

Superior Court of Washington, County of _____

In the Guardianship of:

Respondent/s (*minors/children*)

No. _____

**Emergency Minor Guardianship
Petition (short-term)**

(PTAPEMG)

[] Clerk's action required: **6**

[] No Fee: **23**

Emergency Minor Guardianship Petition (short-term)

Do not use this form if you are filing a Petition for Minor Guardianship (GDN M 102).

Use this form to appoint an emergency guardian if you only need guardianship for **60 days or less**. If you need the guardianship to last longer than 60 days, you should file a Minor Guardianship Petition instead (form GDN M 102).

A child or an interested party may file the petition. Use this form together with:

- *Notice of Hearing for Emergency Minor Guardianship Petition* (form GDN M 201)
- *Criminal History Cover Sheet* (form GDN M 407)
- *Motion and Order to DCYF to Release CPS Information* (form GDN M 404 and form GDN M 405)

If needed:

- *Motion for Immediate Order (Ex Parte) – Emergency Minor Guardianship and Restraining Order* (form GDN M 204)
- *Immediate Order (Ex Parte) and Hearing Notice – Emergency Minor Guardianship and Restraining Order* (form GDN M 205)

1. Emergency Guardianship Request.

I ask the court to appoint an emergency guardian for the children (*under age 18*) listed in section **2** who have the same legal parents.

2. Children.

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

Important! Do not list more than one child unless they have all the same parents. If they have different parents, fill out a separate Petition for each child.

County – I am filing in this county because (*check all that apply*):

- the children live here or are present in this county now.
- there is another case involving custody or parental rights already in progress in this county.

Lawyer for children – The children (*check one*):

- do **not** have a lawyer.
- are represented by (*lawyer's name*): _____
Lawyer's address: _____

3. Petitioner/s.

My name is: _____

- I am the child seeking a guardian.
- I am interested in the welfare of the children. My relationship to the children in this case: _____

My home address (principal residence): _____

My street address (if different): _____

Co-Petitioner (*If there is another Petitioner in this case*)

My name is: _____ . I am interested in the welfare of the children.

My relationship to the children in this case: _____

My home address (principal residence): _____

My street address (if different): _____

4. Who should be emergency guardian?

I ask the court to appoint me (and any Co-Petitioner) emergency guardian(s) of the children.

I ask the court to appoint (*name/s*): _____
emergency guardian of the children.

Proposed guardian's address: _____

5. Lay Guardian Training.

*Complete lay guardian training at
<https://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.title11minor>*

The proposed emergency guardian:

- has completed the lay guardian training.
- will complete the lay guardian training before the final order is entered.
- asks the court **not** to require lay guardian training. The proposed emergency guardian is not seeking a regular minor guardianship that will last longer than the emergency.

6. 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)

➤ **People.**

7. Parents.

- All parental rights have been terminated.
- The children's legal parents are listed below:

Parent 1 (Name): _____

- Parent 1 is deceased.

Parent 1 has a lawyer.

Lawyer's name: _____

Lawyer's address: _____

Parent 2 (Name): _____

Parent 2 is deceased.

Parent 2 has a lawyer.

Lawyer's name: _____

Lawyer's address: _____

8. Who must be served?

I will have a copy of this *Petition* and the *Notice of Hearing for Emergency Minor Guardianship Petition* served on the parents and anyone who fits one of the categories below. (Check all that apply)

Someone other than a parent has custody or care of the children.
(Name): _____

One or more of the children is age 12 or older.
(Name/s): _____

Any court-appointed lawyer for a parent or the children.

No one fits the categories above.

9. Addresses Attached to Notice of Hearing.

I have included addresses for the people in sections 7 and 8, if known, on the *Notice of Hearing for Emergency Minor Guardianship Petition and Notice Attachment: List of People to be Served or Given Notice*. The *Notice* and *Attachment* are made part of this petition (incorporated by reference).

➤ **Jurisdiction.**

10. Personal Jurisdiction Over Parents.

Fill out below to say if a Washington State court has personal jurisdiction (authority to make decisions) over each parent.

Basis for Personal Jurisdiction (check all that apply)	Parent 1 Name: _____	Parent 2 Name: _____
Will be served in Washington	<input type="checkbox"/>	<input type="checkbox"/>
Lives in Washington now	<input type="checkbox"/>	<input type="checkbox"/>
Lived in Washington with child	<input type="checkbox"/>	<input type="checkbox"/>
Lived in Washington and paid pregnancy costs or support for child	<input type="checkbox"/>	<input type="checkbox"/>
Caused child to live in Washington	<input type="checkbox"/>	<input type="checkbox"/>

Basis for Personal Jurisdiction <i>(check all that apply)</i>	Parent 1 Name: _____	Parent 2 Name: _____
Had sex in Washington that may have produced the child	[]	[]
Agrees to Washington deciding	[]	[]
None of the above	[]	[]

11. Children's Home/s.

During the past 5 years, have any of the children lived:

- on an Indian reservation,
- outside Washington state,
- in a foreign country, or
- with anyone other than a parent?

[] No. *(Skip to 12.)*

[] Yes. *(Fill out below to show where each child has lived during the last 5 years.)*

Dates	Children	Lived with	In which state, Indian reservation, or foreign country
From: To:	[] All children [] <i>(Name/s):</i>	[] Petitioner/s [] Parent/s <i>(name/s):</i> [] Other <i>(name):</i>	
From: To:	[] All children [] <i>(Name/s):</i>	[] Petitioner/s [] Parent/s <i>(name/s):</i> [] Other <i>(name):</i>	
From: To:	[] All children [] <i>(Name/s):</i>	[] Petitioner/s [] Parent/s <i>(name/s):</i> [] Other <i>(name):</i>	

12. Other people with a legal right to spend time with a child.

Do you know of anyone besides you and the parents who has, or claims to have, a legal right to spend time with any of these children?

(Check one): [] No. *(Skip to 13.)* [] Yes. *(Fill out below.)*

Name of person	Children this person may have the right to spend time with
	[] All children [] <i>(Name/s):</i>
	[] All children [] <i>(Name/s):</i>

13. Other court cases involving a child.

Do you know of any court cases involving any of these children?

(Check one): No. (Skip to **14**.) Yes. (Fill out below.)

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)	County and State	Case number and year	Children
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

14. Tribal Heritage.

If there is a reason to know that a child has **tribal heritage** (including ancestry or familial political affiliation), the court must treat the child as an Indian child unless and until the affected tribe/s decide otherwise or decline to respond after receiving proper notice.

An **Indian child** is a child who is a member of an Indian tribe, or who is the biological child of an Indian tribe member and eligible for membership. You must try to find out if any child in this case is an Indian child. If so, the federal and state Indian Child Welfare Acts will apply to your case.

Could any of the children be Indian children? (Check all that apply):

No.

None of the children are Indian children.

These children are not Indian children (name/s): _____

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): _____

- Yes or Maybe.** These children are or may be Indian children. They have or may have heritage from the tribe/s listed below:

Children	Tribe
<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	
<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	

I will provide the *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of this *Petition* to the tribe/s named above and other necessary people or agencies.

- I do not know** if any of the children are Indian children or have tribal heritage. I have done the following things to try to find out:

15. Jurisdiction Over Indian Children.

- Does not apply. None of the children are Indian children.
- A state court can decide this case for the Indian children because:
- (Children’s names): _____ are **not** domiciled or living on an Indian reservation, and are not wards of a tribal court. (25 USC §1911)
 - (Children’s names): _____ **are** 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)

16. Jurisdiction Over the Children (RCW 26.27.201 – .221, .231, .261, .271).

This Court can decide this case for the children because (check all that apply; if a box applies to all of the children, you may write “the children” instead of listing names):

- Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for (children’s names): _____
- Home state jurisdiction** – Washington is the children’s home state because (check all that apply):
 - (Children’s names): _____ lived in Washington with a parent, or someone acting as a parent, for at least the 6 months just before this case was filed or, if the children are less than 6 months old, they have lived in Washington with a parent, or someone acting as a parent, since birth.

There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they are less than 6 months old), but those were temporary absences.

(*Children's names*): _____ do not live in Washington right now, but Washington was the children's home state sometime in the 6 months just before this case was filed, and a parent, or someone acting as a parent of the children, still lives in Washington.

(*Children's names*): _____ do not have another home state.

No home state or home state declined – No court of any other state (or tribe) has the jurisdiction to make decisions for (*children's names*): _____ or a court in the children's home state (or tribe) decided it is better to have this case in Washington **and**:

- The children and a parent, or someone acting as a parent, have ties to Washington beyond just living here; **and**
- There is a lot of information (substantial evidence) about the children's care, protection, education, and relationships in this state.

Other state declined – The courts in other states (or tribes) that might be (*children's names*): _____'s home state have refused to take this case because it is better to have this case in Washington.

Temporary emergency jurisdiction – The court can make decisions for (*children's names*): _____ because the children are in this state now **and** were abandoned here **or** need emergency protection because the children (or the children's parent or siblings) were abused or threatened with abuse. (*Check one*):

A custody case involving the children was filed in the children's home state (*name of state or tribe*): _____. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the children's home state (or tribe).

There is **no** valid custody order or open custody case in the children's home state (*name of state or tribe*): _____. If no case is filed in the children's home state (or tribe) by the time the children have been in Washington for 6 months, (*date*): _____, Washington should have final jurisdiction over the children.

Other reason (*specify*): _____

➤ **Additional Requests.**

17. Parents' Visitation.

I ask the court to order the following contact or visitation between the parents and children:

I ask for this because (*explain why*) _____

18. Decision-making Authority.

I ask the court to make the following orders about who has the right to make decisions for the children:

Type of Major Decision	Guardian Decides	Parent/s Decide <i>(write one parent's name or "both")</i>
School / educational	[]	[]
Healthcare (not emergency)	[]	[]
Authority to apply for passport and travel internationally	[]	[]
Driver's license or State I.D.	[]	[]
Other:	[]	[]
Other:	[]	[]

19. Access to Records.

I ask the court to make the following orders about who has the right to access these types of records for the children:

Type of Record	Guardian Can Access	Parent/s Can Access <i>(write one parent's name or "both")</i>
School / educational	[]	[]
Healthcare	[]	[]
Other:	[]	[]
Other:	[]	[]

[] Other: _____

20. Child Support.

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*):

- [] 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.
- [] no request.

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*): _____

21. Protection Order.

Do you want the court to issue an *Order for Protection*?

No. I do not want an *Order for Protection*.

Yes. (You must file a *Petition for Protection Order form PO 001*. You must file your *Petition for Protection Order as a separate case*. Ask the court clerk to relate (link) the protection order case together with this emergency guardianship case.)

Important! If you need protection now, ask the court clerk about getting a Temporary Protection Order.

There already is a Protection Order between (name): _____
_____ and me.

Court that issued the order: _____

Case number: _____

Expiration date: _____

22. Temporary Restraining Order.

Do you want the court to issue a *Temporary Restraining Order*?

No. (Skip to 23.)

Yes. Check the type of orders you want:

Do not disturb – Order (name/s) _____
not to disturb my peace or the peace of any child listed in 2.

Stay away – Order (name/s) _____
not to go onto the grounds of or enter my home, workplace, or school, and the daycare or school of any child listed in 2.

Also, to not knowingly go or stay within _____ feet of my home, workplace, or school, or the daycare or school of any child listed in 2.

Important! Violation of a Temporary Restraining Order in a guardianship case is not a crime and may not be enforced by law enforcement. It can be enforced through the civil contempt process in court.

23. Fees and Costs.

Filing Fee – In some situations the court will not charge a fee for filing this case.

- *Relatives will not be charged a filing fee.*
- *Non-relatives who have low income can ask the court to waive the fee. (Use forms GR 34.0100, 34.0300, and 34.0500).*

No request.

No fee shall be charged because the proposed guardian is a relative of the children, **not** a professional guardian.

Order who should pay for court costs, Guardian ad Litem fees, Court Visitor fees, lawyer fees, and other reasonable fees.

24. Other Requests, if any.

Petitioner fills out below:

I declare, under penalty of perjury under the laws of the State of Washington, that the facts I have provided on this form (including any attachments) are true. [] I have attached (#): _____ pages.

Signed at (*city and state*): _____ Date: _____

▶ _____
Petitioner signs here *Print name*

My contact information is:

Email: _____ *Phone (Optional)*: _____

Co-Petitioner (if any) fills out below:

I declare, under penalty of perjury under the laws of the State of Washington, that the facts I have provided on this form are true.

Signed at (*city and state*): _____ Date: _____

▶ _____
Other Petitioner signs here *Print name*

My contact information is:

Email: _____ *Phone (Optional)*: _____

Petitioner's lawyer (if any) fills out below:

▶ _____
Petitioner's lawyer signs here *Print name and WSBA No.* *Date*