

PCLSPR 98.25 – MINOR GUARDIANSHIPS (UGA Article 2)

(a) Applies to Petitions filed pursuant to UGA Article 2, RCW 11.130-185 - .260. For all other guardianship/conservatorship or other protective arrangement for a minor, refer to PCLSPR 98.20.

(b) Petition for Minor Guardianship, Emergency Minor Guardianship or Standby Minor Guardianship

(1) How Initiated. An action under this section is commenced by the filing of a Summons, Petition, Supplemental Declaration and Petitioner's Motion for Waiver of Service of Supplemental Declaration on Minor, if any, and Order Directing DCFS/CPS to Release Information, and information regarding the parents, including proof of parentage or death certificates, in an existing or new guardianship case (type 4) filing, and may not be commenced under an existing dissolution, paternity, or other case. Use of the State Pattern form is recommended.

(2) Case Schedule. The Clerk's office shall issue an Order Assigning Case to Family Court and set a date on the assigned Family Court calendar for a Mandatory Court Review Hearing four months out.

(3) Requirements. The petitioner(s) shall obtain a Washington State Patrol and Child Protective Services (CPS) background checks on themselves and all adult household members. The petitioners and proposed Guardian, if different than Petitioner shall attend the mandatory lay Guardian training. A settlement conference, or other dispute resolution process, is not required prior to trial, unless ordered by the Court; see PCLR 16(c).

(4) Case Assignment. All Minor Guardianships shall be assigned to Family Court.

(5) Finalization. Minor Guardianship to be finalized, by agreement or by default, shall be calendared on the Commissioners' Motion/Show Cause docket or on the motion calendar of the assigned Family Court Department. Such matters shall not be heard in the Ex Parte Division.

(c) Petition for Termination or Change to a Minor Guardianship or Non Parental Custody Decree

(1) How Initiated. An action for a Petition to Terminate or Change a Minor Guardianship or Non Parent Custody is commenced by the filing of a Summons, Petition to Terminate or Change, Declaration Explaining Reasons, Notice of Hearing, under an existing or new guardianship case (type 4) filing, and may not be commenced under an existing dissolution, paternity, non-parent custody or other case. Use of the State Pattern forms is recommended.

(2) Case Schedule. The Clerk's office shall issue an Order Assigning Case to Family Court and set a date on the assigned Family Court for a Mandatory Court Review Hearing four months out.

(3) Case Assignment. All Petitions to Change or Terminate a Minor Guardianship/Non Parent Custody shall be assigned to Family Court.

(d) Presentation of Order Appointing Court Visitor.

(1) When Minor is 12 or older. If the petition involves a minor twelve years of age or older and when the minor is unrepresented, the initial Order appointing a Court Visitor shall be presented to the Court Commissioner in the Ex Parte Division after review of the filing of a Petition for Minor Guardianship. The Family Court Services shall maintain the 11.130.195 Registry for Minor Guardianship Court Visitor, and Commissioner Court Case Coordinator shall select the next Court Visitor on the list for insertion into the Order Appointing Court Visitor.

(2) Other Statutory reasons. If a court visitor is needed based on other statutory reasons, parties may note a motion for an Order Appointing Court Visitor on the Minor Guardianship docket.

(3) Approved Court Visitors. The Court Visitors for a Minor Guardianship Petition shall be made from those Court Visitors who are on the court registry. Court Visitors are paid at public expense.

(e) Notice and Hearing. The hearing to appoint Guardian shall be set not sooner than 14 days from date of filing. Any motion to waive service of Supplemental Declaration on Minor may be filed and heard concurrent with filing of Petition and will be heard by the Court Commissioner in the Ex Parte Hearing Division. All other hearings shall be scheduled with a Note for Commissioner's Calendar. Attorneys shall electronically file a Note for Commissioners Calendar by using the electronic filing and scheduling process provided by LINX via the public website (<https://linxonline.co.pierce.wa.us/linxweb/Main.cfm>) or from a public kiosk in the Clerk's Office.

The Note shall be filed at least seven (7) court days prior to the scheduled hearing date. The Court Commissioner may set special hearings at other times if complex or unusual issues are present. Self-represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar. Any party opposing a motion shall file and serve responsive papers in opposition to a motion not later than 12:00 noon three (3) court days before the date the motion is scheduled for hearing. Any papers in strict reply shall be served no later than 12:00 noon two (2) court days before the date the motion is scheduled for hearing.

(f) Civil Hearing Information Form/Proposed Orders (Form U). For matters docketed on the minor guardianship calendar in Civil Division A, a Civil Hearing Information Form (Form U) shall be filed and served listing all motions, petitions, and supporting documents, including affidavits, declarations, certified statements, court visitor reports, and responsive and reply documents the attorneys or self-represented parties want the court to review for the hearing.

Both the moving party and the responding party shall file their Civil Hearing Information Forms (Form U) by using the Clerk's electronic filing process as defined in PCLGR 30(b)(5)(C) no later than 12:00 noon two (2) court days prior to the scheduled hearing. Working copies shall no longer be delivered or furnished for any Commissioner's docket. Proposed orders shall be provided when submitting the Civil Hearing Information Form (Form U). For all other matters, proposed orders shall be presented to the court at the time of the hearing.

(g) Review Hearings. No Review Hearings are required once the Order Appointing Minor Guardian is entered, unless specifically required by the Court.

(h) Letters of Office. The Clerk's Office shall issue Letters of Office to the appointed guardian. The Letters shall expire on the 18th Birthday of the minor, or until an order Terminating or Modifying the Minor Guardianship is entered after a subsequent petition has been filed. A minor guardian has no authority to act on behalf of the individual subject to minor guardianship without valid Letters of Office.

(i) Relocation of Children

1) How Initiated. An action for Relocation of Children is commenced by the filing of an Objection about Moving with Child under an existing minor guardianship (type 4) filing. Prior to the trial, any hearing regarding the Objection about Moving with Child or temporary relocation shall be heard on the Commissioners' Show Cause/Motion docket.

2) Case Schedule. The Clerk's office shall issue an Order Assigning Case to Family Court and set a date on the assigned Family Court's next available motion calendar (not less than six days from filing) for an assignment for trial date.

3) Case Assignment. All Objections to Relocation shall be assigned to Family Court.

(j) Mandatory Forms. In the event a statewide mandatory minor guardianship form exists, these forms shall be utilized. Use of State Pattern Forms is recommended.

Waiver of Requirement to E-file. See PCLGR 30(b)(5)(C).

[Effective September 1, 2022]