



Minor Guardianship

Summary of Changes

Form Changes related to legislation SB 5788.

1.	GDN M 102 Minor Guardianship Petition	<p><u>Removed</u> Emergency Guardian instruction to reflect ability to file a motion in a Minor Guardianship case.</p> <p><u>Changed</u> sec 5 “Is there an emergency guardian?” to reflect the ability to obtain an emergency guardian by filing a motion in a Minor Guardianship case. See SB 5788 Sec1 changes to RCW 11.130.225.</p> <p><u>Added</u> “or nominated” to “[] A parent asked ‘or nominated’ for someone to serve as guardian” located in sec 9 regarding who else must be given notice addressing that a parent can ask for an individual to be named as a guardian by nominating someone in a sworn record. Sec * of SB 5788. Changes to RCW 11.130.215.</p> <p><u>Changed</u> sec 17 regarding knowledge of an Indian child to address <i>Dependency of Z.J.G.</i>, decided by the WA Supreme Court in 2020 (196 Wash.2d 152). (Courts must treat the child as an Indian child if there is a question of whether the child has Indian heritage.) Renamed the section “tribal heritage” and added a clear descriptor.</p> <p><u>Added</u> additional language when describing how the petitioner knows a child does not have tribal heritage. “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).”</p>
2.	GDN M 105 Minor Guardianship Findings and Order	<p><u>Added</u> “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” to sec 3 to address <i>Dependency of Z.J.G.</i>, decided by the WA Supreme Court in 2020 (196 Wash.2d 152).</p> <p><u>Changed</u> “Indian Child” to “has tribal heritage” in the section to reflect change in Petition.</p>

		<p><u>Added</u> “based on the following evidence about tribal heritage” to explain tribal heritage.</p> <p><u>Changed</u> name of Protection Order form for July 1 PO publication.</p>
3.	GDN M 202 Emergency Minor Guardianship Petition; GDN 301 Objection	<p><u>Added</u> “Do not use this form if you are filing a Petition for Minor Guardianship” to prevent confusion and save the courts from the two case duel process filings in the Instructions.</p> <p><u>Added</u> that if you need a guardianship for 60 days use the Minor Guardianship forms.</p> <p><u>Removed</u> sec 6: “Other Guardianship Cases”</p> <p><u>Added</u> “ability” to “no one else appears to have the in authority, ‘ability,’ and willingness to act” to sec 7 in the Petition and sec. 1 in the objection to address SB 5788’s addition of ability when appointing an emergency guardian for a minor.</p> <p><u>Added</u> “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” to sec 3 to address <i>Dependency of Z.J.G.</i>, decided by the WA Supreme Court in 2020 (196 Wash.2d 152).</p> <p><u>Changed</u> “Indian Child” to “has tribal heritage” in the no section to reflect change in Petition.</p> <p><u>Added</u> “based on the following evidence about tribal heritage” to explain tribal heritage.</p> <p><u>Changed</u> name of Protection Order form for July 1 PO publication.</p>

4.	GDN M 203 Order on Emergency Minor Guardian	<p><u>Name Change</u></p> <p><u>Added</u> under Findings “or motion” to “The court considered the petition” to address SB 5788’s addition of allowing a motion in the Minor Guardianship process to grant emergency guardianship.</p> <p><u>Added</u> “or motion” across the form.</p> <p><u>Added</u> “ability” to sec 3.</p> <p><u>Changed</u> “Indian Child” to “Tribal Heritage”</p> <p><u>Added</u> “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” to sec 4 to address <i>Dependency of Z.J.G.</i>, decided by the WA Supreme Court in 2020 (196 Wash.2d 152).</p> <p><u>Changed</u> “Background Records Checked” in sec 6 to reflect motion filing that only has a JIS check requirement.</p> <p><u>Added</u> a check mark next to “[] the case is dismissed” under The Court Orders in sec 9 because this might be a motion.</p> <p><u>Changed</u> the consolidated option in sec 10 to reflect a motion filing</p> <p><u>Removed</u> the requirement for the clerk to consolidate cases in sec 10.</p> <p><u>Added</u> an Emergency Only section that has letters in sec 10.</p>
5.	GDN M 204 and 205 Mt for and Immediate Order – Emergency Minor Guardianship and Restraining Order.	<p><u>Added</u> “Minor Guardianship Petition” and “motion” across the form.</p> <p><u>Removed</u> “or my” from sec 2 to discourage users from requesting a restraining order without custody.</p> <p><u>Add</u> info about tribal heritage.</p> <p><u>Added</u> the following to “None of the children ‘have tribal heritage.’ I know this because (explain if the children have no tribal heritage, or if any possible tribal heritage has</p>

		<p>already been explored and decided in another court proceeding that complied with ICWA).”</p> <p><u>Removed</u> “this Emergency Minor Guardianship case” and the “Minor Guardianship case filed... case number: _____” to be consolidated into the Minor Guardianship case.</p> <p><u>Removed</u> sec 9 regarding consolidating cases and re-numbered.</p> <p><u>Added</u> e-mail service option and removed instruction box re: the same in the Motion.</p> <p><u>Changed</u> docket code in the Order to TPROTSC</p>
6.	GDN M 404 and 405 Motion and Order for DCYF to Release CPS Information.	<u>Changed</u> “Petitioner” to “proposed guardian” across the forms to comply with SB 5788.
7.	New Form GDN M 206	Motion for Emergency Minor Guardianship
8.	GDN M 410 CIF	<u>Added</u> Social security number and information about employers to conform to RCW 26.23.050.