

Superior Court of Washington, County of _____

In the Guardianship of:

Respondent/s (*minors/children*)

No. _____

Standby Minor Guardianship Findings and Order

- Granted - Full (ORAPMG)
- Granted - Limited (ORAPLGM)
- Denied (ORDYMT)

Clerk's action required: 1, 15, 24

Standby Minor Guardianship Findings and Order

1. Guardianship Summary

- Does not apply. The *Standby Minor Guardianship Petition* is denied.
- Summarize the guardianship order below.

This order appoints a standby guardian. A standby guardian cannot act as guardian until the conditions in section 15 are met and <i>Letters of Guardianship</i> are issued.			
Date standby guardian appointed:		Next review date, if any:	
Children			
Child's Name	Letters Expire	Child's Name	Letters Expire
1.		2.	
3.		4.	
Guardian/s			
Name			
Address			
Phone			
Email			

Type/ Training	<input type="checkbox"/> Non-professional (Lay guardian). Training (<i>section 20</i>): <input type="checkbox"/> completed <input type="checkbox"/> required <input type="checkbox"/> Certified professional guardian (CPG) <input type="checkbox"/> Public professional guardian (PUG)	
Limited/ Full	The guardianship is (<i>check one</i>): <input type="checkbox"/> limited <input type="checkbox"/> full (<i>If a parent has any visitation or decision-making authority, the guardianship is limited. See sections 16 and 18.</i>)	
	Parent 1	Parent 2
Name		
Address		
Phone		
Email		
<input type="checkbox"/> Add names of any interested parties who must be notified as described in <i>section 15</i> .		
	Interested Party	Interested Party
Name		
Address		
Phone		
Email		

2. Guardianship Hearing

A hearing was held on a *Standby Minor Guardianship Petition* for the children named above.

- The proposed standby guardian was present in court.
- The Court Visitor was present and provided a report to the court.
- The parent/s (*name/s*) _____ were present in court.
- The following children were present in court: _____

- The following other persons were also present in court: _____

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

Based on the above, the court makes the following:

➤ **Findings and Conclusions**

3. 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 a federally recognized Indian tribe, or who is the biological child of an Indian tribe member and 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 has tribal heritage. (RCW 13.38.050.) The court has received no information showing that any child has tribal heritage.

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 not eligible for membership.

based on the following evidence about tribal heritage: _____

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):	

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

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:

4. 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 U.S.C. § 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*): _____
-

5. Dependency Case

- There is no open dependency case for these children.
- There is an open dependency case for these children in _____ county under case number: _____. The court handling the dependency has signed an order allowing this court to proceed with this guardianship case.

6. Jurisdiction over the Children

- This court **cannot** decide this case for these 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 these 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 parenting plan, residential schedule or custody order 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 were less than 6 months old when the case was filed, they had 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 were 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 – Washington had temporary emergency jurisdiction over (*children's names*): _____ when the case was filed, and now has jurisdiction to make a final custody decision because:

- When the case was filed, the children were abandoned in this state, or the children were in this state and the children (or children's parent or siblings) were abused or threatened with abuse;
- The court signed a temporary order on (*date*) _____ saying that Washington's jurisdiction will become final 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;

- The children have now lived in Washington for 6 months; **and**
- No case concerning the children has been started in the children's home state (or tribe).

Other reason (*specify*): _____

7. Background Records Checked

The Court has (unless stated otherwise below):

- Checked the judicial information system for any information or proceedings relevant to placement of the children;
- Reviewed the records from the Department of Children, Youth, and Families provided in response to the court's *Order to DCYF to Release CPS Information*; and
- Reviewed the criminal history record from the Washington State Patrol for standby guardian and each adult living in standby guardian's home.

The court did not check background records because the Petition is denied.

Other findings (*specify*): _____

8. 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.

9. Basis for Standby Guardianship

The petition for standby guardianship should be:

Denied.

There is a parent willing and able to perform parenting functions for the next 2 years.

Other: _____

Approved. It is in the children's best interest to appoint a standby guardian and:

Need – The parents (*names*) _____ are likely **not** willing or able to provide for the support, care, education, health, safety, and welfare of a child under age 18 (exercise the parenting functions in RCW 26.09.004) within the next two years.

The denial or approval is based on the following facts:

10. Standby Guardian Nominated

Does not apply. The Petition should be denied.

(*Names*) _____
should be appointed as standby guardian of the children listed above. Appointment
of the standby guardian is in the best interest of the children. The standby guardian
was nominated by a parent/s (*name/s*) _____

Other findings: _____

11. Limits on Guardian's Authority

The Standby guardian has no authority until the conditions in section **15** are met and the *Letters of Guardianship* are issued. After the minor guardianship begins, there are the following limits on the guardian's authority:

Does not apply. The Petition should be denied.

No limits should be put on the guardian's authority over the children's upbringing or decision-making for the children.

The guardian should share decision-making authority and access to records with parents and/or children as ordered in section **16** and **17** below because _____

Other findings: _____

12. Limits on Parents

Does not apply.

Residential Schedule has been signed and the reasons for limits are included there.

The court should limit decision-making and visitation for the following reasons:

Mandatory limiting factors from RCW 26.09.191(2) – A parent has one or more of these problems as follows (*check all that apply*):

Abandonment – (*Parent's name*): _____ intentionally abandoned a child listed in **1** for an extended time.

Neglect – (*Parent's name*): _____ substantially refused to perform their parenting duties for a child listed in **1**.

Child abuse – (*Parent's name*): _____
(or someone living in that parent's home) abused or threatened to abuse a child. The abuse was (*check all that apply*): physical sexual
 repeated emotional abuse.

- Domestic violence** – *(Parent's name)*: _____ (or someone living in that parent's home) has a history of domestic violence as defined in RCW 7.105.010.
- Assault** – *(Parent's name)*: _____ (or someone living in that parent's home) has assaulted or sexually assaulted someone causing grievous physical harm, causing fear of such harm, or resulting in a pregnancy.
- Sex offense** –
- (Parent's name)*: _____ has been convicted of a sex offense as an adult.
- Someone living in *(parent's name)*: _____'s home has been convicted as an adult or adjudicated as a juvenile of a sex offense.
- Other limiting factors from RCW 26.09.191(3) – A parent has one or more of these problems as follows *(check all that apply)*:
- Neglect** – *(Parent's name)*: _____ neglected their parental duties towards a child listed in **1**.
- Emotional or physical problem** – *(Parent's name)*: _____ has a long-term emotional or physical problem that gets in the way of their ability to parent.
- Substance abuse** – *(Parent's name)*: _____ has a long-term problem with drugs, alcohol, or other substances that gets in the way of their ability to parent.
- Lack of emotional ties** – *(Parent's name)*: _____ has few or no emotional ties with a child listed in **1**.
- Abusive use of conflict** – *(Parent's name)*: _____ uses conflict in a way that endangers or damages the psychological development of a child listed in **1**.
- Withholding the child** – *(Parent's name)*: _____ has kept the other parent away from a child listed in **1** for a long time, without a good reason.
- Other (specify)**: _____
-

13. Support, Insurance, and Taxes

A standby guardian may seek orders about child support, insurance, and taxes after the guardianship begins.

➤ **The Court Orders:**

14. Guardianship

- Denied.** The standby guardianship petition is denied and the case is dismissed.
- Approved.** A standby guardianship is approved for the following children:
-

(Name/s) _____ is/are appointed as standby guardian of the children listed above. The children shall live with the guardian when the guardianship begins.

To the Clerk:

Issue letters: Once the guardian files an *Acceptance of Appointment*, the clerk of the court shall issue *Letters of Guardianship* for the children to the guardian. The letters shall be valid until the expiration date listed in the **Guardianship Summary** in section 1.

15. When can the minor guardianship begin?

Explain what event or circumstances will cause the standby guardian to begin acting as guardian.

The standby guardian may accept the appointment and act as guardian when: _____

To become guardian, the standby guardian **must** come to court, file an *Acceptance of Appointment*, get *Letters of Guardianship issued by the Clerk*, and give notice to all required parties at that time. To give notice file GDN M 706, *Notice of Acceptance of Appointment*.

The parents and any interested parties listed in the **Guardianship Summary** in section 1 have a right to know if:

- The guardian delegates custody of the children,
- The court changes or limits the guardian's powers, or
- The court removes the guardian.

16. Guardian's Authority

The guardian/s have the right to make decisions and determine the children's upbringing, including their education, healthcare, and religious training unless limited below.

[] The guardian must share decision-making with parent/s or children as follows (*check all that apply*):

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

Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other: _____

17. Access to Records

The following people have the right to access records (children may have the right to control access to records under other laws):

Type of Record	Guardian Can Access	Parent/s Can Access (write name or "both parents")
School/educational	<input type="checkbox"/>	<input type="checkbox"/>
Healthcare	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>

Other: _____

18. Parents' Visitation

The parents' visitation shall be as follows:

The children will have no visitation with one or both parents (*name/s*) _____ because of RCW 26.09.191 limiting factors found in section **12**.

The visitation for both parents is listed in the *Residential Schedule* (form GDN M 408).

Parent 1's visitation

The visitation schedule for (*name*) _____ is:

The restrictions on visitation are: _____

The holiday schedule is: _____

Parent 2's visitation

The visitation schedule for **Parent 2** is the same as **Parent 1**.

The visitation schedule for (*name*) _____ is:

The restrictions on visitation are: _____

The holiday schedule is: _____

Other: _____

19. Moving with Children (Relocation)

Guardians must follow the requirements of RCW 26.09.430 through RCW 26.09.490 when moving with the children.

***Important!** Unless a Residential Schedule is ordered, attach form FL Relocate 736 for a summary of the law about moving with the children.*

20. Lay Guardian Training

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

- Does not apply. The guardian is a certified professional guardian.
- The guardian provided proof of completion of lay guardian training.
- The guardian must file proof of completion of lay guardian training within 90 days.
- The lay guardian training is waived.

21. Guardian ad Litem or Court Visitor Fees

- Does not apply.
- The Court Visitor (Visitor) is discharged from this case.
- The Visitor fees and costs are approved as reasonable in the total amount of \$_____.

They shall be paid from [] the county [] split between the parties as follows:

[] Other (specify): _____

22. 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

Printed Name

WSBA No.

Presented by:



Signature of Party/Lawyer

Printed Name

WSBA No.



Signature of Court Visitor

Printed Name

WSBA No.



Signature of Guardian

Printed Name

CPG No.

**Attachment: Summary of the law about moving with children
(Child Relocation Act, RCW 26.09.430 - .480)**

Notice

Anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the children **must notify** every other person who has court-ordered time with the children.

Move to a different school district

If the move is to a different school district, the relocating person must complete the form *Notice of Intent to Move with Children* (FL Relocate 701) and deliver it at least **60 days** before the intended move.

Exceptions:

- If the relocating person could not reasonably have known enough information to complete the form in time to give 60 days' notice, they must give notice within **five days** after learning the information.
- If the relocating person is relocating to a domestic violence shelter or moving to avoid a clear, immediate, and unreasonable risk to health or safety, notice may be delayed **21 days**.
- If information is protected under a court order or the Address Confidentiality Program, it may be withheld from the notice.
- A relocating person who believes that giving notice would put themselves or a child at unreasonable risk of harm, may ask the court for permission to leave details out of the notice or to be allowed to move without giving notice. Use form *Motion to Limit Notice of Intent to Move with Children (Ex Parte)* (FL Relocate 702).

The *Notice of Intent to Move with Children* can be delivered by having someone personally serve the other party or by any form of mail that requires a return receipt.

If the relocating person wants to change the *Parenting Plan* because of the move, they must deliver a proposed *Parenting Plan* together with the *Notice*.

Move within the same school district

If the move is within the *same* school district, the relocating person still has to let the other parent know. However, the notice does not have to be served personally or by mail with a return receipt. Notice to the other party can be made in any reasonable way. No specific form is required.

Warning! If you do not notify

A relocating person who does not give the required notice may be found in contempt of court. If that happens, the court can impose sanctions. Sanctions can include requiring the relocating person to bring the children back if the move has already happened, and ordering the relocating person to pay the other side's costs and lawyer's fees.

Right to object

A person who has court-ordered time with the children can object to a move to a different school district and/or to the relocating person's proposed *Parenting Plan*. If the move is within the same school district, the other party doesn't have the right to object to the move, but they may ask to change the *Parenting Plan* if there are adequate reasons under the modification law (RCW 26.09.260).

An objection is made by filing the *Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721). File your *Objection* with the court and serve a copy on the relocating person and anyone else who has court-ordered time with the children. Service of the *Objection* must be made by personal service or by mailing a copy to each person by any form of mail that requires a return receipt. The *Objection* must be filed and served no later than **30 days** after the *Notice of Intent to Move with Children* was received.

Right to move

During the 30 days after the *Notice* was served, the relocating person may not move to a different school district with the children unless they have a court order allowing the move.

After the 30 days, if no *Objection* is filed, the relocating person may move with the children without getting a court order allowing the move.

After the 30 days, if an *Objection* has been filed, the relocating person may move with the children **pending** the final hearing on the *Objection* **unless**:

- The other party gets a court order saying the children cannot move, or
- The other party has scheduled a hearing to take place no more than 15 days after the date the *Objection* was served on the relocating person. However, the relocating person may ask the court for an order allowing the move even though a hearing is pending if the relocating person believes that they or a child is at unreasonable risk of harm.

The court may make a different decision about the move at a final hearing on the *Objection*.

Parenting Plan after move

If the relocating person served a proposed *Parenting Plan* with the *Notice*, **and** if no *Objection* is filed within 30 days after the *Notice* was served (or if the parties agree):

- Both parties may follow that proposed plan without being held in contempt of the *Parenting Plan* that was in place before the move. However, the proposed plan cannot be enforced by contempt unless it has been approved by a court.
- Either party may ask the court to approve the proposed plan. Use form *Ex Parte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children* (FL Relocate 706).

Forms

You can find forms about moving with children at:

- The Washington State Courts' website:
www.courts.wa.gov/forms,
- Washington LawHelp:
www.washingtonlawhelp.org, or
- The Superior Court Clerk's office or county law library (for a fee).

(This is a summary of the law. The complete law is in RCW 26.09.430 through 26.09.480.)