

Children's rights in minor guardianship

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If you're age 12 – 17 and someone has filed to have a court appoint a guardian for you, you have rights to take part in the case and to ask for a lawyer.

What is minor guardianship?

Under a state law that started in January 2021, this court process authorizes someone to take care of a child who isn't their own. The process is officially called **guardianship of a minor**. A **minor** is any child under age 18.

Your legal guardian would have the same duties and responsibilities toward you as a parent for your support, care, education, health, safety and welfare. They would also get physical custody of you — you'd live with them.

The judge will only give someone guardianship of you if it's in your **best interest** and one of these is true:

- Your parents agree to the guardianship.
- Their parental rights have been legally ended by a court (have been terminated).

- No parent is willing or able to take care of you.

I'm already living with a relative. Can I ask a judge to make that person be my guardian?

Yes, the law allows a youth to file for guardianship for themselves. But the process is complicated. It can take time. It would be easier for your relative to file than for you to do it.

You and your relative may have other, cheaper, easier options. If your parents agree, they could give your relative power of attorney to take care of you. This would be good for at least 2 years. You wouldn't have to go to court.

Your relative might also be able to consent to some health care for you, even if they don't have guardianship.

How will I know if someone filed a minor guardianship about me?

An adult who isn't part of the case must hand you the papers. Check the **title** of each page. It's right under the caption on the first page of each pleading, in bold. The **Notice of Hearing** looks like this:

Superior Court of Washington, County of _____	
In the Guardianship of: <u>Your name</u> Respondent/s (<i>minors/children</i>)	No. <u>Case number</u> Notice of Hearing about Minor Guardianship Petition (NTHG) Clerk's action required: 1 ☐ Interpreter required in: _____ (language)
Notice of Hearing about Minor Guardianship Petition	
To: The parents, child, guardian, person with court-ordered custody, court clerk, and all people who must get notice:	

The papers you get should include:

- Notice of Hearing about Minor Guardianship Petition
- Minor Guardianship Petition (it might also be called an Emergency Minor Guardianship Petition)
- Summons

You may also have gotten other papers. Read everything you get carefully. The **Notice of Hearing** explains your rights. The **Petition** explains what the person who filed the case is asking for.

These papers are confusing. Can I get a lawyer?

Maybe. If you're age 12 or older, you can ask the judge to give you a lawyer (an attorney). If the judge agrees that you need a lawyer, they'll appoint you one. You don't pay the lawyer. The court will pay for it. If the judge doesn't give you a lawyer, try to get legal help.

I don't think I need a guardian. What can I do?

You can object to the guardianship. You can put your objection in writing and/or go to the court hearing and tell the judge you don't want or need a guardian.

Can I go to the hearing?

Yes! You have the right to take part in the case. This means you can

- Respond to the petition.
- Go to and take part in the court hearing.
- Communicate with the judge.

Your rights are listed in the Notice of Hearing about Minor Guardianship Petition that you should've been given as part of the papers that started the guardianship case. If you didn't get this form, try to talk to a lawyer right away.

The court appointed a guardian for me. What if I don't think I need a guardian anymore?

You have the right to ask a judge to end (terminate) the guardianship. The judge can do this any of these are true:

- The judge agrees you no longer need a guardian
- You've been emancipated
- You've been adopted

The guardianship will end automatically when you turn 18. You don't need a judge's order to end it at that point.

You can also ask the court to change (modify) the guardianship if you want a different guardian.

Answer a few questions on **Get Family and Safety Forms** to get the right forms for your situation.

WashingtonLawHelp.org gives general information. It is not legal advice.
Find organizations that provide free legal help on our Get legal help page.