

Instructions: Getting a Non-Emergency Minor Guardianship When One or Both Parent(s) Do Not Agree

1. Obtain the forms listed in this outline. The Skagit County Superior Court Clerk sells a packet for *Minor Guardianship*, which includes the required state and local forms. You may also download the forms for free at www.courts.wa.gov/forms . **Skagit County Local Court Rules** and local forms are available for purchase at the Clerk’s Office or can be downloaded at www.skagitcounty.net (see links to Superior Court).
2. If you need assistance with forms or procedures, the Court Facilitator can review forms you have prepared yourself, answer questions, or help you with procedures. The Facilitator cannot give legal advice and does not represent you. The Facilitator may also assist the other party or parties in your case. There is a \$20 fee per 30 minute appointment. You may need more than one appointment. Make an appointment by calling (360) 416-1200. **Court Facilitator Appointments are conducted telephonically during the pandemic.**
3. Start by filling out:
 - **Minor Guardianship Petition (GDN M 102);**
 - **Summons (GDN M 001);**
 - **Notice of Hearing about the Minor Guardianship Petition (GDN M 101);**
 - **Declaration Explaining Reasons for Minor Guardianship (GDN M 103)**
 - **Parent’s Consent to Minor Guardianship (GDN M 304)** (use if one of the parents is in agreement with your **Petition**);
 - **Confidential Information (GDN M 410);** and

Note -When you are filling out your captions on each form, the respondent is the minor you are seeking guardianship. **If there are multiple minors with different parents, you must file separate petitions for each minor. If the children have the same parents they can be included in the same petition.**

If you want to address visitation, you can do that in section # 20 of the **Minor Guardianship Petition** or you can fill out a separate **Residential Schedule (GDN M 104)** filled out as a “Proposal”.

If you want to address child support, you should file proposed **Child Support Worksheets (WSCSS Worksheets)**. The Court Facilitator can help you calculate child support or you can prepare a Child Support Worksheet using the Automated Child Support Calculator found at: <https://fortress.wa.gov/dshs/dcs/SSGen/Home>

Make 3 copies of all the documents except for the **Confidential Information** and the **Attachment to Confidential Information**.

4. File all of your documents with the Skagit County Superior Court Clerk. The filing fee is \$260 payable only in cash, money order, Cashier’s Check, MasterCard, Visa, Discovery or American Express. (There is an additional fee if a Debit or Credit Card is used). **If you are a relative as described by RCW 11.130.170(3), the filing fee will be waived automatically.** If you are not a relative, but you cannot afford the filing fee

based on your income, you can have the filing fee waived if you qualify. The Clerk's office has a "**Fee Waiver Packet**" that explains this process.

5. Personal Service is Required for the following:

- The minor(s) if 12 years or older
- Each Parent (unless one is deceased or has signed Parent's consent to Minor Guardianship)
- Any guardian or person with non-parental custody of the minor(s).
- Any other person the court determines should receive personal notice

The parties mentioned above shall be served with copies of all the documents that you filed except for the **Confidential Information**. Someone, who is over 18 years old, must personally hand the other parties copies of the documents. ***You cannot give the documents to the other parties.*** The person serving the documents must fill out and sign a **Proof of Personal Service (FL All Family 101)**. Make sure that all the documents that were served are listed on the **Proof of Personal Service** and that the date, time and place of service are filled in because that is your proof that the other parties were properly served. File the **Proof of Personal Service** at the Clerk's Office. The other parties have 20 days (if served within the state of Washington) or 60 days (if served outside of the state) in which to file an **Objection to Minor Guardianship (GDN M 301) Petition**. The law requires that **Minors 12 or older must be personally served.** ***To limit the information you have to provide to the minor, you can file Motion to Withhold Certain Documents from the Minor and Order on Motion to Withhold (GDM M 201).*** This motion can be submitted to clerk's office between 8:30am and noon. You will then appear on the Ex Parte Calendar at 1:15pm to have your motion heard.

Notice is required to be sent via mail or other reasonably calculated way to give notice to:

- Any adult with primary care and custody of the minor (s) who not a parent, guardian, or person with non-parental 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

6. Fill out a **Motion for DCYF and Order to DCYF to Release CPS Information (GDN M 404 and 405)**. You must include the required information **for every person in your household who is 16 years or older**. Give that **Order** to the Clerk between 8:30am and 12:00pm on any day Monday-Friday, excluding holidays. Then go to the courtroom assigned for the Ex Parte Calendar at 1:15pm and wait for the Judge or Commissioner to call your case and sign your **Order**. **Do this as soon as possible as it take DCYF time to return information to the court.**
7. Get a **Washington State Patrol Criminal History Record Information (CHRI)** 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) (GDN M 407)**, 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

Follow the instructions on the website for mailing in a request and include the required payment.

8. If either or both parties do not file an **Objection to Minor Guardianship** within the allowed time, and have not made an appearance in your case, then you may appear on the Ex Parte Calendar with a **Motion for Default (FL All Family 161)**, and an **Order on Motion for Default (FL All Family 162)**. Fill out and hand the documents to the Clerk anytime between 8:30am and 12:00pm and return that same day at 1:15pm to see the Judge for the default. Note that obtaining an **Order on Motion for Default** does not finish your case.
9. **Local Court Rules require that the Court Facilitator review your final orders.** If you obtained an **Order on Motion for Default**, or if you and the other parties have reached an agreement, then make an appointment with the Facilitator. Fill out and bring all the documents listed below in #10 with you to the appointment. If you are finishing your case by default, then make sure all your final orders are filled out **exactly the same** as the documents that the other parties were served with. If you and the other parties agree on the final documents, then both parties must sign the final documents. The Facilitator will review your orders and help you set a hearing to finalize your case.
10. The final orders needed to finalize a Minor Guardianship Case are (Do Not Filed with the Clerk):
 - **Minor Guardianship Findings and Order (GDN M 105)**
 - **JIS- Local Court Form**

If you asked for a Residential Schedule then you will also need:

- **Residential Schedule (GDN M 104).**

If you asked for child support then you will also need:

- **Child Support Worksheets (WSCSS Worksheets); and**
- **Child Support Order (FL All Family 130).**

11. The guardian is required to complete a lay guardianship training. That can be completed online:

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

File with the court Declaration of Completion of Guardian Training

If there is a co-guardian, each guardian must complete the training and obtain Declaration of Completion.

12. If you cannot work out an agreement with the other parties, then you must schedule Mediation. **Mediation is required by Local Court Rule.** A list of approved mediators can be found at www.skagitcounty.net (Find Superior Court in the Department Directory and click on “Family Law Mediators”). **Please note: that Parents have a right to request counsel by filing motion and order to appoint lawyer (GDN ALL 021 and GDN ALL 022). The Minor(s) also have the right to counsel.**
13. If you reach an agreement either on your own or through mediation, then follow steps #9 and #10 to finish your case.

14. If Mediation does not resolve your contested issues, then fill out and file a **Note for Trial Assignment** (a local court form). Write in a Monday date on the line that states “Trial Assignment Date (any Monday no personal appearance required)”. The Monday date picked for the Trial Assignment must be at least 9 court days away from the day the **Note for Trial Assignment** is mailed to the other parties. ***A copy of the Note for Trial Assignment must be sent to all parties.*** The party who fills out the **Note for Trial Assignment** must sign and date the certification of mailing at the bottom of the page. Neither party is required to appear on the date of the trial assignment. On the date of the trial assignment, the Court Administrator picks a trial date for you. If there are dates that you know you will not be available for a Trial, then fill out, file and serve a “**Notice of Conflict Dates**” (a local court form). The Court Administrator will consider your conflicts when setting the Trial Date.
15. Once the Court Administrator picks a trial date, all parties will receive a letter stating the date and time of the trial. ***You must confirm your trial with the Court Administrator by no later than 12 noon two court days prior to the Trial or it will be stricken.*** Call (360) 416-1200 to confirm your trial.
16. To prepare for your trial you must follow the **Local Court Rules** for Skagit County Superior Court related to trials. Find the rules online at www.skagitcounty.net (follow links to Superior Court). You may also want to do some legal research at the Skagit County Law Library, which is open to the public and located in the Mount Vernon Courthouse or visit www.washingtonlawhelp.org.
17. ***Local Court Rules require that the Court Facilitator review your final orders prior to your trial.*** Make an appointment with the Facilitator and bring all the documents listed below with you to the appointment:

- **Minor Guardianship Findings and Order (GDN M 105)**
- **JIS- Local Court Form**

If you asked for a Residential Schedule then you will also need:

- **Residential Schedule (GDN M 104).**

If you asked for child support then you will also need:

- **Child Support Worksheets (WSCSS Worksheets); and**
- **Child Support Order (FL All Family 130)**

18. At your trial, you can present documentary evidence and provide witnesses that support your position. After both sides have presented all their evidence, then the Judge will make a decision on your case. You may be requested to prepare final orders in compliance with the Judge’s decision. ***This outline does not cover trial preparation. You may want to seek legal advice from an attorney***

19. ***Once you are Granted Minor Guardianship you must file with the clerk an Acceptance of Appointment (GDN ALL 003). Then the clerk will generate the Letters of Guardianship.***

Helpful Phone Numbers and Websites

Skagit County Superior Court Clerk’s Office (360) 416-1800

Skagit County Superior Court Administration (360) 416-1200
Skagit County Law Library (360) 416-1290
Volunteer Lawyer Program of Skagit County (360) 416-7585
CLEAR line for a referral to the VLP (888) 201-1014
State Prosecuting Attorney – Family Support Division (360) 416-1161

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.skagitcounty.net county website (follow links to Superior Court).
www.dshs.wa.gov/dcs Washington Division of Child Support (forms and information).
<https://fortress.wa.gov/dshs/dcs/SSGen/Home> DCS Support Calculator (use to create a child support worksheet).

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. Your specific situation may require additional forms and procedures which may not be listed on this outline. The Family Law Facilitator and the Clerks Office cannot give legal advice. Only an attorney can give legal advice.