

Superior Court of Washington, County of _____

In the Guardianship or custody of:

No. _____

Respondent/s (*minors/children*)

**Petition to Terminate or Change Minor
Guardianship or Non-Parent Custody
Order
(PTMD)**

Use this form together with a Notice of Hearing about a Petition to Terminate or Change a Minor Guardianship or Non-Parent Custody Order. If you have a Non-Parent Custody Order, please check your court's local rules about whether this is the appropriate form to use or if you need to file a Petition for Minor Guardianship.

**Petition to Terminate or Change
Minor Guardianship or Non-Parent Custody Order**

1. Who is asking to terminate or change the guardianship or custody order?

Name: _____. I am a:

☐ parent of the children.

☐ child age 12 or older.

☐ guardian.

☐ non-parent custodian.

☐ person interested in the welfare of the children (*describe relationship*): _____

2. Notice to Others

I will serve this *Petition* and a *Notice of Hearing about a Petition to Terminate or Change a Minor Guardianship or Non-Parent Custody Order* on anyone else who is a:

- parent,
- child age 12 or older,
- guardian or non-parent custodian, or
- interested party listed in the *Minor Guardianship Order* (if any)

All parties' information is listed in the *Notice Attachment to Notice of Hearing*.

3. Who are the children involved in this case?

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

4. Describe the guardianship or non-parent custody order in place now:

The current order that gives guardianship or custody of the children to a non-parent is a
(title of order): _____

in case number _____

signed by a court on _____ in _____
date county and state

Important! Attach a copy of the order that you want to terminate or change. If the order was issued in a different county or state, it first must be transferred to this county. Attach a certified copy of the order transferring the case and order you want to change.

5. Request

I ask the court to (check all that apply):

- ☐ **Terminate** (end) a guardianship or non-parent custody order because the reason the guardian or custodian was appointed is no longer true.

Also terminate all child support orders requiring anyone to pay support to the guardian or non-parent custodian for these children.

- ☐ **Transition** – Order the following arrangements to help the children transition custody:

- ☐ Allow me to **resign** as guardian.

- ☐ **Replace the Guardian with the Successor Guardian.** The *Minor Guardianship Order* provided for (name) _____ to be appointed as successor guardian if something specific happened (list the designated event): _____

The designated event has now happened. I ask the court to appoint the successor guardian immediately.

- ☐ **Replace the guardian** with (name): _____

The *Minor Guardianship Order* did not name a successor guardian. I ask the court to appoint a successor guardian now pursuant to its authority under RCW 11.130.055.

- ☐ **Change** the terms of the guardianship or non-parent custody order as follows.
(Specify change you want the court to make. Examples: changes to visitation, decision-making, access to records):

Important! If you want to change child support without terminating the guardianship, use the child support modification forms (FL Modify 500 – 522)

6. Reasons for Request

These facts support my request. *(Describe how the situation has changed and why the court should approve your request. Be specific. Add lines or attachments as needed.)*

7. Guardian ad Litem

☐ Does not apply.

☐ I ask the court to appoint a Guardian ad Litem to represent the interests of the children.

8. Children's Home/s (UCCJEA Information)

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 who is not a party to this case?

☐ No. *(Skip to 9.)*

☐ 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"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	

Dates	Children	Lived with	In which state, Indian reservation, or foreign country
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	

9. Other People with a Legal Right to Spend Time with a Child

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

☐ No.

☐ Yes. (Name/s) _____ has or claims to have a legal right to spend time with the children because: _____

10. Other Court Cases Involving a Child

Do you know of any other court cases involving any of the children?

(Check one): ☐ Yes. (Fill out below.) ☐ No. (Skip to 11.)

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):

11. 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 is 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"/> (<i>name/s</i>):	
<input type="checkbox"/> All children	
<input type="checkbox"/> (<i>name/s</i>):	

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"/> (<i>name/s</i>):	
<input type="checkbox"/> All children	
<input type="checkbox"/> (<i>name/s</i>):	

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:

12. 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 U.S.C. § 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)

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

The court can change a guardianship or non-parent custody order 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)*:

☐ **Washington order/exclusive, continuing jurisdiction** – The order I want to change was made by a Washington court, and the court still has authority to make orders for *(children's names)*: _____

☐ **Other state's order** – The order I want to change was not made by a Washington state court **AND** *(check one)*:

☐ A court in the state (or tribe) that made the order has made another order saying that it no longer has jurisdiction **or** that it is better to have this case decided in Washington;

☐ No child, parent, or person acting as a parent lives in the state (or tribal reservation) that made the order anymore;

AND *(check one)*:

☐ **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 (significant connection); **and**
- There is a lot of information (substantial evidence) about the children's care, protection, education, and relationships in this state.

☐ **Temporary emergency jurisdiction** – The order I want to change was **not** made by a Washington state court. A Washington 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. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the state (or tribe) that made the original order.

☐ Other reason (specify):

14. Other Requests (if any):

Person filing this Petition 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:



Person filing Petition signs here

Print name

Lawyer (if any) for person filing this Petition fills out below:



Lawyer signs here

Print name and WSBA No.

Date

☐ **A parent, child over 12, guardian, or non-parent custodian fills out below if they agree to join this Petition:**

(If more than one other person agrees to join the Petition, each person should copy and fill out the section below.)

