



# King County Superior Court Emergency Local Rule Amendments

## LCR 98.22 MINOR GUARDIANSHIPS

**(a) Applicability.** This rule applies to petitions to appoint a guardian of a minor pursuant to chapter 11.130 RCW, to modify or terminate such a guardianship, or to modify or terminate a prior nonparental custody order issued under former chapter 26.10 RCW. Further information, including forms and procedures referenced in this rule, can be found at the court's website.

**(b) Initial Case Filings.**

**(1) Original Petition.** A new case may be filed as a petition for either an emergency minor guardianship (RCW 11.130.225), standby minor guardianship (RCW 11.130.220), or long-term minor guardianship (RCW 11.130.215). A petition for an emergency guardianship may be filed only if there is no pending case for a long-term minor guardianship, and should be filed only if the petitioner does not intend to file a long-term minor guardianship case. If there is a long-term minor guardianship case pending, any motion for emergency minor guardianship must be filed within that case.

**(2) Modification or Termination Petition.** A petition to modify or terminate an existing Title 11 RCW minor guardianship issued by this court must be filed under the existing cause number. A petition to modify or terminate a Title 26 RCW nonparental custody order must be filed under a new Title 11 RCW cause number, which may be consolidated with the prior case. A petition to modify or terminate a minor guardianship from another court or a non-parental custody order must attach a copy of the guardianship or custody order at issue.

**(3) Relief Regarding Nonparental Custody Order.** A party seeking relief regarding a nonparental custody order, including enforcement of that order by contempt or other means, must file a petition to change the prior order into a Title 11 guardianship. A copy of the nonparental custody order must be attached to the petition. Upon proper filing, the clerk will assign a Title 11 cause number. Any motion must then be filed in the new Title 11 cause number and will be heard by the assigned judge or if there is no assigned judge then as directed by the Lead Dependency Judge.

**(4) Multiple Minors.** A single petition must be filed for each set of minors who share the same parents. A single petition may be filed for multiple minors with overlapping parents if doing so will facilitate presentation of evidence, case appointments, or otherwise support proper, efficient, and consistent judicial review. All petitions remain subject to the court's discretion to bifurcate or consolidate cases.

**(5) Guardian Background Check.** In any case in which a guardian for a minor is proposed to be appointed, within one week of filing the petition the petitioner shall also file: (A) a motion to release CPS Information covering all adults in the proposed guardian's household (to be presented for review with a proposed order); (B) a Washington State Patrol Washington Access to Criminal History report (WATCH report) for every adult in the proposed guardian's household; and (C) a completed Disclosure of Bankruptcy or Criminal History for each proposed guardian.

**(c) Case Assignment.** Upon proper filing, each minor guardianship action will be assigned to a judge.

**(d) Proceedings.**

**(1) Review Hearing.** Each case will be set for a review hearing before the assigned judge. For long-term minor guardianship actions, the Court's 60 Day Hearing Checklist must be completed and filed at least 14 days before the review hearing. If neither the petitioner nor the proposed guardian appears at the review hearing, the Court may dismiss the case.

**(2) Motions.**



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**(A) Applicable rules.** Except as provided in this rule, the provisions of LCR 7 apply, including that all motions will be heard by the assigned judge except as otherwise provided in this rule or by court order.

**(B) Oral Argument.** The court will consider motions without oral argument unless the court orders otherwise. Any party may request oral argument by placing “ORAL ARGUMENT REQUESTED” prominently on the first page of the motion or opposition.

**(C) Immediate Emergency Guardianship.** A motion for an immediate emergency minor guardianship will be heard on an expedited basis by the assigned judge, or, if unavailable, by a judge as determined by the court. Reasonable notice must be provided to the responding parents or other parties unless the minor’s health, safety, or welfare will be substantially harmed before a hearing with notice can be held. If an immediate emergency guardianship is issued without notice to responding parents or other parties, the return hearing will be set promptly before the assigned judge while allowing enough time for notice to be completed.

**(3) Status Conference.** At any time, a party may request a status conference by emailing the assigned judge’s bailiff, copying all other parties, and briefly stating the reason for the conference. If the court determines a conference is warranted, it will issue a notice of hearing to the parties.

**(4) Related Protection Order.** Any overlapping protection order matter to be heard concurrently with a minor guardianship case per RCW 11.130.257 will be set for hearing before the assigned judge.

**(5) Discovery.** There shall be no discovery except as authorized by the assigned judge.

**(6) Mediation.** Whether mediation will be required before proceeding to final hearing will be determined by the assigned judge.

**(7) Guardian’s Acceptance of Appointment.** A guardian’s Acceptance of Appointment must state their name as it appears in the order of appointment for the letters of guardianship to issue. If a guardian changes their name, they must obtain an order for new letters and file an acceptance under the new name to receive the new letters. The expiration date of the letters shall remain the same unless changed by the new order.

**(8) Final Hearing.** Readiness to proceed to final hearing will be determined by the assigned judge. This may include holding a pretrial conference and setting a trial date and pretrial deadlines.

**(9) Presentation of Final Orders.** Agreed or default final orders should be submitted to the assigned judge.

[Adopted January 28, 2025.]