

Superior Court of Washington, County of _____

In the Guardianship or custody of:

Respondent/s (*minors/children*)

No. _____

Order and Findings on Petition to Terminate or
Change Minor Guardianship or Non-Parent
Custody Order

Denied (ORDYMT)

Granted (ORMDD)

Clerk's action required: **10**

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

1. This Order is based on:

The *Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order* and
(*check all that apply*):

the parties' agreement.

the court hearing or trial on (*date*): _____.

The following people were at the hearing or trial (*list parties, lawyers, and any Guardians ad Litem
or Court Visitors*):

The court considered the (*check all that apply*): written report of the Guardian Ad Litem
or Court Visitor, testimony of witnesses, remarks of lawyers or parties,
 documents filed in this case, and other: _____.

➤ **Findings & Conclusions**

2. Notice

Notice has **not** been given to the following person/s who are entitled to notice:

All notices required by law have been given and proof of service has been filed.

3. Children

This order applies to the following children:

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

4. Indian Children

(An Indian child is a child who is a member of a federally recognized Indian tribe, or who is the biological child of an Indian tribe member and is eligible for membership.)

None of the children are Indian children. The state and federal *Indian Child Welfare Acts* do not apply to this case. The court makes this conclusion because *(check all that apply)*:

the Petitioner made a good faith effort to find out if any child in this case is an Indian child. (RCW 13.38.050.) The court has received no information showing that any child is or may be an Indian child.

the Petitioner notified the tribal agent of every tribe the children may have been eligible for membership in. *List tribes notified:* _____

_____ Each tribe responded that the children were not tribal members and are not eligible for membership.

other *(specify)*: _____

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>	

The federal and state Indian Child Welfare Acts apply to this case.

The children are being returned to a parent.

Notice to tribes – The Petitioner provided did **not** provide the required *Indian Child Welfare Act Notice* and a copy of the *Petition* to the agent for the tribe/s named above, the parents, and any Indian custodian.

Evidence – The evidentiary requirements of the Acts have have **not** been met as described below. (RCW 13.38.130)

- *Active efforts* – The following active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family:
(*Active efforts means “a documented, concerted, and good faith effort to facilitate the parent’s or Indian custodian’s receipt of and engagement in” those services and programs. RCW 13.38.040.*)

- *Serious emotional or physical damage* – The court considered testimony from a qualified expert witness as defined in RCW 13.38.130. The court finds by clear and convincing evidence that the children (*check one*):
 would would **not** likely suffer serious emotional or physical damage if they lived with either parent or an Indian custodian. The Court makes this conclusion because:

5. Jurisdiction over Indian children

- Does not apply. None of the children are Indian children.
- This court **cannot** decide this case for these Indian children (*names*): _____ because this court does not have jurisdiction over them. The *Petition* should be dismissed as to these children.
- This court **can** decide this case for the Indian children because (*check one*):
 - (*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, or are wards of a tribal court, however (*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)
- Other (*specify*): _____

7. Request to terminate

- Does not apply. No one requested termination.
- Denied** – The court should deny the request to terminate the *Minor Guardianship or Non-Parent Custody Order* because *(check one)*:
 - the reason the order was approved is still true.
 - the reason the order was approved is no longer true, but:
 - Termination would be harmful to the children; AND
 - The children's interest in continuing the guardianship outweighs any parent's interest in restoring their right to make decisions for the children.
- Approved** – The court should approve the request to terminate the *Minor Guardianship or Non-Parent Custody Order* because the reason the order was approved is no longer true.

The denial or approval is based on the following facts:

8. Request to resign, replace, or change

- Does not apply. The order is being terminated.
- Denied** – The court denies the request to resign, replace, or change because *(explain)*:

- Approved** – The court approves a request to resign, replace, or change because *(explain)*:

9. Other Findings (if any)

➤ **Court Orders**

10. Decision

- Denied** – The court denies the *Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order*.

- Terminated** – The court approves the request to terminate. The *Minor Guardianship Order, Non-Parent Custody Order, Nonparental Custody Decree*, and any residential schedule issued by the court are terminated.

Any court or administrative order for a parent to pay child support to a non-parent is terminated today or on *(date)*: _____.

To the Clerk: Forward this order to WSSR.

Return Children

- Does not apply because the children are already with a parent.
- The children must be returned to *(name/s)*: _____
by *(date)*: _____ at *(time)*: _____
as follows: _____

- The court orders these arrangements to help the children transition custody *(specify)*: _____

Restraining Order

Any *Restraining Order* previously issued in the non-parent custody case is terminated.

- To the Clerk:** Provide a copy of this Order to the agency listed above within 1 court day. The law enforcement agency must remove the *Restraining Order* from the State's database.
- Name of law enforcement agency where the Protected Person lived when the *Restraining Order* was issued: _____
- Other *(specify)*: _____

- Changed** – The court approves the request to change the *Minor Guardianship or Non-Parent Custody Order*.

The change is *(check one)*:

- described in a new *Minor Guardianship Order* or other separate order approved by the court:

(Title of order): _____

(Date approved): _____

The new order will *(check one)*:

- keep the same guardian
- appoint a new guardian *(name)*: _____

- as follows *(specify minor changes here that do not require new letters of guardianship)*: _____

11. Discharge

- Does not apply.
- The Guardian ad Litem (GAL) or Court Visitor is discharged from this case.
- The following lawyers who were appointed by the court are discharged (*name/s*):

12. Other Orders (if any)

Ordered.

Date  *Judge or Commissioner*

Presented by:

 _____ *Signature of Party/Lawyer* *Printed Name* *WSBA No.*

Copy received and approved by:

 _____ *Signature of Party/Lawyer* *Print Name* *WSBA No.*

 _____ *Signature of Party/Lawyer* *Print Name* *WSBA No.*

 _____ *Signature of GAL or Visitor* *Print Name*

 _____ *Signature of Guardian* *Print Name* *CPG No.*