

Outline
Chelan County
MINOR GUARDIANSHIP NON EMERGENT/EMERGENT

Local Court Rule 94.04 requires that all pro se (self-represented) people have their proposed Orders and all Final Orders reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited License Legal Technician or private attorney before the Clerk can set a hearing date. You may call the Chelan County Clerk's Office at (509) 667-6380 or (509) 667-6236 to make an appointment with the Family Law Court Facilitator. The fee for a 45-60 minute appointment is \$40.00. The Court Facilitator will review your forms, answer questions, help you complete the process and set a hearing date.

This list of instructions is not a substitute for legal advice. Before starting any legal action, it is always wise to consult an attorney regarding your rights and responsibilities. Many attorneys offer consultations. The Family Law Court Facilitator and the Clerk's Office cannot give legal advice.
Your specific situation may require additional forms and procedures which may not be listed on this outline.
Attached to this outline is a list of the forms contained in the complete packet available at the Chelan County Clerk's Office for a fee of \$20.00.

1. **FORMS:** Obtain the forms listed in this outline. The Chelan County Superior Court Clerk sells **MINOR GUARDIANSHIP** packets which include the required state and local forms. To make the process easier to understand, these packets are divided into Steps. The packet costs \$20.00. You may also download the forms at the Washington State Court website: www.courts.wa.gov/forms . Chelan County Local Court Rules and local forms are available for view and download at www.co.chelan.wa.us/superior-court or you may purchase individual local forms at the Chelan County Clerk's Office.
2. **HELP:** If you need help understanding forms or procedures, the Family Law Court Facilitator can review forms you have completed yourself, answer questions and help you with procedures. The Family Law Court Facilitator cannot give legal advice, does not represent you, may assist **but cannot fill out your papers for you** and may also help the other party. There is a \$40 fee per 45-60 minute appointment. To see a Family Law Court Facilitator you must make an appointment by calling (509) 667-6380 or (509) 667-6236.

CHILDREN AND THIRD PARTIES ARE NOT ALLOWED AT COURT FACILITATOR APPOINTMENTS.

3. **COMPLETE THE FORMS:** This may not be a complete list of the forms required in Chelan County. For a complete list, refer to the back page.

Fill out:

- Case Information Cover Sheet
- Confidential Information Form (GDN M 410);
- Summons (GDN M 001)
- Petition for Minor Guardianship (GDN M102)
- Declaration Explaining Reasons (GDN M 103)
- Declaration (FL All Family 135)
- Motion and Order Directing Release of CPS Records (GDN M 404; 405)
- Request for WSP Criminal History
- Order Appointing GAL/Court Visitor (GDN M 409)
- Disclosure of Bankruptcy/Criminal History (GDN ALL 002)
- Notice of Hearing (GDN M 101)
- Declaration of Service (GDN ALL 007)

In your **Petition**, you must explain in detail specific facts that establish the following information:

- (a) That the child/ren is not in the physical custody of one of his/her parents **and/or** that neither parent is a suitable custodian for the child/ren; **and also:**
- (b) That the parents are unfit or even if they may be fit, the child/ren will suffer actual detriment (harm) to the child/ren's growth and development if they live with either parent.

If these facts are not set forth in the **Petition** with sufficient information and completeness, the Judge may deny your Petition.

You might also want to file an additional declaration and/or declarations written by other people who have information that supports your case. Use the **Declaration (FL All Family 135)** form. Remember you must show proof why the child or children should be with you and not with their parents. You may also file reports or other documents such as police, CPS or school reports that support your case.

Visitation may be addressed in the Petition, or Guardianship Residential Schedule (GDN M 104).

Make copies of all the forms you have filled out except for the **Case Cover Information Sheet (CICS) and the Confidential Information Form**. You will need to serve a set of these documents on each person listed in the Notice of Hearing.

4. **FILE YOUR PAPERS:** File the with the Chelan County Superior Court Clerk. The filing fee is \$310 payable by cash, check, money order, cashier's check, Mastercard, Visa. There will be an additional fee if the fee is paid by credit card or debit card. There is a process by which you can waive the filing fee if you qualify. The Clerk's office has a "Fee Waiver Packet" for this process. **No filing fee will be charged if the proposed Guardian is a relative.** A relative is someone who is related by blood or marriage.
5. **SERVICE:** Have the parents and any other persons listed in the Notice of Hearing served with the copies of all your filed papers. You must have someone, who is 18 years or older and who is not a party to your case serve your papers by personally handing copies of the papers to each parent. You cannot serve the documents yourself. The person serving the papers must completely fill out and sign a **Declaration of Service (GDN ALL 007)**. Make sure that all the papers that were served are listed on the **Declaration of Service** and that the date, time and address of service are filled in. This is your proof that your papers were properly served. File the **Declaration of Service** at the Clerk's Office.
6. **CRIMINAL HISTORY RECORD:**
Next complete the criminal history background check. You'll need to get a Washington State Patrol Criminal History Record Information for each Petitioner and for each adult member of the Petitioners' household. The two ways to get the required records are explained below. Attach the WSP Criminal History Records to the **Criminal History Record (Cover Sheet)** and file them.

Get criminal history immediately online at <http://watch.wsp.wa.gov/>. There is a fee for each CHRI search. A credit card is required to complete the search. **OR**

Mail a completed **Request for Conviction Criminal History Record** with a check or money order for \$32 for each person to the Washington State Patrol, Identification and Background Check Section, PO Box 42633, Olympia, WA 98504-2633. The request form is available online at <http://watch.wsp.wa.gov/> and is included in the Non-Parent Custody Packets. Allow 7 to 14 business days for receipt of the CHRI(s) by mail.

IS AN EMERGENCY COURT ORDER NEEDED?

An Emergency Order requests immediate restraining orders to protect you and/or the children involved in the case. This Order may be signed “ex parte” (without the other party there) based on your concern that you or the children could be immediately harmed if advance notice is given to the other parties. An Immediate Restraining Order (Ex Parte) is in effect for a limited period of time. The Court will Order a hearing be held within 5 Court days.

Fill out:

Motion for Immediate Order (Ex Parte)- Emergency Minor Guardianship and Restraining Order (EMG GDN M 204 ; RO GDN M 205)
Declaration (FL All Family 135)

Complete the forms and make 3 copies of all the completed forms. One set of copies is to be served on each of the other parties and the other copy is for you to keep for your records.

IMMEDIATE ORDER AND THE HEARING DATE: You will be sent to Judge’s Chambers to get your order signed. You must then return to the Clerk’s Office with your papers to finish processing and filing your papers.

SERVICE: If the judge signs your Immediate Restraining Order, he or she will also set a hearing date and will write that hearing date on the first page of the Immediate Restraining Order. **The other party must be personally served within 48 hours.** You must arrange to have your papers served.

You cannot serve the papers yourself. If you are filing this motion at the same time you file your Summons and Petition you may have the papers listed in #3 above served at the same time. The person personally serving your papers must be 18 years or older and cannot be a party to your case. The papers must be personally handed to the other party. The person serving the papers must completely fill out and sign a **Declaration Service (GDN M 007)**. Make sure that all the documents that were served are listed on the **Declaration of Service** form and that the date, time and address of service are filled in. This is your proof that the other parties were properly served. File the **Declaration of Service** at the Clerk’s Office.

ATTEND THE HEARING: The judge will make an order based on the paperwork you filed, any responding papers filed by the other parties and any other information provided at the hearing. If you have not been able to serve the other parties, you may ask the Judge to continue the restraints in order to give you additional time to have your papers served.

7. **FINAL PAPERS:** You are responsible for preparing final Orders. The forms are listed below.

Minor Guardianship Findings and Order (GDN M 105)

Acceptance of Appointment (GDN ALL 003)

Letters of Guardianship (GDN ALL 004)

Residential Schedule (GDN M 104)

Criminal History w/Cover Sheet (GDN M 407)

Declaration of Service (GDN M 007)

Prior to setting a hearing for the Judge to sign final orders you must have the orders reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited License Legal Technician or private attorney pursuant to Local Court Rule 94.04. Fill out a “**Notice of Hearing**” which is a local court form contained in the packet and available at the Clerk’s office. The Court Facilitator will help you set a hearing date. The Clerk cannot put your case on the court’s calendar unless you provide

your completed proposed final orders listed above which have been reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited Licensed Legal Technician or private attorney. The Clerk will hold your final orders for the judge to sign at the hearing.

Local Court Rule 94.04 requires that all pro se (self-represented) people have their proposed Temporary Orders and all Final Orders reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited Licensed Legal Technician or private attorney before the Clerk can set a hearing date.

Go to your hearing. The Judge will have your proposed final orders. If your papers are in order the Judge will sign your orders at the hearing.

Helpful Phone Numbers and Websites

Chelan County Superior Court Clerk's Office (509) 667-6380

Volunteer Lawyer Program of Chelan County (509) 663-2778

CLEAR line for a referral to the Volunteer Legal Professional (888) 201-1014

State Prosecuting Attorney – Family Support Division (360) 336-9461

www.courts.wa.gov/forms to download standard family law forms

www.washingtonlawhelp.org for general information on a variety of legal topics

www.nwjustice.org for general information and resources

www.co.chelan.wa.us/superior-court Superior Court website

www.co.chelan.wa.us/clerk Chelan County Clerk website.

www.dshs.wa.gov/dcs Washington Division of Child Support (forms and information)

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MINOR GUARDIANSHIP CHECKLIST

All documents are available for free from www.courts.wa.gov/forms
or www.washingtonlawhelp.org

Filing Fee = \$240.00 (fee waived if petitioner is a relative per RCW 11.130.170(3))

General Documents for all Minor Guardianship Petitions

- ☐ Motion, Declaration and Order for Waiver of Filing Fee (If Requested) (Provided by the Clerk's Office)
- ☐ Case Cover Sheet (Provided by the Clerk's Office)
- ☐ Confidential Information Sheet 410 GDN M
- ☐ Motion for Order Directing DCYF to Release CPS information GDN M 404
- ☐ *Order Directing DCYF to Release CPS Information* GDN M 405
- ☐ *Criminal History Record (Cover Sheet)* GDN M 407
 - Any person residing in your household that is 16 years old or older, including yourself, must have a background check done. To do so, visit <http://watch.wsp.wa.gov>.
- ☐ *Disclosure of Guardian or Conservator* GDN ALL 002
- ☐ *Declaration of Completion of Guardian Training *NOT REQUIRED FOR TERMINATION**
<https://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.title11minor>
- ☐ *Acceptance of Appointment* GDN ALL 003
- ☐ *Letters of Guardianship/Conservatorship* GDN ALL 004
- ☐ *Proof of Personal Service* GDN ALL 007

The Court may require you to provide a Birth Certificate of the minor and/or a Death Certificate of the parent if necessary.

****ADDITIONAL DOCUMENTS LISTED BELOW ALSO REQUIRED BASED ON TYPE OF GUARDIANSHIP REQUESTED****

Minor Guardianship

- ☐ *Summons* GDN M 001
- ☐ Minor Guardianship Petition GDN M 102
- ☐ Notice of Hearing about a Minor Guardianship Petition GDN M 101
- ☐ Declaration Explaining the Reasons for Minor Guardianship Petition GDN M 103
- ☐ Proposed Residential Schedule (If requesting) GDN M 104
- ☐ Child Support Worksheets and Child Support Order (if requesting) FL ALL FAMILY 140
- ☐ Minor Guardianship Findings & Order GDN M 105

Emergency Minor Guardianship

- ☐ *Summons* GDN M 001
- ☐ *Emergency Minor Guardianship Petition* GDN M 202
- ☐ *Emergency Minor Guardianship Order* GDN M 203
- ☐ Notice of Hearing about an Emergency Minor Guardianship Petition* GDN M 201
- ☐ Motion for Immediate Order – Emergency Guardianship & 205 GDN M 204 &
Restraining Order (Ex Parte) and Immediate Minor Guardianship Order
(Ex Parte) and Hearing Notice – Emergency Minor*
- ☐ Motion for Emergency Guardianship* GDN M 206

*If you are filing or have filed a Minor Guardianship but *also* want an Emergency Minor Guardianship Order you can file these documents without filing an Emergency Minor Guardianship Summons and Petition.

Optional Documents that may be Required for either a Minor Guardianship or Emergency

Minor Guardianship

- ☐ *ICWA Notice* GDN M 401

<input type="checkbox"/> <i>Order Appointing GAL or Court Visitor</i>	<i>GDN M 409</i>
<input type="checkbox"/> <i>Motion/Order to Withhold Documents from the Minor</i> 107	<i>GDN M 106 &</i>
<input type="checkbox"/> <i>Motion/Order to Appoint Lawyer</i> 022	<i>GDN M 021 &</i>

Terminate or Change a Minor Guardianship or Non-Parent Custody Order

<input type="checkbox"/> <i>Summons</i>	<i>GDN M 001</i>
<input type="checkbox"/> <i>Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order</i>	<i>GDN M 502</i>
<input type="checkbox"/> Order on Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order	<i>GDN M 503</i>
<input type="checkbox"/> Notice of Hearing about Terminating or Changing a Minor Guardianship	<i>GDN M 501</i>

Respond to Any Minor Guardianship

<input type="checkbox"/> <i>Objection to Minor Guardianship</i>	<i>GDN M 301</i>
<input type="checkbox"/> Parent's Consent to Minor Guardianship	<i>GDN M 304</i>
<input type="checkbox"/> Motion to Appoint Lawyer	<i>GDN ALL 021</i>
<input type="checkbox"/> Order Appointing Lawyer	<i>GDN ALL 022</i>

1. Once completed, bring the original documents (must be single sided) the Clerk's Office for filing. Make your own copies before filing unless you want to purchase copies from the Clerk's Office. One copy is for you to keep, and the other copies must be served on the parents and any other involved party as required. YOU cannot serve the other parties. The person who serves the other parties must complete and sign the Proof of Personal Service form. Make a copy for yourself before filing.
2. After the parties have been served, file the Proof of Personal Service form in the Clerk's Office
3. The \$240 filing fee must be paid (if required), or an Order Waiving Fees must be signed, at the time of filing.
4. Guardianship Law in Washington requires that a person who will serve as Guardian comply with required CPS, Criminal, and Bankruptcy disclosures as well as complete training as directed by the Court.
5. In a **Minor Guardianship** a hearing must be scheduled, and a Notice of Hearing must be filed at the time the case is started. In an **Emergency Minor Guardianship**, a hearing must be scheduled within a reasonable amount of time, and a Notice of Hearing must be filed at the same time the petition or motion is filed. If an **Immediate Order – Minor Guardianship** is requested and granted a hearing must be set **within 5 (five) days**.

SERVICE REQUIREMENTS

What must be served:

- ☐ Summons; Petition; Notice of Hearing; Supplemental Declaration; any other documents you filed along with Petition.

Who is required to be personally served:

- ☐ The minor(s) if 12 years or older.
- ☐ Each parent of the minor or, if there is none, the adult nearest in kinship who can be found with reasonable diligence.
- ☐ Any guardian or person with nonparental custody of the minor(s).
- ☐ Any other person the court determines should receive personal service of notice.

Hearing date notice and Petition is required to be sent via mail or other action reasonably calculated to give notice under RCW [11.130.065](#) to:

- ☐ Any adult with primary care and custody of the minor(s) who is not a parent, guardian, or person with nonparental custody
- ☐ Each person that had primary care or custody of the minor(s) for at least 60 days during the 2 years immediately before filing of the petition or for at least 730 days during the five years immediately before the filing of the petition.
- ☐ Any person nominated as guardian by the minor(s), if the minor(s) is/are 12 years of age or older
- ☐ Any nominee of a parent
- ☐ Maternal & paternal grandparents and any adult siblings of the minor(s)
- ☐ Any conservator acting for the minor(s) in any jurisdiction
- ☐ Any other person the court determines

Notice to Minor(s) (*Form GDN M101) must include the following:

- (a)** A statement of the right to request appointment of an attorney for the minor(s) or object to appointment of a guardian and a description of the nature, purpose, and consequences of appointment of a guardian.
- (b)** Must specifically state all rights retained by the minor(s) including the right to request counsel, the right to attend, and the right to participate and communicate with the court.
- (c)** Must also state whether the court has entered any prior order limiting information served upon the minor(s), and that the minor(s) may ask the court to reconsider the court's order at any time.
- (d)** Must include information on how the minor(s) can respond to the petition.