

Superior Court of Washington, County of _____

In the Guardianship of:

No. _____

**Motion for Emergency Minor
Guardianship and [] Restraining
Order**

Respondent/s (*minors/children*)

(MT)

Motion for Emergency Minor Guardianship and [] Restraining Order

To the person filing this motion:

You must file a *Minor Guardianship Petition* (GDN M 102) before or at the same time as this motion. You must also schedule a hearing on this motion (separate from the hearing on the petition). You may use the *Notice of Hearing* (form FL All Family 185) unless your county's Local Court Rules require a different form. Contact the court for scheduling information.

Bring a proposed *Emergency Minor Guardianship Order* (form GDN M 203) and any other needed orders to the hearing.

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 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 *Order Appointing an Emergency Minor Guardian* for these children:

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

The proposed guardian is (*name/s*): _____

2. 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)

3. Tribal Heritage.

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 *(check all that apply)*:

4. Custody.

- No request.
- Order that the children listed in section 1 will live with the proposed guardian. Order the clerk to issue Letters of Guardianship to the proposed guardian. 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)*: _____

5. 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.

6. 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.

7. Parents' visitation.

No request.

Approve my proposed visitation schedule as listed in the *Minor Guardianship Petition*.

8. 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 their tax forms.

Other: _____

9. 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.

10. Other temporary orders.

No request.

Specify: _____

Reasons for my requests.

11. Why are you asking the court for the orders you checked above? (Explain):

- If you need more space, you may add lines, attach pages, or file a separate declaration using form FL All Family 135.
- If you are asking for child support, also fill out the *Child Support Worksheets*. If you have received public assistance for any child in this case, also fill out the *Public Assistance Declaration*, form FL All Family 132. Child support is based upon the income of both parents, not the income of the guardian.

