*minors/children*)

No. _____

**Emergency Minor Guardianship
Petition (short-term)**

(PTAPEMG)

Clerk's Action Required: **6**

No Fee: **23**

Emergency Minor Guardianship Petition (short-term)

Do not use this form if you are filing a *Petition for Minor Guardianship* (GDN M 102).

Use this form to appoint an emergency guardian if you only need guardianship for **60 days or less**. If you need the guardianship to last longer than 60 days, you should file a *Minor Guardianship Petition* instead (form GDN M 102).

A child or an interested party may file the Petition. Use this form together with:

- *Notice of Hearing for Emergency Minor Guardianship Petition* (form GDN M 201)
- *Criminal History Cover Sheet* (form GDN M 407)
- *Motion and Order to DCYF to Release CPS Information* (form GDN M 404 and form GDN M 405)

If needed:

- *Motion for Immediate Order (Ex Parte) – Emergency Minor Guardianship and Restraining Order* (form GDN M 204)
- *Immediate Order (Ex Parte) and Hearing Notice – Emergency Minor Guardianship and Restraining Order* (form GDN M 205)

1. Emergency Guardianship Request.

I ask the court to appoint an emergency guardian for the children (*under age 18*) listed in section **2** who have the same legal parents.

2. Children.

Child's Name	Age	Child's Name	Age
1.		2.	
3.		4.	

Important! Do not list more than one child unless they have all the same parents. If they have different parents, fill out a separate Petition for each child.

County – I am filing in this county because *(check all that apply)*:

- the children live here or are present in this county now.
- there is another case involving custody or parental rights already in progress in this county.

Lawyer for children – The children *(check one)*:

- do **not** have a lawyer.
- are represented by *(lawyer's name)*: _____
Lawyer's address: _____

3. Petitioner/s.

My name is: _____

- I am the child seeking a guardian.
- I am interested in the welfare of the children. My relationship to the children in this case: _____

My home address (principal residence): _____

My street address (if different): _____

- Co-Petitioner** *(If there is another Petitioner in this case)*

My name is: _____. I am interested in the welfare of the children.

My relationship to the children in this case: _____

My home address (principal residence): _____

My street address (if different): _____

4. Who should be emergency guardian?

I ask the court to appoint me (and any Co-Petitioner) emergency guardian(s) of the children.

I ask the court to appoint (name/s): _____
emergency guardian of the children.

Proposed guardian's address: _____

5. Lay Guardian Training.

*Complete lay guardian training at
<https://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.title11minor>*

The proposed emergency guardian:

has completed the lay guardian training.

will complete the lay guardian training before the final order is entered.

asks the court **not** to require lay guardian training. The proposed emergency guardian is not seeking a regular minor guardianship that will last longer than the emergency.

6. Why do the children need an emergency guardian?

Appointment of an emergency guardian is likely to prevent substantial harm to the children's health, safety, or welfare AND no one else appears to have the authority, ability, and willingness to act to prevent the harm.

Explain the risk of harm: _____

(Attach additional pages if necessary)

Explain why no one else has the authority, ability, or willingness to act: _____

(Attach additional pages if necessary)

➤ **People.**

7. Parents.

All parental rights have been terminated.

The children's legal parents are listed below:

Parent 1 (Name): _____

Parent 1 is deceased.

Parent 1 has a lawyer.

Lawyer's name: _____

Lawyer's address: _____

Parent 2 (Name): _____

Parent 2 is deceased.

Parent 2 has a lawyer.

Lawyer's name: _____

Lawyer's address: _____

8. Who must be served?

I will have a copy of this *Petition* and the *Notice of Hearing for Emergency Minor Guardianship Petition* **served** on the parents and anyone who fits one of the categories below. (*Check all that apply*)

Someone other than a parent has custody or care of the children.

(Name): _____

One or more of the children is age 12 or older.

(Name/s): _____

Any court-appointed lawyer for a parent or the children.

No one fits the categories above.

9. Addresses Attached to Notice of Hearing.

I have included addresses for the people in Sections 7 and 8, if known, on the *Notice of Hearing for Emergency Minor Guardianship Petition and Notice Attachment: List of People to be Served or Given Notice*. The *Notice* and *Attachment* are made part of this *Petition* (incorporated by reference).

➤ **Jurisdiction.**

10. Personal Jurisdiction Over Parents.

Fill out below to say if a Washington State court has personal jurisdiction (authority to make decisions) over each parent.

Basis for Personal Jurisdiction <i>(check all that apply)</i>	Parent 1 Name: _____	Parent 2 Name: _____
Will be served in Washington	[]	[]
Lives in Washington now	[]	[]
Lived in Washington with child	[]	[]
Lived in Washington and paid pregnancy costs or support for child	[]	[]
Caused child to live in Washington	[]	[]
Had sex in Washington that may have produced the child	[]	[]
Agrees to Washington deciding	[]	[]
None of the above	[]	[]

11. Children’s Home/s.

During the past 5 years, have any of the children lived:

- on an Indian reservation,
- outside Washington state,
- in a foreign country, or
- with anyone other than a parent?

[] No. *(Skip to 12.)*

[] Yes. *(Fill out below to show where each child has lived during the last 5 years.)*

Dates	Children	Lived with	In which state, Indian reservation, or foreign country
From: To:	[] All children [] <i>(Name/s):</i>	[] Petitioner/s [] Parent/s <i>(name/s):</i> [] Other <i>(name):</i>	
From: To:	[] All children [] <i>(Name/s):</i>	[] Petitioner/s [] Parent/s <i>(name/s):</i> [] Other <i>(name):</i>	
From: To:	[] All children [] <i>(Name/s):</i>	[] Petitioner/s [] Parent/s <i>(name/s):</i> [] Other <i>(name):</i>	

12. Other people with a legal right to spend time with a child.

Do you know of anyone besides you and the parents who has, or claims to have, a legal right to spend time with any of these children?

(Check one): [] No. *(Skip to 13.)* [] Yes. *(Fill out below.)*

Name of person	Children this person may have the right to spend time with
	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

13. Other court cases involving a child.

Do you know of any court cases involving any of these children?

(Check one): No. (Skip to **14.**) Yes. (Fill out below.)

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)	County and State	Case number and year	Children
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

14. Tribal Heritage.

If there is a reason to know that a child has **tribal heritage** (including ancestry or familial political affiliation), the court must treat the child as an Indian child unless and until the affected tribe/s decide otherwise or decline to respond after receiving proper notice.

An **Indian child** is a child who is a member of an Indian tribe, or who is the biological child of an Indian tribe member and eligible for membership. You must try to find out if any child in this case is an Indian child. If so, the federal and state Indian Child Welfare Acts will apply to your case.

Could any of the children be Indian children? (Check all that apply):

No.

These children are not Indian children (name/s, or "all"): _____

I know this because (explain if the children have no tribal heritage, or if any possible tribal heritage has already been explored and decided in another court proceeding that complied with ICWA): _____

- Yes or Maybe.** These children are or may be Indian children. They have or may have heritage from the tribe/s listed below:

Children	Tribe
<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	
<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	

I will provide the *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of this *Petition* to the tribe/s named above and other necessary people or agencies.

- I do not know** if any of the children are Indian children or have tribal heritage. I have done the following things to try to find out:

15. Jurisdiction Over Indian Children.

- Does not apply. None of the children are Indian children.
- A state court can decide this case for the Indian children because:
- (Children's names): _____ are **not** domiciled or living on an Indian reservation, and are not wards of a tribal court. (25 USC §1911)
- (Children's names): _____ **are** domiciled or living on an Indian reservation, and (check all that apply):
- The children's tribe agrees to Washington State's concurrent jurisdiction.
- The children's tribe decided not to use its exclusive jurisdiction (expressly declined). (RCW 13.38.060)
- Washington State should claim emergency jurisdiction for children temporarily located off the reservation to protect the children from immediate physical damage or harm. (RCW 13.38.140)

16. Jurisdiction Over the Children (RCW 26.27.201 – .221, .231, .261, .271).

This Court can decide this case for the children because (check all that apply; if a box applies to all of the children, you may write "the children" instead of listing names):

- Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for (children's names): _____
- Home state jurisdiction** – Washington is the children's home state because (check all that apply):
- (Children's names): _____ lived in Washington with a parent, or someone acting as a parent, for at least the 6 months just before this case was filed or, if the children are less than

6 months old, they have lived in Washington with a parent, or someone acting as a parent, since birth.

There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they are less than 6 months old), but those were temporary absences.

(*Children's names*): _____ do not live in Washington right now, but Washington was the children's home state sometime in the 6 months just before this case was filed, and a parent, or someone acting as a parent of the children, still lives in Washington.

(*Children's names*): _____ do not have another home state.

No home state or home state declined – No court of any other state (or tribe) has the jurisdiction to make decisions for (*children's names*): _____ or a court in the children's home state (or tribe) decided it is better to have this case in Washington **and**:

- The children and a parent, or someone acting as a parent, have ties to Washington beyond just living here; **and**
- There is a lot of information (substantial evidence) about the children's care, protection, education, and relationships in this state.

Other state declined – The courts in other states (or tribes) that might be (*children's names*): _____'s home state have refused to take this case because it is better to have this case in Washington.

Temporary emergency jurisdiction – The court can make decisions for (*children's names*): _____ because the children are in this state now **and** were abandoned here **or** need emergency protection because the children (or the children's parent or siblings) were abused or threatened with abuse. (*Check one*):

A custody case involving the children was filed in the children's home state (*name of state or tribe*): _____. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the children's home state (or tribe).

There is **no** valid custody order or open custody case in the children's home state (*name of state or tribe*): _____. If no case is filed in the children's home state (or tribe) by the time the children have been in Washington for 6 months, (*date*): _____, Washington should have final jurisdiction over the children.

Other reason (specify): _____

➤ **Additional Requests.**

17. Parents' Visitation.

I ask the court to order the following contact or visitation between the parents and children:

I ask for this because (*explain why*) _____

18. Decision-making Authority.

I ask the court to make the following orders about who has the right to make decisions for the children:

Type of Major Decision	Guardian Decides	Parent/s Decide (<i>write one parent's name or "both"</i>)
School/educational	<input type="checkbox"/>	<input type="checkbox"/>
Healthcare (not emergency)	<input type="checkbox"/>	<input type="checkbox"/>
Authority to apply for passport and travel internationally	<input type="checkbox"/>	<input type="checkbox"/>
Driver's license or State I.D.	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>

19. Access to Records.

I ask the court to make the following orders about who has the right to access these types of records for the children:

Type of Record	Guardian Can Access	Parent/s Can Access (<i>write one parent's name or "both"</i>)
School/educational	<input type="checkbox"/>	<input type="checkbox"/>
Healthcare	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>

Other: _____

20. Child Support.

The children have a right to child support (including medical support) from the legal parents, according to state law. The emergency guardian may ask the Division of Child Support or the court to order temporary child support.

Support – I ask the court to order the parents to (*check all that apply*):

- pay child support according to the *Child Support Schedule Worksheets*.
- provide and keep health insurance for the children.
- pay children's daycare, uninsured medical, or other expenses.
- no request.

Tax Issues – I ask the court to order:

- Petitioners have the right to claim the children as dependents for purposes of personal tax exemptions and associated tax credits on their tax forms.

[] (other): _____

21. Protection Order.

Do you want the court to issue an *Order for Protection*?

[] **No.** I do not want an *Order for Protection*.

[] **Yes.** (You must file a *Petition for Protection Order form PO 001*. You must file your *Petition for Protection Order* as a **separate case**. Ask the court clerk to relate (link) the protection order case together with this emergency guardianship case.)

Important! If you need protection **now**, ask the court clerk about getting a *Temporary Protection Order*.

[] **There already is a *Protection Order* between (name):** _____
_____ **and me.**

Court that issued the order: _____

Case number: _____

Expiration date: _____

22. Temporary Restraining Order.

Do you want the court to issue a *Temporary Restraining Order*?

[] **No.** (Skip to 23.)

[] **Yes.** Check the type of orders you want:

[] **Do not disturb** – Order (name/s) _____
not to disturb my peace or the peace of any child listed in 2.

[] **Stay away** – Order (name/s) _____
not to go onto the grounds of or enter my home, workplace, or school, and the daycare or school of any child listed in 2.

[] Also, to not knowingly go or stay within _____ feet of my home, workplace, or school, and the daycare or school of any child listed in 2.

Important! Violation of a *Temporary Restraining Order* in a guardianship case is **not** a crime and may not be enforced by law enforcement. It can be enforced through the civil contempt process in court.

23. Fees and Costs.

Filing Fee – In some situations the court will **not** charge a fee for filing this case.

- *Relatives will not be charged a filing fee.*
- *Non-relatives who have low income can ask the court to waive the fee. (Use forms GR 34.0100, 34.0300, and 34.0500).*

[] No request.

[] No fee shall be charged because the proposed guardian is a relative of the children, **not** a professional guardian.

[] Order who should pay for court costs, Guardian ad Litem fees, Court Visitor fees, lawyer fees, and other reasonable fees.

24. Other Requests, if any.

Petitioner fills out below:

I declare, under penalty of perjury under the laws of the State of Washington, that the facts I have provided on this form (including any attachments) are true. [] I have attached (#): _____ pages.

Signed at (*city and state*): _____ Date: _____

▶ _____
Petitioner signs here *Print Name*

My contact information is:

Email: _____ *Phone (Optional):* _____

Co-Petitioner (if any) fills out below:

I declare, under penalty of perjury under the laws of the State of Washington, that the facts I have provided on this form are true.

Signed at (*city and state*): _____ Date: _____

▶ _____
Other Petitioner signs here *Print Name*

My contact information is:

Email: _____ *Phone (Optional):* _____

Petitioner's Lawyer (if any) fills out below:

▶ _____
Petitioner's Lawyer signs here *Print Name and WSBA No.* *Date*

Superior Court of Washington, County of _____

In the Conservatorship of:

No. _____

Conservatorship Inventory

(INV)

_____,
Respondent/Minor

Conservatorship Inventory

The [] full [] limited conservator, being first duly sworn, states that the following is a true and correct inventory of the assets and debts of the Individual Subject to Conservatorship (Individual) as of the date of the *Order Appointing the Conservator*.

1. Assets

Real Estate (including the address and its tax assessed value):

Address	Tax Assessed Value

[] and see attached additional pages.

Financial Accounts, including the name of the financial institution, type of account, **the last four digits of the account number(s)** and balance in each account (*for example, savings, checking, money markets, certificate of deposit, retirement accounts, and all investment accounts*):

	Name of Financial Institution	Account Type	Account # (last 4 digits only)	Balance	As of Date
Account 1					
Account 2					
Account 3					

[] and see attached additional pages.

Stocks, Bonds, and other Securities (*not held in an account listed above*):

	Name of Financial Institution	Account Type	Account # (last 4 digits only)	Balance	As of Date
Account 1					
Account 2					
Account 3					

[] and see attached additional pages.

Accounts Receivable, including the name of the _____, type of account, ***the last four digits of the account number(s)***, and balance in each account:

	Name of Financial Institution	Account Type	Account # (last 4 digits only)	Balance	As of Date
Account 1					
Account 2					

Personal Property: (*attach itemized list of all items valued at \$1,000 or more*).

Household Furnishings	\$
Automobile/Boats	\$
Other (including items on attached list)	\$
	\$
	\$

[] and see attached additional pages.

Total Assets (including attachments) \$ _____

2. Income

Description	Per Month
Wages	\$
Social Security or SSI	\$
Veteran's Benefits	\$
Pension	\$
Dividends and Interest	\$
Other:	\$

[] and see attached additional pages.

Total Income (including attachments) \$ _____

3. Liabilities/Debts

Mortgages and Liens. Name of each mortgage or lien holder and the amount owing, the property encumbered and the amount due monthly:

	Name of Mortgage or Lien Holder	Amount Owing	Property Encumbered	Amount Due Monthly
Account 1				

Account 2				
-----------	--	--	--	--

[] and see attached additional pages.

Installment Loans and Notes. Name of each loan holder, the amount owing, and the amount due monthly:

	Name of Loan Holder	Amount Owing	Amount Due Monthly
Account 1			
Account 2			

[] and see attached additional pages.

Credit Cards. Name of each credit card company, the outstanding balance owing on each card, and the amount due monthly:

	Name of Credit Card Company	Outstanding Balance Owing	Amount Due Monthly
Account 1			
Account 2			

[] and see attached additional pages.

Total Liabilities/Debts (including attachments) \$ _____

4. Security for Estate's Assets

Conservator/Trustee's Bond:

- [] The court does not require a bond.
- [] The court requires a bond in the amount of \$ _____
- [] The bond should [] remain the same OR [] be changed to: \$ _____

Total balance in blocked accounts: \$ _____

Total balance unblocked: \$ _____

5. Other Information (If any)

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____ on (date) _____.

Signature

Printed Name

WSBA or CPG No:

Superior Court of Washington, County of _____

In the Guardianship of:

Respondent/s (*minors/children*)

No. _____

Notice of Hearing about Emergency Minor Guardianship Petition (short-term)

(NTHG)

Clerk's action required: **1**

Interpreter required in: _____
(language)

Notice of Hearing about Emergency Minor Guardianship Petition (short-term)

To: The parents, children, guardian, person with court-ordered custody, court clerk, and all people who must get notice:

1. Petitioner has scheduled a court hearing:



for: _____ at: _____ [] a.m. [] p.m.
Date *Time*

at: _____
Court's Address

in: _____
Room or Department

with: _____
Judge/Commissioner's Name, or Docket/Calendar

Warning! If you do not go to the hearing, the court may sign orders without hearing your side.

This hearing is because the Petitioner/s (*name of person/s starting this case*) _____ is asking the court to appoint (*name of proposed guardian*) _____ as emergency guardian of the children listed above.

2. How to Respond

Step 1: Fill out one of the forms below.

If you disagree, use:

- *Objection to Minor Guardianship* (form GDN M 301).

If you agree, use:

- *Declaration of (name)* _____ (form FL All Family 135)

You can get the forms at:

- The Washington State Courts' website: www.courts.wa.gov/forms
- Washington LawHelp: www.washingtonlawhelp.org, or
- The Superior Court Clerk's office or county law library (for a fee).

Step 2: **Serve** (give) a copy of your form to the Petitioner and the people listed in the Notice Attachment. You may use certified mail with return receipt requested. For more information on how to serve, read Superior Court Civil Rule 5.

Step 3: **File** your original form with the court clerk at this address:

Superior Court Clerk, _____ County

Address *City* *State* *Zip*

▶ _____
Person asking for this hearing signs here

Print name (if lawyer, also list WSBA #) *Date*

The following is my contact information:

Email: _____

Phone (Optional): _____

I agree to accept legal papers for this case at the following address (*this does not have to be your home address*):

Street Address or PO Box

City

State

Zip

Note: You and the other party/ies may agree to accept legal papers by email under Civil Rule 5 and local court rules.

**Notice Attachment:
List of People to be Served or Given Notice**

Important! Petitioner must have a copy of this *Notice* and the *Emergency Guardianship Petition served* on:

- The child's parents
- The child (if age 12 or older)
- Any person who is not a parent who has care or custody of the child
- Any attorney appointed

1. People who must be served:

Relationship	Name	Address
Parent 1		
Parent 2		
[] Someone other than a parent who has care or custody of the child		
[] The child is age 12 or older		
[] Any attorney appointed		

Superior Court of Washington, County of _____

In the Guardianship of:

Respondent/s (*minors/children*)

No. _____

Order on Emergency Minor Guardianship

Granted (ORAPEMG)

Denied (ORDYMT)

Clerk's action required: **1, 9, 10**

Order on Emergency Minor Guardianship

Use this form together with one of these forms:

- *Emergency Minor Guardianship Petition (short-term) (form GDN M 202)*
- *Motion for Immediate Order – Emergency Guardianship and Restraining Order (form GDN M 204), or*
- *Motion for Emergency Minor Guardianship Order (form GDN M 206)*

1. Guardianship Summary.

Does not apply. The *Emergency Minor Guardianship Petition or Motion* is denied.

Summarize the guardianship order below:

Date guardian appointed:		Next review date, if any:	
Children			
Child's Name	Letters Expire	Child's Name	Letters Expire
1.		2.	
3.		4.	
Guardian/s			
Name			
Address			
Phone			

Email		
Type/ Training	<input type="checkbox"/> Non-professional (Lay guardian). Training (<i>section 11</i>): <input type="checkbox"/> completed <input type="checkbox"/> required <input type="checkbox"/> Certified professional guardian (CPG) <input type="checkbox"/> Public professional guardian (PUG)	
Limited/ Full	The guardianship is (<i>check one</i>): <input type="checkbox"/> limited <input type="checkbox"/> full <i>(If a parent of the child has any visitation or decision-making authority, the guardianship is limited. See sections 12 and 14.)</i>	
	Parent 1	Parent 2
Name		
Address		
Phone		
Email		

2. Children.

The (*check one*): Court Minor Person interested in the minor's welfare

(*name*): _____ requested that an emergency guardian be appointed for the children listed in section 1.

➤ **Findings.**

A hearing was held on the *Emergency Minor Guardianship Petition or Motion*. The court considered the petition or motion, any objection, supporting documents, and any other evidence in the record, including: _____

3. Basis for Emergency Guardianship.

The petition or motion should be:

Denied because: _____

Approved. The court finds that appointment of an emergency guardian is likely to prevent substantial harm to the minor's health, safety, or welfare, and no other person appears to have authority, ability, and willingness to act to prevent the harm.

The approval is based on the following facts: _____

4. Tribal Heritage.

If there is a reason to know that a child has **tribal heritage** (including ancestry or familial political affiliation), the court must treat the child as an Indian child unless and until the affected tribe/s decide otherwise or decline to respond after receiving proper notice.

An **Indian child** is a child who is a member of an Indian tribe, or who is the biological child of an Indian tribe member and eligible for membership. Indian Child Welfare Act, 25 USC 1903.

None of the children have tribal heritage. The state and federal *Indian Child Welfare Acts* do not apply to this case.

These children are or may be Indian children (*name/s*): _____

The federal and state *Indian Child Welfare Acts* apply to this case.

Jurisdiction – The court has does **not** have jurisdiction over the Indian children.

Notice to tribes – The Petitioner (*check one*):

provided the *Indian Child Welfare Act Notice* (GDN M 401) and a copy of the *Petition* to all of the tribes, people, and agencies entitled to notice.

did **not** provide the *Indian Child Welfare Act Notice* and a copy of the *Petition* to all of the tribes, people, and agencies entitled to notice.

Order – Petitioners must provide the *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of the *Petition* to the:

children’s tribes or possible tribes

Indian custodian

children’s parents

Bureau of Indian Affairs

The court does not have enough information to decide whether any of the children are Indian children.

Order – Petitioners must make a good faith effort to find out if any of the children are Indian children and provide the *Indian Child Welfare Act Notice* (GDN M 401) and a copy of the *Petition* to all of the tribes, people, or agencies entitled to notice. Good faith efforts are defined in RCW 13.38.050.

5. Jurisdiction Over the Children.

This court **cannot** decide this case for these children (*names*): _____ because this court does not have jurisdiction over them. The *Petition* should be dismissed as to these children.

This court **can** decide this case for these children because (*check all that apply; if a box applies to all of the children, you may write “the children” instead of listing names*):

Exclusive, continuing jurisdiction – A Washington court has already made a parenting plan, residential schedule, or custody order for the children and the court still has authority to make other orders for (*children’s names*): _____

Home state jurisdiction – Washington is the children’s home state because (*check all that apply*):

(*Children’s names*): _____ lived in Washington with a parent, or someone acting as a parent, for at least the 6

months just before this case was filed or, if the children were less than 6 months old when the case was filed, they had lived in Washington with a parent, or someone acting as a parent, since birth.

There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they were less than 6 months old), but those were temporary absences.

(*Children's names*): _____ do not live in Washington right now, but Washington was the children's home state sometime in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Washington.

(*Children's names*): _____ do not have another home state.

No home state or home state declined – No court of any other state (or tribe) has the jurisdiction to make decisions for (*children's names*): _____ or a court in the children's home state (or tribe) decided it is better to have this case in Washington **and**:

- The children and a parent, or someone acting as a parent, have ties to Washington beyond just living here; **and**
- There is a lot of information (substantial evidence) about the children's care, protection, education, and relationships in this state.

Other state declined – The courts in other states (or tribes) that might be (*children's names*): _____'s home state have refused to take this case because it is better to have this case in Washington.

Temporary emergency jurisdiction – Washington had temporary emergency jurisdiction over (*children's names*): _____ when the case was filed, and now has jurisdiction to make a final custody decision because:

- When the case was filed, the children were abandoned in this state, or the children were in this state and the children (or children's parent or siblings) were abused or threatened with abuse;
- The court signed a temporary order on (*date*) _____ saying that Washington's jurisdiction will become final if no case is filed in the children's home state (or tribe) by the time the children have been in Washington for _____ months;
- The children have now lived in Washington for 6 months; **and**
- No case concerning the children has been started in the children's home state (or tribe).

Other reason (*specify*): _____

6. Background Records Checked.

Denied. The court did not check background records because this *Petition* is denied.

Motion. This is an Order on a motion. The court checked the judicial information system for any information or proceedings relevant to placement of the children.

Petition. This is an Order on a Petition. The court has (unless stated otherwise below):

- Checked the judicial information system for any information or proceedings relevant to placement of the children;
- Reviewed records from the Department of Children, Youth, and Families provided in response to the court's *Order to DCYF to Release CPS Information*; and
- Reviewed the criminal history record from the Washington State Patrol for the guardian and each adult living in the guardian's home.

Other findings (specify): _____

7. Service Members' Relief Acts (Active Duty Military).

The **federal** Servicemembers' Civil Relief Act covers:

- Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;
- National Guard or Reserve members under a call to active service for more than 30 days in a row; and
- commissioned corps of the Public Health Service and NOAA.

The **state** Service Members' Civil Relief Act covers those service members listed above who are either stationed in or residents of Washington State, and their dependents, except for the commissioned corps of the Public Health Service and NOAA.)

(Name/s): _____ are **not** covered by the state or federal Service Members' Civil Relief Acts, and the acts do not apply to this proceeding.

(Name/s): _____ are covered by the state or federal Service Members' Civil Relief Acts, and the acts do apply to this proceeding.

The court signed the *Order re Service Members Civil Relief Act* (form FL All Family 170) filed separately.

The requirements of the act(s) have been met as follows:

The court does not have enough information to find whether (name/s): _____

_____ are covered by the state or federal *Service Members' Civil Relief Acts*.

8. Limits on Guardian's Authority.

Does not apply. The Petition or Motion should be denied.

No limits should be put on the guardian's authority over the children's upbringing or decision-making for the children.

The guardian should share decision-making authority and access to records with parent/s and/or children as ordered in sections **9** and **10** below because:

Other findings: _____

➤ **The Court Orders.**

9. Emergency Guardianship.

Denied. The emergency guardianship petition or motion is denied.

The Petition for Emergency Minor Guardianship is dismissed.

Return Children. The children must be returned to *(name)*: _____
_____ by *(date)*: _____ at *(time)*: _____

as follows: _____

Skip sections 10 through 15 if the petition or motion is denied.

Approved. An emergency guardianship is approved for the following children:

(Name/s) _____ is/are
appointed as emergency guardian of the children listed above. The children shall live
with the emergency guardian.

The Emergency Minor Guardianship is:

Limited. The limitations on the emergency guardian's authority are listed in
sections **12** through **14**.

Full. Parents have no visitation or decision-making authority.

To the clerk: Issue letters. Once the guardian files an acceptance of appointment, the
clerk of the court shall issue *Letters of Guardianship* for the children, which remain valid
until the expiration date listed in the **Guardianship Summary** in section **1**.

10. Duration of Guardianship.

The emergency guardianship is ordered until a final hearing is held on the *Minor
Guardianship Petition* (RCW 11.130.190) or *Standby Minor Guardianship Petition*
(RCW 11.130.220).

Letters of Guardianship will be issued for 60 days until *(date)* _____.

Letters of Guardianship will be issued until the hearing. The scheduled
hearing date is _____.

Emergency Petition (no Minor Guardianship Petition filed). The emergency
guardianship will expire on *(date)* _____, no later than 60 days from the date
of this order.

11. Lay Guardian Training.

Complete at <https://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.title11minor>

Does not apply. The guardian is a certified professional guardian.

The guardian provided proof of completion of lay guardian training.

The guardian must file proof of completion of lay guardian training within 90 days.

The lay guardian training is waived.

12. Guardian’s Authority.

The guardian/s have the right to make decisions and determine the children’s upbringing, including their education, healthcare, and religious training, unless limited below.

Type of Major Decision	Guardian Decides	Parent/s Decide <i>(write name or “both parents”)</i>	Child Decides <i>(write name/s or “all children”)</i>
School / educational	[]	[]	[]
Healthcare (not emergency)	[]	[]	[]
Authority to apply for passport and travel internationally:	[]	[]	[]
Driver’s license or State I.D.:	[]	[]	[]
Other:	[]	[]	[]
Other:	[]	[]	[]

[] Other: _____

If a parent or child retains any decision-making authority, then the guardianship is limited.

13. Access to Records.

The following people have the right to access records (children may have the right to control access to records under other laws):

Type of Record	Guardian Can Access	Parent/s Can Access <i>(write one parent’s name or “both”)</i>
School / educational	[]	[]
Healthcare	[]	[]
Other:	[]	[]
Other:	[]	[]
Other:	[]	[]

[] Other: _____

14. Parents’ Visitation.

The parents’ visitation shall be as follows: _____

If a parent has visitation rights, then the guardianship is limited.

15. Relocation Order.

Guardians are subject to the notice requirements of RCW 26.09.430 through RCW 26.09.490 when moving with children involved in this action. See **FL Relocate 736** for a summary of the law about moving with the children.

16. Support, Insurance, and Taxes.

The court is not issuing an order about support, health insurance, or taxes at this time.

Child Support – The court signed the final Child Support Order and Worksheets filed separately today or on *(date)*: _____.

Health Insurance or other expenses -The parents must pay for health insurance, uninsured medical, daycare, or other necessary expenses (check one):

as listed on the final Child Support Order.

as follows *(specify)*: _____.

Tax Issues – The parties have the right to claim the children as their dependents for purposes of personal tax exemptions and associated tax credits on their tax forms as follows:

as listed on the Child Support Order.

the appointed guardian may claim the children.

other *(specify)*: _____

Other: _____

17. Temporary Restraining Order.

No one requested a Temporary Restraining Order in this case.

Denied. The request for a Temporary Restraining Order is denied.

Approved. The request for a Temporary Restraining Order is approved.

Do not disturb – *(name/s)*: _____
must not disturb the peace of _____.

Stay away – *(name/s)*: _____
must not go onto the grounds of or enter the home, workplace, or school, or the daycare or school of any person or child listed here: _____

Also, *(name/s)*: _____ must not knowingly go
or stay within _____ feet of home, workplace, or school, or the daycare or
school of any person or child listed here: _____

Other temporary restraining orders: _____

Warning! Violation of this order may result in financial penalties or contempt of court.

18. Guardian ad Litem/Court Visitor.

Does not apply.

(Name) _____ is appointed Guardian ad Litem or Court Visitor in the consolidated Minor Guardianship or Standby Minor Guardianship case.

The GAL or CV is discharged and fees and costs are approved as reasonable in the total amount of \$ _____. They shall be paid from the county split between the parties as follows: _____

Other (specify): _____

19. Other orders (if any).

Date

Judge or Commissioner

Parties or their lawyers fill out below:

Presented by:

Signature of Party/Lawyer

Print Name WSBA No.

Copy received and approved by:

Signature of Party/Lawyer

Print Name WSBA No.

Signature of Party/Lawyer

Print Name WSBA No.

Signature of GAL or Visitor

Print Name

Superior Court of Washington, County of _____

In the Guardianship of:

Respondent/s (*minors/children*)

No. _____

Motion for Immediate Order (Ex Parte) -
Emergency Minor Guardianship and
Restraining Order

(MTSC)

**Motion for Immediate Order (Ex Parte) –
Emergency Minor Guardianship and Restraining Order**

To the person filing this motion:

You must file a *Minor Guardianship Petition* or an *Emergency Minor Guardianship Petition* before or at the same time as this motion. **Use this form** if you need an order placing the children with you right now. If you use this form you do **not** need GDN M 206 *Motion for Emergency Minor Guardianship*.

You must ask the court to sign the *Immediate Minor Guardianship Order (Ex Parte) and Hearing Notice* (Form GDN M 205). This Order may be signed “ex parte” (without the other party there). Contact the Superior Court Clerk’s office for the procedure in your county.

Within 48 hours after the court signs the *Immediate Minor Guardianship Order*, you must serve this *Motion and Order* to the parents, any child 12 or older, anyone having custody of the children, and any lawyer appointed.

To the person receiving this motion:

If you do not agree with the requests in this motion, come to the hearing to explain why. You should also file an *Objection*. You may file other written proof supporting your side, and propose your own visitation schedule, guardian, or *Child Support Worksheets* (if needed).

To both parties:

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county’s Local Court Rules); AND
- Give all other parties or their lawyers a copy of your papers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county’s Local Court Rules, if any.

Bring proposed order GDN M 203 ***Emergency Minor Guardianship Order*** and any other needed orders to the hearing.

Deadline! Your papers must be filed and served by the deadline in your county’s Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are available online at www.courts.wa.gov.

1. My name is: _____ . I am asking the court for an *Immediate Minor Guardianship Order* for these children:

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	

The proposed guardian is (*name*): _____

2. Without an *Immediate Minor Guardianship Order* the children's health, safety, or welfare will be substantially and irreparably harmed prior to a hearing. (*Explain how the children could be harmed beyond repair*):

(If you need additional space attach another sheet)

3. **Notice** (*check one*):

I should **not** have to notify the other parties in advance that I am asking for an *Immediate Minor Guardianship Order* because the children could be harmed beyond repair if I gave notice. (*Explain why the children could be harmed by giving notice before the hearing*):

I **have** notified the other parties that I am asking for an *Immediate Minor Guardianship Order*. (*Describe any steps taken to give the other parties or their lawyers notice of this Motion*):

4. **Tribal Heritage**

If there is a reason to know that a child has **tribal heritage** (including ancestry or familial political affiliation), the court must treat the child as an Indian child unless and until the affected tribe/s decide otherwise or decline to respond after receiving proper notice.

An **Indian child** is a child who is a member of an Indian tribe, or who is the biological child of an Indian tribe member and is eligible for membership. You must try to find out if any child in this case is an Indian child. If so, the federal and state Indian Child Welfare Acts will apply to your case.

I ask the court to find that the federal and state *Indian Child Welfare Acts* do not apply to this case. None of the children have tribal heritage. I know this because (explain if the children have no tribal heritage, or if any possible tribal heritage has already been explored and decided in another court proceeding that complied with ICWA): _____

The children are or may be Indian children.

Jurisdiction – The court has jurisdiction over the Indian children because they are:

not domiciled or living on an Indian reservation, and are not wards of a tribal court.

domiciled or living on an Indian reservation, and (check all that apply):

The children’s tribe agrees to Washington State’s concurrent jurisdiction.

The children’s tribe decided not to use its exclusive jurisdiction (expressly declined). (RCW 13.38.060)

Washington State should claim emergency jurisdiction for children temporarily located off the reservation to protect the children from immediate physical damage or harm. (RCW 13.38.140)

Notice to tribes – Petitioner (check one): provided or is providing did **not** provide the required *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of the *Petition* to the children’s tribe/s, the parents, and any Indian custodian.

I ask the Court to approve these orders **immediately** (check all that apply):

5. Custody (immediate guardianship)

No request.

Order that the children listed in **1** will live with the proposed guardian until the hearing. Order the clerk to issue letters of guardianship to the proposed guardian that will be valid until the hearing. The letters should give the guardian the following powers:

Healthcare decisions, including mental health

School/educational decisions

Access to and ability to release healthcare records

Other (specify): _____

6. Temporary Restraining Orders

No request.

Stay in Washington – Order (name/s): _____ not to take the children listed in **1** out of Washington State.

Do Not Disturb – Order (name/s): _____ not to disturb (check all that apply): my peace the peace of any child listed in 1.

Stay Away – Order (name/s): _____ not to go onto the grounds of or enter (check all that apply): my home, workplace, or school the daycare or school of any child listed in 1.

Also, to not knowingly go or stay within _____ feet of these places.

Important! This restraining order must be enforced through the civil contempt process in court.

7. Other immediate orders

No request.

(Specify): _____

➤ **I ask the court to approve these temporary orders at the motion hearing to stay in effect until the case is done** (check all that apply):

Important! The court will not grant requests below immediately. The court will consider these requests at the motion hearing.

8. Extend immediate orders

No request.

Extend the immediate orders I asked for above to stay in effect until this Emergency Minor Guardianship case or Minor Guardianship case, is done.

Appointment of an emergency guardian is likely to prevent substantial harm to the children’s health, safety, or welfare AND no one else appears to have the authority, ability, and willingness to act to prevent the harm

Explain the risk of harm: _____

(Attach additional pages if necessary)

Explain why no one else has the authority, ability, and willingness to act: _____

(Attach additional pages if necessary)

9. Appoint Guardian ad Litem (GAL) or Court Visitor

- No request.
- Appoint a person (*Guardian ad Litem or Court Visitor*) to investigate and report to the court about what is in the children's best interest, and order who will pay this person's fees.

10. Parents' Visitation

- No request.
- Approve my proposed visitation schedule as listed in the *Minor Guardianship Petition or Emergency Minor Guardianship Petition*.

11. Support, Insurance, and Taxes

The children have a right to child support (including medical support) from the legal parents, according to state law. The emergency guardian may ask the Division of Child Support or the court to order temporary child support.

Support – I ask the court to order the parents to (*check all that apply*):

- no request.
- pay child support according to the *Child Support Schedule Worksheets*.
- provide and keep health insurance for the children.
- pay children's daycare, uninsured medical, or other expenses.

Tax Issues – I ask the court to order:

- Petitioners have the right to claim the children as dependents for purposes of personal tax exemptions and associated tax credits on our tax forms.
- (*other*): _____

12. Fees and costs

- No request.
- Order who should pay for court costs, Guardian ad Litem fees, Court Visitor fees, lawyer fees, and other reasonable fees.

13. Other Temporary Orders

- No request.
- (*Specify*): _____

➤ **Reasons for my requests**

14. Why are you asking the court for the orders in sections 9 through 13? (*Explain*):

Superior Court of Washington, County of _____

In the Guardianship of:

Respondent/s (*minors/children*)

No.

**Immediate Order (Ex Parte)
and Hearing Notice - Emergency Minor
Guardianship and Restraining Order**
(ORAPEMG)

Clerk's action required: 1, 3, 5

Interpreter required in: _____
(language)

**Immediate Order (Ex Parte) and Hearing Notice-
Emergency Minor Guardianship and Restraining Order**

1. Guardianship Summary.

Summarize the guardianship order below.

Date guardian appointed:		Hearing date from section 3:	
Children			
Child's Name	Letters Expire	Child's Name	Letters Expire
1.	on hearing date	2.	on hearing date
3.	on hearing date	4.	on hearing date
Limited Guardian/s			
Name			
Address			
Phone			
Email			

2. This Order starts immediately and ends after the hearing listed below.

Important! Hearing must be held within **five** court days.

3. Hearing Notice – The court will consider extending this order and the other requests in the *Motion for Immediate Order* at a court hearing:



for: _____ at: _____ [] a.m. [] p.m.
Date *Time*

at: _____
Court's Address

in: _____
Room or Department

with: _____
Judge/Commissioner's name or Docket/Calendar

Warning! If you do not go to the hearing above, the court may sign orders without hearing your side.

4. Findings.

The court has reviewed the *Petition Motion for Immediate Order- Emergency Minor Guardianship (Ex Parte)*, supporting documents, and any other evidence considered on the record, including _____

The court finds that the children's health, safety, or welfare will be substantially and irreparably harmed before a hearing with notice can be held.

[] Other findings: _____

➤ **Court Orders.**

5. Custody (immediate guardianship).

[] No request made.

[] (Name): _____ is appointed immediate emergency guardian, until the hearing listed above, for the following children:

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	

The children will live with the guardian listed above until the hearing listed in **3**.

Clerk's Action: The clerk shall issue Letters of Limited Guardianship to the person named above that expire on the date of the hearing listed in **3**.

Until the hearing, the guardian has **only** the following powers:

Healthcare decisions, including mental health

School/educational decisions

Access to and ability to release healthcare records

Other powers (*specify*): _____

6. Temporary Restraining Orders.

No request made.

Request denied.

(*Name/s*): _____ are restrained as follows:

Stay in Washington – The Restrained Person/s must not take the children listed in **5** out of Washington State.

Do Not Disturb – The Restrained Person/s must not disturb the peace of (*check all that apply*): the guardian the children listed in **5**.

Stay Away – The Restrained Person/s must not go onto the grounds of or enter (*check all that apply*): the guardian's home, workplace, or school the daycare or school of the children listed in section **5**.

Also, the Restrained Person/s must not knowingly go or stay within _____ feet of these places (1000 feet if not filled out).

Warning! Violation of this order may result in financial penalties or contempt of court.

7. Bond.

No bond or security is required.

(*Name*): _____ must file a bond or post security.

Amount: \$_____.

8. Other immediate orders.

Does not apply.

Ordered.

Date

Time

Judge or Commissioner

Presented by: Petitioner Respondent



Sign here

Print name (if lawyer, also list WSBA #)

Date

Important! Within 48 hours after the court signs this *Order*, you must serve the *Motion*, *Petition*, and this *Order* to:

- every parent,
- any child 12 or older,
- anyone having custody of the children, and
- any lawyer appointed.

Superior Court of Washington, County of _____

In the Guardianship of:

Respondent/s (*minors/children*)

No. _____

**Motion for Order Directing DCYF to
Release CPS Information
(MT)**

Motion for Order Directing DCYF to Release CPS Information

1. Petitioner/s filed a *Minor Guardianship Petition* and request(s) an *Order* directing the Department of Children, Youth, and Families (DCYF) to release Child Protective Services (CPS) information about the proposed guardian and all household members named in the *Order*.
2. An *Order* directing DCYF to release CPS information is needed because of the following requirements:

RCW 11.130.210(1) provides that, before entering a final order, the court must:
“Direct the department of children, youth, and families to release information as provided under RCW 13.50.100.”

RCW 13.50.100(4)(a) allows DCYF to release CPS information to a family or juvenile court hearing a petition under Chapter 11.130 RCW about investigations in which the proposed guardian/s, or any person age 16 or older who lives with the proposed guardian/s, is the subject of a founded or currently pending CPS investigation by the Department of Social and Health Services or DCYF started after October 1, 1998, and the following, if checked:

[] investigations in which the children involved in this case were alleged victims of abandonment, abuse, or neglect.

Person making this motion fills out below.

▶ _____
Person making this motion signs here

_____ *Print Name (if lawyer, also list WSBA#)*

_____ *Date*

Superior Court of Washington, County of _____

In the Guardianship of:

Respondent/s (*minors/children*)

No. _____

Order Directing DCYF to Release CPS Information

(ORDINFO)

Clerk's Action Required: **5**

**Order Directing DCYF to Release CPS Information
(Guardianship)**

1. Petitioner/s filed a *Minor Guardianship Petition*. The court needs information from the Department of Children, Youth, and Families (DCYF).
2. The court orders DCYF to provide information as allowed by RCW 13.50.100 about investigations in which the proposed guardian/s, or any person age 16 or older who lives with the proposed guardian/s, is the subject of a founded or currently pending CPS investigation by the Department of Social and Health Services or DCYF started after October 1, 1998, and the following, if checked:

investigations in which the children involved in this case were alleged victims of abandonment, abuse, or neglect.

DCYF must provide this information under a *Sealed CPS Information* cover sheet (form GDN M 406) to the court at this address:

Superior Court Clerk, _____ County

Address *City* *State* *Zip*

DCYF must provide the information by (*date*): _____ or within a reasonable amount of time if no date is specified.

3. List the children:

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	

4. List the proposed guardian/s and anyone 16 or older living in the home:

Proposed Guardian

Full Name: _____

Also Known As: _____

Birthdate: _____

Other Individual in the Home

Full Name: _____

Also Known As: _____

Birthdate: _____

Other Individual in the Home

Full Name: _____

Also Known As: _____

Birthdate: _____

Other Proposed Guardian

Full Name: _____

Also Known As: _____

Birthdate: _____

Other Individual in the Home

Full Name: _____

Also Known As: _____

Birthdate: _____

Other Individual in the Home

Full Name: _____

Also Known As: _____

Birthdate: _____

5. **Clerk's Action:** The clerk shall forward a copy of this order to DCYF. Information received from DCYF in response to this order must be filed under seal. Only the parties in this case, their lawyers, the Guardian ad Litem (if any), and the person whose information was released, may have access to this information.

Other: _____

6. The information DCYF provides in response to this order is confidential. Anyone who sees the information must keep it confidential and protect against unauthorized disclosure.

Ordered.

Date

Judge or Commissioner

Petitioner and Respondent/s or their lawyers fill out below.

Presented by:

Signature of Party/Lawyer

Printed Name *WSBA No.*

Copy received and approved by:

Signature of Party/Lawyer

Printed Name

Signature of GAL or CV

Printed Name

Superior Court of Washington, County of _____

In the Guardianship of:

Respondent/s (*minors/children*)

No.

**Cover Sheet for Criminal History
(Guardianship)
(XCRIM)**

**Cover Sheet for Criminal History
(Guardianship)**

I have asked the Washington State Patrol for the criminal history record on each adult living in my home. Attached are the records I received.

List all people whose records are attached:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Submitted by (signature)

Print name

Date