

Superior Court of Washington, County of \_\_\_\_\_

In the Guardianship of:

\_\_\_\_\_  
Respondent/s (*minors/children*)

No.

**Order on Emergency Minor Guardian**

Granted (ORAPEMG)

Denied (ORDYMT)

Clerk's action required: 1, 9, 10

**Order on Emergency Minor Guardian**

**1. Guardianship Summary**

Does not apply. The *Emergency Minor Guardianship Petition or Motion* is denied.

Summarize the guardianship order below:

Date guardian appointed:		Next review date, if any:	
<b>Children</b>			
Child's Name	Letters Expire	Child's Name	Letters Expire
1.		2.	
3.		4.	
<b>Guardian/s</b>			
Name			
Address			
Phone			
Email			
Type / Training	<input type="checkbox"/> Non-professional (Lay guardian). Training ( <i>section 11</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 (If a parent of the child has any visitation or decision-making authority, the guardianship is limited. See sections 12 and 14.)	
	<b>Parent 1</b>	<b>Parent 2</b>
Name		
Address		
Phone		
Email		

**2. Children**

The (*check one*):  Court  Minor  Person interested in the minor's welfare

(*name*): \_\_\_\_\_ requested that an emergency guardian be appointed for the children listed in 1.

➤ **Findings**

A hearing was held on the *Emergency Minor Guardianship Petition or Motion*. The court considered the petition or motion, any objection, supporting documents, and any other evidence in the record, including \_\_\_\_\_

**3. Basis for Emergency Guardianship**

The petition or motion should be:

**Denied** because \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Approved**. The court finds that appointment of an emergency guardian is likely to prevent substantial harm to the minor's health, safety, or welfare, and no other person appears to have authority, ability, and willingness to act to prevent the harm.

The approval is based on the following facts: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**4. 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 an Indian tribe, or who is the biological child of an Indian tribe member and eligible for membership. Indian Child Welfare Act, 25 USC 1903.

None of the children have tribal heritage. The state and federal *Indian Child Welfare Acts* do not apply to this case.

These children are or may be Indian children (*name/s*): \_\_\_\_\_.

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

**Jurisdiction** – The court  has  does **not** have jurisdiction over the Indian children.

**Notice to tribes** – The Petitioner (*check one*):

provided the *Indian Child Welfare Act Notice* (GDN M 401) and a copy of the *Petition* to all of the tribes, people, and agencies entitled to notice.

did **not** provide the *Indian Child Welfare Act Notice* and a copy of the *Petition* to all of the tribes, people, and agencies entitled to notice.

**Order** – Petitioners must provide the *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of the *Petition* to the:

children’s tribes or possible tribes

Indian custodian

children’s parents

Bureau of Indian Affairs

The court does not have enough information to decide whether any of the children are Indian children.

**Order** – Petitioners must make a good faith effort to find out if any of the children are Indian children and provide the *Indian Child Welfare Act Notice* (GDN M 401) and a copy of the *Petition* to all of the tribes, people, or agencies entitled to notice. Good faith efforts are defined in RCW 13.38.050.

## 5. 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, brother or sister) was 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 \_\_\_\_\_ 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*): \_\_\_\_\_

## 6. Background Records Checked

- Denied.** The court did not check background records because this *Petition* is denied.
- Motion.** This is an Order on a motion the court checked the judicial information system for any information or proceedings relevant to placement of the children.
- Petition.** This is an Order on a Petition. The Court has (unless stated otherwise below):
- Checked the judicial information system for any information or proceedings relevant to placement of the children;
  - Reviewed 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 the guardian and each adult living in the guardian's home.

[ ] Other findings (specify): \_\_\_\_\_

**7. Service Members' Relief Acts (Active Duty Military)**

(The **federal** Servicemembers Civil Relief Act covers:

- Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;
- National Guard or Reserve members under a call to active service for more than 30 days in a row; and
- commissioned corps of the Public Health Service and NOAA.

The **state** Service Members' Civil Relief Act covers those service members listed above who are either stationed in or residents of Washington State, and their dependents, except for the commissioned corps of the Public Health Service and NOAA.)

[ ] (Name/s): \_\_\_\_\_ are **not** covered by the state or federal Service Members' Civil Relief Acts, and the acts do not apply to this proceeding.

[ ] (Name/s): \_\_\_\_\_ are covered by the state or federal Service Members' Civil Relief Acts, and the acts do apply to this proceeding.

[ ] The court signed the *Order re Service Members Civil Relief Act* (form FL All Family 170) filed separately.

[ ] The requirements of the act(s) have been met as follows:

\_\_\_\_\_  
\_\_\_\_\_

[ ] The court does not have enough information to find whether (name/s): \_\_\_\_\_ are covered by the state or federal *Service Members' Civil Relief Acts*.

**8. Limits on Guardian's Authority**

[ ] Does not apply. The Petition or Motion 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 parent/s and/or children as ordered in section number **9** and **10** below because:

\_\_\_\_\_  
\_\_\_\_\_

[ ] Other findings: \_\_\_\_\_

➤ **The Court Orders**

**9. Emergency Guardianship**

[ ] **Denied.** The emergency guardianship petition or motion is denied.

[ ] The Petition for Emergency Minor Guardianship is dismissed.

[ ] **Return Children.** The children must be returned to (name): \_\_\_\_\_ by (date): \_\_\_\_\_ at (time): \_\_\_\_\_

as follows: \_\_\_\_\_

**Skip sections 10 through 15 if the petition or motion is denied.**

**Approved.** An emergency guardianship is approved for the following children:

\_\_\_\_\_  
(Name/s) \_\_\_\_\_ is/are appointed as emergency guardian of the children listed above. The children shall live with the emergency guardian.

The Emergency Minor Guardianship is:

**Limited.** The limitations on the emergency guardian’s authority are listed in sections **10** and **12**.

**Full.** Parents have no visitation or decision-making authority.

**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, which remain valid until the expiration date listed in the **Guardianship Summary** in section **1**.

**10. Duration of Guardianship**

The emergency guardianship is ordered until a final hearing is held on the *Minor Guardianship Petition* (RCW 11.130.190) or *Standby Minor Guardianship Petition* (RCW 11.130.220).

*Letters of Guardianship* will be issued for 60 days until (date) \_\_\_\_\_.

*Letters of Guardianship* will be issued until the hearing. The scheduled hearing date is \_\_\_\_\_.

**Emergency Petition** (no *Minor Guardianship Petition* filed). The emergency guardianship will expire on (date) \_\_\_\_\_, no later than 60 days from the date of this order.

**11. 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.

**12. 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.

Type of Major Decision	Guardian Decides	Parent/s Decide (write name or “both parents”)	Child Decides (write name/s or “all children”)
School / educational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Healthcare (not emergency)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Authority to apply for passport and travel internationally:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Driver's license or State I.D.:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other: \_\_\_\_\_

If a parent or child retains any decision-making authority, then the guardianship is limited.

**13. 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 <i>(write one parent's name or "both")</i>
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: \_\_\_\_\_

**14. Parents' Visitation**

The parents' visitation shall be as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If a parent has visitation rights, then the guardianship is limited.

**15. Relocation Order**

Guardians are subject to the notice requirements of RCW 26.09.430 through RCW 26.09.490 when moving with children involved in this action. See **FL Relocate 736** for a summary of the law about moving with the children.

**16. Support, Insurance, and Taxes**

The court is not issuing an order about support, health insurance, or taxes at this time.

**Child Support** – The court signed the final Child Support Order and Worksheets filed separately today or on (date): \_\_\_\_\_.

**Health Insurance or other expenses** -The parents must pay for health insurance, uninsured medical, daycare, or other necessary expenses (check one):

as listed on the final Child Support Order.

as follows (*specify*): \_\_\_\_\_.

**Tax Issues** – The parties have the right to claim the children as their dependents for purposes of personal tax exemptions and associated tax credits on their tax forms as follows:

as listed on the Child Support Order.

the appointed guardian may claim the children.

other (*specify*): \_\_\_\_\_

Other: \_\_\_\_\_

**17. Temporary Restraining Order**

No one requested a Temporary Restraining Order in this case.

**Denied.** The request for a Temporary Restraining Order is denied.

**Approved.** The request for a Temporary Restraining Order is approved.

**Do not disturb** – (*name/s*) \_\_\_\_\_ must not disturb the peace of \_\_\_\_\_.

**Stay away** – (*name/s*) \_\_\_\_\_ must not go onto the grounds of or enter the home, workplace, or school, or the daycare or school of any person or child listed here \_\_\_\_\_.

Also, (*name/s*) \_\_\_\_\_ must not knowingly go or stay within \_\_\_\_\_ feet of home, workplace, or school, or the daycare or school of any person or child listed here \_\_\_\_\_.

**Other temporary restraining orders:** \_\_\_\_\_

**Warning!** Violation of this order may result in financial penalties or contempt of court.

**18. Guardian ad Litem/ Court Visitor**

Does not apply.

(*Name*) \_\_\_\_\_ is appointed Guardian ad Litem or Court Visitor in the consolidated Minor Guardianship or Standby Minor Guardianship case.

The GAL or CV is discharged and 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*): \_\_\_\_\_

**19. Other orders (if any)**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge or Commissioner

**Parties or their lawyers fill out below:**

Presented by:



\_\_\_\_\_  
*Signature of Party/Lawyer*

\_\_\_\_\_  
*Print 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*