

Superior Court of Washington, County of _____

In the Guardianship of:

Respondent/s (*minors/children*)

No. _____

Emergency Minor Guardianship Petition
(PTAPEMG)

[] Clerk's action required: **5, 23**

Emergency Minor Guardianship Petition

Use this form to appoint an emergency guardian by agreement, or if no one is willing and has authority to act in the circumstances. 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)*

Emergency guardianships normally only last 60 days. If you need the guardianship to last longer than 60 days, you should also file a Minor Guardianship Petition (form GDN M 102).

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! *Don't 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 here.

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 of the children.

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

Proposed guardian's address: _____

5. Other guardianship cases

None

A *Minor Guardianship Petition* or *Standby Guardianship Petition* has already been filed in this county in case number: _____. I ask for the emergency guardianship order to last until final orders are entered in that case.

Clerk's action required. Relate (link) the minor guardianship case with this case.

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 and willingness to act in the current circumstances.

Explain the risk of harm: _____

(Attach additional pages if necessary)

Explain why no one else has the authority 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 section 6 and 7, 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"/>
Had sex in Washington that may have produced the child	<input type="checkbox"/>	<input type="checkbox"/>
Agrees to Washington deciding	<input type="checkbox"/>	<input type="checkbox"/>
None of the above	<input type="checkbox"/>	<input type="checkbox"/>

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 11.)*

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:	<input type="checkbox"/> All children <input type="checkbox"/> <i>(Name/s):</i>	<input type="checkbox"/> Petitioner/s <input type="checkbox"/> Parent/s <i>(name/s):</i> <input type="checkbox"/> Other <i>(name):</i>	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> <i>(Name/s):</i>	<input type="checkbox"/> Petitioner/s <input type="checkbox"/> Parent/s <i>(name/s):</i> <input type="checkbox"/> Other <i>(name):</i>	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> <i>(Name/s):</i>	<input type="checkbox"/> Petitioner/s <input type="checkbox"/> Parent/s <i>(name/s):</i> <input type="checkbox"/> Other <i>(name):</i>	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> <i>(Name/s):</i>	<input type="checkbox"/> Petitioner/s <input type="checkbox"/> Parent/s <i>(name/s):</i> <input type="checkbox"/> Other <i>(name):</i>	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> <i>(Name/s):</i>	<input type="checkbox"/> Petitioner/s <input type="checkbox"/> Parent/s <i>(name/s):</i> <input type="checkbox"/> 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 12.)* Yes. *(Fill out below.)*

Name of person	Children this person may have the right to spend time with
	<input type="checkbox"/> All children <input type="checkbox"/> <i>(Name/s):</i>
	<input type="checkbox"/> All children <input type="checkbox"/> <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 **13**.) 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. Are any of the children Indian children?

(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.)

Check all that apply:

No.

None of the children are Indian children.

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

I know this because: _____

Yes. These children are Indian children:

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.

Maybe. These children may be eligible for membership in these tribes:

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) to find out whether any of the children are eligible for membership.

- I do not know** if any of the children are Indian children. 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 six months just before this case was filed, or if the children are less than six 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 six months just before this case was filed (or since birth if they are less than six 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 six 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, brother, or sister) 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 six 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	[]	[]
Health care (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	[]	[]
Health care	[]	[]
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 day care, 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 our 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 Order for Protection*, form DV-1.015 for domestic violence, or form UHST-02.0200 for harassment. You must file your *Petition for Order for Protection* 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 Order for Protection.

- There already is an *Order for Protection* 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 22.)
- 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 1.
- 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 1.
- Also, not knowingly to go or stay within _____ feet of my home, workplace, or school, or the daycare or school of any child listed in 1.

*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

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

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



Petitioner's lawyer signs here

Print name and WSBA No.

Date