



King County Superior Court Emergency Local Rule Amendments

Red-line Version

LCR 98.22 MINOR GUARDIANSHIPS ~~AND NONPARENTAL CUSTODY~~

(a) Applicability. This rule applies to petitions to appoint a guardian for guardianship of a minor pursuant to ~~chapter RCW 11.130 RCW,~~ and to ~~modify or terminate such a guardianship, or to modify or terminate modifications and terminations of a prior nonparental custody orders issued under former chapter pursuant to RCW 26.10 RCW.~~ Further information, including forms and procedures referenced in this rule, can be found at the court's website.

(b) Forms Initial Case Filings. ~~The statewide guardianship pattern forms (GDN M 001-605) shall be used for all court filings in these matters unless there is a specific local form. If there is a local form, parties shall use the local forms. The pattern forms can be found at <https://www.courts.wa.gov>. The Party Information Form is a local form available here: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms>. For cases filed on or before December 31, 2022, parties must file a Party Information Form (PIF). For cases filed after January 1, 2023, parties must file a Confidential Information Form (CIF)(GDN M 410).~~

(1) Original Petition. ~~A new case may be filed as a petition for either an emergency minor guardianship (RCW 11.130.225), standby minor guardianship (RCW 11.130.220), or long-term minor guardianship (RCW 11.130.215). A petition for an emergency guardianship may be filed only if there is no pending case for a long-term minor guardianship, and should be filed only if the petitioner does not intend to file a long-term minor guardianship case. If there is a long-term minor guardianship case pending, any motion for emergency minor guardianship must be filed within that case.~~

(2) Modification or Termination Petition. ~~A petition to modify or terminate an existing Title 11 RCW minor guardianship issued by this court must be filed under the existing cause number. A petition to modify or terminate a Title 26 RCW nonparental custody order must be filed under a new Title 11 RCW cause number, which may be consolidated with the prior case. A petition to modify or terminate a minor guardianship from another court or a non-parental custody order a must attach a copy of the guardianship or custody order at issue.~~

(3) Relief Regarding Nonparental Custody Order. ~~A party seeking relief regarding a nonparental custody order, including enforcement of that order by contempt or other means, must file a petition to change the prior order into a Title 11 guardianship. A copy of the nonparental custody order must be attached to the petition. Upon proper filing, the clerk will assign a Title 11 cause number. Any motion must then be filed in the new Title 11 cause number and will be heard by the assigned judge or if there is no assigned judge then as directed by the Lead Dependency Judge.~~

(4) Multiple Minors. ~~A single petition must be filed for each set of minors who share the same parents. A single petition may be filed for multiple minors with overlapping parents if doing so will facilitate presentation of evidence, case appointments, or otherwise support proper, efficient, and consistent judicial review. All petitions remain subject to the court's discretion to bifurcate or consolidate cases.~~

(5) Guardian Background Check. ~~In any case in which a guardian for a minor is proposed to be appointed, within one week of filing the petition the petitioner shall also file: (A) a motion to release CPS Information covering all adults in the proposed guardian's household (to be presented for review with a proposed order); (B) a Washington State Patrol Washington Access to Criminal History report (WATCH report) for every adult in the proposed guardian's household; and (C) a completed Disclosure of Bankruptcy or Criminal History for each proposed guardian.~~



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(c) Case Assignment. Upon proper filing, each minor guardianship action will be assigned to a judge.

(d)(e) Proceedings.

(1) Review Hearing. Each case will be set for a review hearing before the assigned judge. For long-term minor guardianship actions, the Court's 60 Day Hearing Checklist must be completed and filed at least 14 days before the review hearing. If neither the petitioner nor the proposed guardian appears at the review hearing, the Court may dismiss the case.

(2) Motions.

(A) Applicable rules. Except as provided in this rule, the provisions of LCR 7 apply, including that all motions will be heard by the assigned judge except as otherwise provided in this rule or by court order.

(B) Oral Argument. The court will consider motions without oral argument unless the court orders otherwise. Any party may request oral argument by placing "ORAL ARGUMENT REQUESTED" prominently on the first page of the motion or opposition.

(C) Immediate Emergency Guardianship. A motion for an immediate emergency minor guardianship will be heard on an expedited basis by the assigned judge, or, if unavailable, by a judge as determined by the court. Reasonable notice must be provided to the responding parents or other parties unless the minor's health, safety, or welfare will be substantially harmed before a hearing with notice can be held. If an immediate emergency guardianship is issued without notice to responding parents or other parties, the return hearing will be set promptly before the assigned judge while allowing enough time for notice to be completed.

(3) Status Conference. At any time, a party may request a status conference by emailing the assigned judge's bailiff, copying all other parties, and briefly stating the reason for the conference. If the court determines a conference is warranted, it will issue a notice of hearing to the parties.

(4) Related Protection Order. Any overlapping protection order matter to be heard concurrently with a minor guardianship case per RCW 11.130.257 will be set for hearing before the assigned judge.

(5) Discovery. There shall be no discovery except as authorized by the assigned judge.

(6) Mediation. Whether mediation will be required before proceeding to final hearing will be determined by the assigned judge.

(7) Guardian's Acceptance of Appointment. A guardian's Acceptance of Appointment must state their name as it appears in the order of appointment for the letters of guardianship to issue. If a guardian changes their name, they must obtain an order for new letters and file an acceptance under the new name to receive the new letters. The expiration date of the letters shall remain the same unless changed by the new order.

(8) Final Hearing. Readiness to proceed to final hearing will be determined by the assigned judge. This may include holding a pretrial conference and setting a trial date and pretrial deadlines.

(9) Presentation of Final Orders. Agreed or default final orders should be submitted to the assigned judge.

~~—(1) How Initiated.~~ An action for Guardianship of a minor brought by a nonparent must be filed under a new cause number. The case is started by the filing of a Summons (GDN M 001), Petition (GDN M 102), and Declaration Explaining the Reasons for Minor Guardianship (GDN M 103). If there are multiple minors involved who do not have the same parents, a separate case must be filed for each minor or group of minors, who have the same parents.

~~(A) Documents Required at Filing.~~ The petitioner must file a Summons (GDN M 001), Petition (GDN M 102), Declaration Explaining the Reasons for Minor Guardianship (GDN M 103), and the Party Information Form (if filed on or before December 31, 2022) or the Confidential Information Form (GDN M 410) (if filed after January 1, 2023) At the time of filing,



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~~the petitioner shall also submit the Motion and Order Directing DCYF/CPS to Release Information (GDN M 404 & 405), the Party Information form, if filed on or before December 31, 2022 or the Confidential Information Form (GDN M 410), if filed after January 1, 2023 to Ex Parte via the Clerk.~~

~~Immediately after receiving the Order Setting Case Schedule from the clerk, the petitioner **must** complete the Notice of Hearing (**GDN M 101**) with the date and time that the court has set, making sure to add to the Notice of Hearing the list of people entitled to notice (GDN M 101 Notice Attachment). The hearing shall be noted on the Ex Parte Guardianship calendar, not with the assigned judge. The Notice of Hearing (GDN M 101), Summons (GDN M 001), Petition (GDN M 002), Declaration Explaining Reasons for Minor Guardianship (GDN M 003), and Case Schedule must be served on all parties entitled to service.~~

~~—————**(B) Other Documents to Submit at Filing.** Although not required for filing, it is highly recommended that the following documents be submitted at the time of filing or as soon after filing as possible. If applicable, the Petitioner shall submit the Motion and Order to Withhold Certain Documents (GDN M 106 and 107) from the Minor to Ex Parte via the Clerk. The initial Orders appointing a Guardian ad Litem and/or Court Visitor (GDN M 409), and/or Motion and Order appointing a Lawyer (GDN ALL 021 and 022), as applicable to each case shall be presented through Ex Parte via the Clerk. The forms are located here: <https://kingcounty.gov/courts/superior-court/ex-parte-probate/Minor-Guardianships.aspx>.~~

~~—————**(2) Requirements.** The petitioner(s) shall promptly obtain and file a Washington State Patrol check (see <https://www.wsp.wa.gov/crime/criminal-history> for the WATCH background check) and obtain an order for Child Protective Services (CPS) background check on the proposed guardian and all adult household members of the proposed guardian. The Motions and Order to DCYF to Release CPS information (GDN M 404 and 405) shall be presented through Ex Parte via the Clerk. The proposed Guardian shall attend the mandatory lay guardian training within 60 days of filing. See <https://www.courts.wa.gov/guardianportal/> for mandatory guardianship training information.~~

~~—————**(3) Case Assignment.** All Minor Guardianship actions shall be assigned to the Unified Family Court judge(s) designated by the Chief UFC Judge. All motions will be heard in the Ex Parte Department on the Ex Parte Guardianship Calendar unless this rule provides otherwise or otherwise ordered by the court.~~

~~—————**(4) Finalization.** Agreed or default Minor Guardianship finalizations shall be noted on the Ex Parte Guardianship Calendar or may be completed at the Status Hearing.~~

~~—————**(d) Notice and Hearing.** Except as otherwise noted in this rule, all hearings shall be scheduled with a Note for Calendar (King County form “Notice of Court Date” for either Seattle or Kent depending on Court assignment) on the Ex Parte Guardianship Calendar at 10:30 a.m. The Note for Calendar shall be filed at least 14 days prior to the scheduled hearing date. Any party opposing a motion shall file and serve responsive pleadings to a motion no later than noon four judicial days before the date the motion is scheduled for hearing. Any pleadings in strict reply shall be served no later than noon two judicial days before the date the motion is scheduled for hearing. Parties shall submit working papers to the Ex Parte Department of all pleadings they filed for the hearing. Working papers can be submitted to Ex Parte by following the instructions here: <https://kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>.~~

~~—————**(e) Status Hearing.** At the time of filing, the court will set a hearing in the Ex Parte Department approximately 60 days after filing. Before the 60-day hearing, the Petitioner must complete and file the 60-day hearing checklist. The form is located here: https://kingcounty.gov/~/_media/courts/superior-court/docs/ex-parte-probate/guardianship-forms/UGA%20implementation/60-day-checklist.ashx?la=en. Parties shall submit working papers to the Ex Parte Department of all pleadings they filed including the 60-day checklist. Working papers can be submitted to Ex Parte by following the instructions here:~~



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~~<https://kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>. The parties shall appear at that hearing to address whether service has been completed on all individuals requiring notice, background and CPS checks have been completed, any necessary court visitor, GAL, or attorney has been appointed, and any other issues necessary for the case to move forward. If neither the petitioner nor the proposed guardian appears at the scheduled hearing, the case may be dismissed. The court will determine whether the case is likely to be resolved by agreement, by default, or should be set for trial. After a determination that a case is contested, the case will be referred to the assigned judge to set a trial date and case schedule. If a case is assigned to a judge for trial, all motions and other proceedings shall be set before the assigned judge. There is no discovery in guardianship cases until the case is set for trial.~~

~~—(f) **Petitions and Motions for Emergency Minor Guardianship.**~~

~~—(1) **Petition for Emergency Guardianship.** A party may file a Petition for Emergency Guardianship (GDN M 202) only if there is no pending Minor Guardianship case and the petitioner will not file a Minor Guardianship case. When an Emergency Minor Guardianship Petition (**GDN M 202**) and a Notice of Hearing About an Emergency Minor Guardianship Petition (GDN M 201) is filed, the clerk will issue a case schedule setting a hearing before the assigned judge on the first Friday that is at least 14 days after filing. Any motions to extend an Emergency Guardianship order by 60 days shall be set before the assigned judge with 14 days' notice. Motions to extend an emergency guardianship pending the outcome of a full guardianship, if one has been filed, may be set before the Ex Parte Department. If the full guardianship has been referred to an assigned judge for trial, all motions to extend any emergency guardianship, must be set before the assigned judge with 14 days' notice.~~

~~—(2) **Motions for Emergency Guardianship.** A party may file a Motion for Emergency Guardianship (GDN M 206) at the same time a Minor Guardianship Petition is filed or if a Minor Guardianship case is already pending before the court. Hearings on the Motion for Emergency Guardianship or to extend an Emergency Minor Guardianship until the Minor Guardianship is concluded shall be set before the assigned judge with 14 days' notice.~~

~~—(3) **Motion for Immediate Order (Emergency Guardianship).** A party may file a Motion for Immediate Order (Ex Parte) Emergency Minor Guardianship and Restraining Order (GDN M 204) either at the same time as filing a Minor Guardianship Petition (GDN M 102) or an Emergency Guardianship Petition (GDN M 202) or after filing either petition. The Motion for Immediate Order (GDN M 204) shall be heard in the Ex Parte Department according to the emergency hearing process described on the Ex Parte & Probate Department's website and/or in the Ex Parte manual. The return hearing will be set before the assigned judge on the first Friday that provides at least three calendar days' notice to responding parents. The moving party shall submit a proposed Immediate Minor Guardianship Order (Ex Parte) and Hearing notice (GDN M 205) with the Motion.~~

~~—(g) **Petitions for Standby Guardians.** Following expiration of the required statutory 60 days, a hearing regarding appointment of a standby guardian may be noted in the Ex Parte Department on the guardianship calendar with at least 14 days' notice.~~

~~—(h) **Consolidation of Cases.** All petitions for guardianship must be filed as separate cases. The court may consolidate all separately filed emergency and standby guardianship petitions into the Minor Guardianship Petition when all petitions are regarding the same child(ren). Petitions for modification of existing Title 11 minor guardianships may be filed within the existing case.~~

~~—(i) **Motions for Temporary Child Support, Temporary Restraining Orders and to Restrain or Permit Relocation.** Motions to set temporary child support, for a temporary restraining order, or to permit or restrain relocation, shall be set before the assigned judge on at least 14 days' notice. Parties may petition the court for temporary restraining orders entered on an emergency basis to prevent immediate injury, loss, or damage. See also CR 65. The moving party shall present the Motion for Ex Parte Restraining Order to the Ex Parte~~



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~~Department according to the emergency hearing process described on the Ex Parte & Probate Department's website and/or in the Ex Parte manual. The Order to Show Cause shall schedule a return hearing before the assigned judge within 14 days, unless extended for good cause.~~

~~—(j) **Domestic Violence, Anti-Harassment, or other order seeking protection under another defined statute.** Any matter related to issuance of a protection order that includes protecting a child subject to any minor guardianship matter shall be filed separately from the Minor Guardianship matter under a new cause of action. The court shall set full protection order hearings before the assigned judge to be heard concurrent with these proceedings.~~

~~—(k) **Acceptance of Appointment.** The guardian name(s) must be typed or printed on the acceptance of appointment (GDN ALL 003) as it appears in the order. If a guardian changes their name, they must obtain an order for new letters and file an acceptance of appointment under the new name in order to receive new letters of guardianship. The expiration date of the letters shall remain the same unless changed by the new order.~~

~~—(l) **Modifications and Terminations.** All petitions to modify or terminate an existing Title 11 Minor Guardianship order or an existing Title 26 Non-Parent Custody order shall be initiated by filing a Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order (GDN M 502) along with a copy of the custody or guardianship order. All petitions to terminate or change a non-parent custody order shall be filed under a new cause number. The clerk will issue a new Title 11 cause number for all Petitions to Modify or Terminate a Title 26 Nonparental Custody Order. Petitions to modify or terminate an existing Title 11 Minor Guardianship granted by this court shall be filed under the existing cause number. All hearings in modification and termination matters are heard by the assigned judge.~~

~~—(m) **Non-Parent Custody Post-Order Motions.** A party who needs to file a motion related to a Non-Parent Custody Order must file a Petition to Assign a Title 11 Cause Number under a Minor Guardianship Conversion cause of action. This form is available on the clerk's website at <https://kingcounty.gov/en/dept/dja>. A copy of the Non-Parent Custody order must be attached to the Petition. Upon the filing of the complete Petition, the clerk will assign a Title 11 cause number. Any motion must then be filed in the new Title 11 cause number and will be heard in the Ex Parte Department, or if a judge has been assigned, by the assigned judge.~~

[Clean Version](#)

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