

# End or change minor guardianship or non-parent custody

## **Author**

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Use this guide to ask a judge to end a minor guardianship and return children to the parents, or to change something about the guardianship such as visitation, decision-making, or who the guardian is. (Forms and instructions)

## **1. Fast facts**

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After a guardianship case is finalized, things may change over time. The parents' situation may improve, or the guardian may need someone else to take on the responsibility. The parents, guardian, child age 12 or older, or someone else interested in the children's welfare can file in court to change or end (terminate) a minor guardianship.

The same rules and process apply for **ending a Non-Parent Custody Order**. Those orders were issued instead of guardianship before the law changed in 2021. If you want to **change** a Non-Parent Custody Order, you may have to file a Petition for Minor Guardianship.

**A judge will end (will terminate) the guardianship** if the original reasons for the guardianship no longer exist, **unless** they find that ending the guardianship would be harmful to the children and the children's interest in continuing the guardianship outweighs the parent's interests in ending it.

If guardianship is terminated, the parents will go back to having the same rights they did before the guardianship or non-parent custody case started. Any order requiring a parent to pay child support to the guardian or non-parent custodian will also end.

**You can ask to change** a guardianship to change the parents' visitation (residential schedule), decision-making, access to records, or to replace the guardian with a different person. This could be a "successor guardian" named in the original order, or someone else if needed.

The process to change or end minor guardianship only applies if there's a **final order**.

**Don't use this process** if any of these describes your situation:

- There's no court order entered, just a proposed order

- There's only an **Emergency** Minor Guardianship order
  - The state put your children in foster care (you lost custody in a dependency case)
  - You lost custody to the other parent
  - A court has ended (has terminated) your parental rights

## 2. Step-by-step

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Follow these steps to change or end a final minor guardianship or non-parent custody order.

1. **Decide where to file.** Usually, you file in the same court that issued the minor guardianship or non-parent custody order. If the child has moved, you may file where the child is living now.
2. **Fill out the forms** (except for the Proof of Personal Service).

The court will charge a **\$56 filing fee** if you're filing in the same county as the original order. If you're filing in a new county, the filing fee will be at least **\$260**. If you can't afford the filing fee, also fill out the forms to ask the judge to cancel (waive) the filing fee.

3. **Contact the Superior Court Clerk's office** or family law facilitator ([https://www.courts.wa.gov/court\\_dir/?fa=court\\_dir.facils](https://www.courts.wa.gov/court_dir/?fa=court_dir.facils)) where you'll be filing the case. Tell them you're filing a Petition to Terminate or Change a Minor Guardianship or Non-Parent Custody Order. Ask if they have special (local) forms you must use to schedule a hearing on your petition. If so, use those forms instead of ours.

Ask the clerk when you can schedule a hearing on your petition and for help with the other details on the **Notice of Hearing** form. Usually, you should schedule this hearing to take place more than **20 days** after you'll serve the other parties. You can also wait to fill this part out until you go to court to file your papers.

4. **Make copies.** You need one copy of each completed form for yourself, one for the judge, and one for each other party to your case.

Organize the copies in sets, so there's one set for each person who needs a copy. You don't have to give the other party a copy of the Proof of Personal Service. Put each set of papers into an envelope addressed to each party, with your return address. You'll use these sets for service.

If a child support prosecutor (often called "the state") is involved in your case, you'll need to serve them with a copy of everything you file in court. Make an extra copy to serve on them.

5. **File the originals** with the Superior Court Clerk. Give the clerk the originals of all your forms for filing **except** you should ask the clerk what to do with the originals of any proposed orders. Follow the clerk's instructions.

Ask the clerk to stamp your copies to show the date you filed the originals. Take the stamped copies back from the clerk. The clerk keeps the original.

Deliver working copies to the judge, if required in your county.

6. **Have the other party personally served** with copies of everything you filed and any proposed orders at least **20 days before the hearing**. Ask the clerk if your county's deadline is different.

**Exception! Don't serve** a copy of the Confidential Information form. That's just for you and the court.

Follow the rules to serve papers to start a new case. Someone age 18 or older must hand-deliver the papers to the other party. You can get a friend to do this, or you can pay a professional process server or the county sheriff's office to do it.

7. **Review any response. Reply if needed and allowed in your county.**  
The other party must give you a copy of any response they file. You don't have to reply, but you may want to if they bring up new issues or say things that aren't true.

Ask the court clerk or facilitator

([https://www.courts.wa.gov/court\\_dir/?fa=court\\_dir.facils](https://www.courts.wa.gov/court_dir/?fa=court_dir.facils)), if your county has one, if replies are allowed in your county and, if so, when they are due. If allowed, you can file a declaration from yourself or others replying to the other party's response. Limit your reply to addressing issues in the other party's response. Serve a copy of your reply on the other party by the deadline. Deliver working copies to the judge if required in your county.

8. **Try to reach agreement.** If the other party agrees, you can avoid a complicated trial. You can both sign proposed orders to present to the judge.

You may offer to go to mediation with the other party, where a neutral third party can help you both come to an agreement. Resolution Washington (<https://www.resolutionwa.org/locations>) has a list of Dispute Resolution Centers (<https://www.resolutionwa.org/locations>) you may contact to find out about mediation options in your county.

9. **Confirm your hearing, if needed.** In some counties, you must contact the clerk's office to confirm that you want your hearing to happen on the day it is scheduled. If you don't confirm by the deadline, **your hearing will be canceled**. Ask the court clerk for instructions.
10. **Get ready for your hearing.** Each court is handling these hearings differently. Try to talk to a lawyer for help preparing. The hearing you schedule when you file your petition may be just the first of several

hearings before a trial is scheduled.

11. **Go to the hearing.** Bring copies of all the papers you filed, your proof of service, and extra copies of the proposed Order you want the judge to sign. Ask the judge to sign your proposed Order on Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order.

### 3. Forms

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Form attached:

**Summons re: Petition to Terminate or Change Minor Guardianship or Non- Parent Custody Order** (GDN M 500)

Form attached:

**Notice of Hearing about Terminating or Changing a Minor Guardianship**  
(GDN M 501)

Form attached:

**Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order** (GDN M 502)

Form attached:

**Order on Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order** (GDN M 503)

Form attached:

**Confidential Information Sheet (Minor Guardianship)** (GDN M 410)

Form attached:

**Proof of Personal Service (Guardianship/Conservatorship)** (GDN ALL 007)

## **Tips for filling out Notice of Hearing about Terminating or Changing a Minor Guardianship (GDN M 501)**

Ask the Superior Court Clerk or facilitator when you can schedule a hearing on your petition and for help with the other details on the **Notice of Hearing** form. Usually, you should schedule this hearing to take place more than **20 days** after you'll serve the other parties. You can also wait to fill this part out until you go to court to file your papers.

## **Tips for filling out Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order (GDN M 502)**

Fill out the **Petition** form to explain what you want the judge to do and why they should do it.

You can attach evidence and file declarations from yourself or others that prove the changes in your situation and that the children won't be harmed if the guardianship ends.

## **Tips for filling out Order on Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order (GDN M 503)**

Fill out the **order** form the way you want the judge to sign it. This is a **proposed order** you'll ask the judge to sign at the hearing. If you're not sure



about something in the order, leave it blank for the judge to complete.

## **Tips for filling out Proof of Personal Service (GDN ALL 007)**

Have your server fill out this form after they've served the other parties.

Follow the rules for personal service.

Check to be sure your server filled out the date of service, who the papers were delivered to, and how they were delivered. Also be sure the form lists all documents that were served. If your server leaves out a form, you won't have proof it was served

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Find organizations that provide free legal help on our [Get legal help](#) page.

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

In the Guardianship of:

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

No. \_\_\_\_\_  
**Summons re: Petition to Terminate or  
Change Minor Guardianship or Non-  
Parent Custody Order  
(SM)**

**Use this form** with Notice of Hearing about Terminating or Changing a Minor Guardianship (GDN M 501) and Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order (GDN M 502).

## Summons

**To:** The parents, child, and person with court-ordered custody:

1. The Petitioner has started a case asking to terminate or change a minor guardianship or non-parent custody order.
2. You must **respond** to this Summons and Petition by serving a copy of your written response on the person signing this Summons, any other party, and by filing the original response with the Clerk of the Court.

If you do not serve your written response within **20 days** after the date this Summons was served on you (or 60 days if you are served outside of the state of Washington), exclusive of the day of service, the court may enter an order of default against you and the court may, without further notice to you, enter an order and approve or provide for the relief requested in the Petition.

If the Petition has not been filed, you may demand that the Petitioner file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this Summons. Within 14 days after you serve the demand, the Petitioner must file this lawsuit with the court, or the service on you of this Summons and Petition will be void.

3. If you wish to seek the advice of a lawyer in this matter, you should do so promptly so that your written response, if any, may be served on time.
4. This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

**Important!** Read the Notice of Hearing for information about your rights and how to respond.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Petitioner or Lawyer/WSBA No.*

\_\_\_\_\_  
*Print or Type Name*

***File original of your response with  
the clerk of the court at:***

***Serve a copy of your response on:***

Petitioner  
*(You may list an address that is not your residential  
address where you agree to accept legal documents.)*

Petitioner's Lawyer

\_\_\_\_\_  
*Name of Court*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Address*

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

In the Guardianship of:

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

No. \_\_\_\_\_

**Notice of Hearing about Terminating or Changing a Minor Guardianship or Non-Parent Custody Order**

(NTHG)

Clerk's action required: 1

Interpreter required in:  
\_\_\_\_\_ (language)

**Notice of Hearing about Terminating or Changing a Minor Guardianship or Non-Parent Custody Order**

To: The parents, children, guardian, custodian, court clerk, and all people who must get notice:

1. A party (*name*) \_\_\_\_\_ has scheduled a court hearing:



for: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.  
*Date* *Time*

at: \_\_\_\_\_  
*Court's Address*

in: \_\_\_\_\_  
*Room or Department*

with: \_\_\_\_\_  
*Judge/Commissioner's name or Docket/Calendar*

**Warning!** If you do not go to the hearing above, the court may sign orders without hearing your side.

This hearing is because (*name*) \_\_\_\_\_ is asking the court to:

- Terminate the guardianship/non-parent custody order.
- Change the guardianship/non-parent custody order.
- Remove the guardian and appoint (*name*) \_\_\_\_\_  
\_\_\_\_\_ as a successor guardian.

**2. How to respond.**

**Step 1:** **Fill out** a response. You can use *Declaration of (name)* \_\_\_\_\_  
(form FL All Family 135).

**Step 2:** **Serve** (give) a copy of your form to the people listed in the Notice Attachment. You may use certified mail with return receipt requested. For more information on how to serve, read Superior Court Civil Rule 5.

**Step 3:** **File** your original form with the court clerk at this address:

Superior Court Clerk, \_\_\_\_\_ County

\_\_\_\_\_  
*Address* *City* *State* *Zip*

▶  
\_\_\_\_\_  
*Person asking for this hearing signs here*

\_\_\_\_\_  
*Print name (if lawyer, also list WSBA #)* *Date*

The following is my contact information:

*Email:* \_\_\_\_\_

*Phone (Optional):* \_\_\_\_\_

I agree to accept legal papers for this case at the following address (*this does not have to be your home address*):

\_\_\_\_\_  
*Street Address or PO Box* *City* *State* *Zip*

*Note: You and the other party/ies may agree to accept legal papers by email under Civil Rule 5 and local court rules.*

## Notice Attachment: List of People to be Served or Given Notice

**Important!** Petitioner must have a copy of this *Notice* and the *Petition* served on:

- The children's parents
- The children (if age 12 or older), if not the petitioner
- The guardian or custodian of the children
- Any other party ordered by the court to receive notice.

**1. People who must be served:**

Relationship	Name	Address
Parent 1		
Parent 2		
Guardian/Custodian of the child		
<input type="checkbox"/> The child is age 12 or older		
<input type="checkbox"/> Anyone ordered by the court to receive notice		
<input type="checkbox"/> Anyone ordered by the court to receive notice		

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

In the Guardianship or custody of:

No. \_\_\_\_\_

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

**Petition to Terminate or Change Minor  
Guardianship or Non-Parent Custody  
Order  
(PTMD)**

**Use this form together with a Notice of Hearing about a Petition to Terminate or Change a Minor Guardianship or Non-Parent Custody Order. If you have a Non-Parent Custody Order, please check your court's local rules about whether this is the appropriate form to use or if you need to file a Petition for Minor Guardianship.**

**Petition to Terminate or Change  
Minor Guardianship or Non-Parent Custody Order**

**1. Who is asking to terminate or change the guardianship or custody order?**

Name: \_\_\_\_\_ . I am a:

- parent of the children.
- child age 12 or older.
- guardian.
- non-parent custodian.
- person interested in the welfare of the children (*describe relationship*): \_\_\_\_\_

**2. Notice to Others**

I will serve this *Petition* and a *Notice of Hearing about a Petition to Terminate or Change a Minor Guardianship or Non-Parent Custody Order* on anyone else who is a:

- parent,
- child age 12 or older,
- guardian or non-parent custodian, or
- interested party listed in the *Minor Guardianship Order* (if any)

All parties' information is listed in the *Notice Attachment to Notice of Hearing*.

3. Who are the children involved in this case?

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	

4. Describe the guardianship or non-parent custody order in place now:

The current order that gives guardianship or custody of the children to a non-parent is a (title of order): \_\_\_\_\_

in case number \_\_\_\_\_

signed by a court on \_\_\_\_\_ in \_\_\_\_\_  
date county and state

**Important!** Attach a copy of the order that you want to terminate or change. If the order was issued in a different county or state, it first must be transferred to this county. Attach a certified copy of the order transferring the case and order you want to change.

5. Request

I ask the court to (check all that apply):

- Terminate** (end) a guardianship or non-parent custody order because the reason the guardian or custodian was appointed is no longer true.

Also terminate all child support orders requiring anyone to pay support to the guardian or non-parent custodian for these children.

- Transition** – Order the following arrangements to help the children transition custody:

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

- Allow me to **resign** as guardian.
- Replace the Guardian with the Successor Guardian.** The *Minor Guardianship Order* provided for (name) \_\_\_\_\_ to be appointed as successor guardian if something specific happened (list the designated event): \_\_\_\_\_

The designated event has now happened. I ask the court to appoint the successor guardian immediately.

- Replace the guardian** with (name): \_\_\_\_\_

The *Minor Guardianship Order* did not name a successor guardian. I ask the court to appoint a successor guardian now pursuant to its authority under RCW 11.130.055.

- Change** the terms of the guardianship or non-parent custody order as follows. (Specify change you want the court to make. Examples: changes to visitation, decision-making, access to records):

\_\_\_\_\_



**Important!** If you want to change child support without terminating the guardianship, use the child support modification forms (FL Modify 500 – 522)

**6. Reasons for Request**

These facts support my request. *(Describe how the situation has changed and why the court should approve your request. Be specific. Add lines or attachments as needed.)*

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**7. Guardian ad Litem**

- Does not apply.
- I ask the court to appoint a Guardian ad Litem to represent the interests of the children.

**8. Children’s Home/s (UCCJEA Information)**

During the past 5 years have any of the children lived:

- on an Indian reservation,
  - outside Washington state,
  - in a foreign country, or
  - with anyone who is not a party to this case?
- No. *(Skip to 9.)*
- Yes. *(Fill out below to show where each child has lived during the last 5 years.)*

Dates	Children	Lived with	In which state, Indian reservation, or foreign country
From:	<input type="checkbox"/> All children	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
To:	<input type="checkbox"/> <i>(Name/s):</i>	<input type="checkbox"/> <i>Other (name):</i>	

Dates	Children	Lived with	In which state, Indian reservation, or foreign country
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	

**9. Other People with a Legal Right to Spend Time with a Child**

Do you know of anyone besides the guardian and the parents who has or claims to have a legal right to spend time with the children?

No.

Yes. (Name/s) \_\_\_\_\_ has or claims to have a legal right to spend time with the children because: \_\_\_\_\_

**10. Other Court Cases Involving a Child**

Do you know of any other court cases involving any of the children?

(Check one):  Yes. (Fill out below.)  No. (Skip to 11.)

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, other)	County and State	Case number and year	Children
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

**11. Are any of the children Indian children?**

(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 is eligible for membership. You must try to find out if any child in this case is an Indian child.

If so, the federal and state Indian Child Welfare Acts will apply to your case.)

Check all that apply:

**No.**

None of the children are Indian children.

These children are not Indian children (*name/s*): \_\_\_\_\_

I know this because: \_\_\_\_\_

**Yes.** These children are Indian children:

Children	Tribe
<input type="checkbox"/> All children <input type="checkbox"/> ( <i>name/s</i> ):	
<input type="checkbox"/> All children <input type="checkbox"/> ( <i>name/s</i> ):	

I will provide the *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of this *Petition* to the tribe/s named above and other necessary people or agencies.

**Maybe.** These children may be eligible for membership in these tribes:

Children	Tribe
<input type="checkbox"/> All children <input type="checkbox"/> ( <i>name/s</i> ):	
<input type="checkbox"/> All children <input type="checkbox"/> ( <i>name/s</i> ):	

I will provide the *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of this *Petition* to the tribe/s named above (and other necessary people or agencies) to find out whether any of the children are eligible for membership.

**I do not know** if any of the children are Indian children. I have done the following things to try to find out:

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

**12. Jurisdiction Over Indian Children**

Does not apply. None of the children are Indian children.

A state court can decide this case for the Indian children because:

- (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, and *(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)

**13. Jurisdiction Over Children** (RCW 26.27.201–.221, .231, .261, .271)

The court can change a guardianship or non-parent custody order for the children because *(check all that apply; if a box applies to all of the children, you may write "the children" instead of listing names):*

- Washington order/exclusive, continuing jurisdiction** – The order I want to change was made by a Washington court, and the court still has authority to make orders for *(children's names):* \_\_\_\_\_

- Other state's order** – The order I want to change was not made by a Washington state court **AND** *(check one):*
  - A court in the state (or tribe) that made the order has made another order saying that it no longer has jurisdiction **or** that it is better to have this case decided in Washington;
  - No child, parent, or person acting as a parent lives in the state (or tribal reservation) that made the order anymore;

**AND** *(check one):*

- 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 are less than 6 months old, they have 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 are 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 (significant connection); **and**
- There is a lot of information (substantial evidence) about the children's care, protection, education, and relationships in this state.

**Temporary emergency jurisdiction** – The order I want to change was **not** made by a Washington state court. A Washington court can make decisions for (children's names):

\_\_\_\_\_ because the children are in this state now **and** were abandoned here **or** need emergency protection because the children (or the children's parent or siblings) were abused or threatened with abuse. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the state (or tribe) that made the original order.

Other reason (specify): \_\_\_\_\_

**14. Other Requests (if any):**

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

**Person filing this Petition fills out below:**

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form (including any attachments) are true.

I have attached (#): \_\_\_\_\_ pages.

Signed at (city and state): \_\_\_\_\_ Date: \_\_\_\_\_



\_\_\_\_\_ *Person filing Petition signs here* \_\_\_\_\_ *Print name*

**Lawyer (if any) for person filing this Petition fills out below:**



\_\_\_\_\_ *Lawyer signs here* \_\_\_\_\_ *Print name and WSBA No.* \_\_\_\_\_ *Date*

**A parent, child over 12, guardian, or non-parent custodian fills out below if they agree to join this Petition:**

*(If more than one other person agrees to join the Petition, each person should copy and fill out the section below.)*

I, (*name*): \_\_\_\_\_, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve an objection before the court signs final orders. (*Check one*):

- I do not need to be notified about the court's hearings or decisions in this case.
- The person who filed this *Petition* must notify me about any hearings in this case. (*List an address where you agree to accept legal documents. This may be a lawyer's address or any other address.*)

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*Street Address or P.O. Box* \_\_\_\_\_ *City* \_\_\_\_\_ *State* \_\_\_\_\_ *Zip* \_\_\_\_\_

*Email (optional)*: \_\_\_\_\_

*(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120).)*

 \_\_\_\_\_

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*Person joining Petition signs here* \_\_\_\_\_ *Print name* \_\_\_\_\_ *Date* \_\_\_\_\_

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

In the Guardianship or custody of:

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

No. \_\_\_\_\_

Order and Findings on Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order

Denied (ORDYMT)

Granted (ORMDD)

Clerk's action required: **10**

**Order and Findings on Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order**

**1. This Order is based on:**

The *Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order* and (*check all that apply*):

- the parties' agreement.
- the court hearing or trial on (*date*): \_\_\_\_\_.

The following people were at the hearing or trial (*list parties, lawyers, and any Guardians ad Litem or Court Visitors*):

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

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

➤ **Findings & Conclusions**

**2. 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.

**3. Children**

This order applies to the following children:

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	

**4. Indian Children**

*(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 is 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 is an Indian child. (RCW 13.38.050.) The court has received no information showing that any child is or may be an Indian child.

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 are not eligible for membership.

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

**These children are Indian children:**

Children	Tribe
<input type="checkbox"/> All children <input type="checkbox"/> <i>(name/s):</i>	
<input type="checkbox"/> All children <input type="checkbox"/> <i>(name/s):</i>	

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

The children are being returned to a parent.

**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:
- 
- 
- 
- 

**5. 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 USC §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*): \_\_\_\_\_
- 
-

**6. Jurisdiction** (RCW 26.27.201–.221, .231, .261, .271)

- The court **cannot** decide this case for the children because the court does not have jurisdiction over the children.
- The court **can** decide this case for the children because (*check all that apply; if a box applies to all of the children, you may write “the children” instead of listing names*):
  - Washington order/exclusive, continuing jurisdiction** – The non-parent custody order was made by a Washington State court, and the court still has authority to make other orders for (*children’s names*):

- 
- Other state’s order** – The non-parent custody order was not made by a Washington State court **AND** (*check one*):
    - A court in the state (or tribe) that made the non-parent custody order has made another order saying that it no longer has jurisdiction **or** that it is better to have this case decided in Washington;
    - No child, parent, or person acting as a parent lives in the state (or tribal reservation) that made the order anymore;

**AND** (*check one*):

- 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 has the jurisdiction to make decisions for (*children’s names*): \_\_\_\_\_

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**or** a court in the children’s home state 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 (significant connection); **and**
- There is a lot of information (substantial evidence) about the children’s care, protection, education, and relationships in this state.

Other reason (*specify*): \_\_\_\_\_

**7. Request to terminate**

- Does not apply. No one requested termination.
- Denied** – The court should deny the request to terminate the *Minor Guardianship* or *Non-Parent Custody Order* because (*check one*):
  - the reason the order was approved is still true.
  - the reason the order was approved is no longer true, but:
    - Termination would be harmful to the children; AND
    - The children's interest in continuing the guardianship outweighs any parent's interest in restoring their right to make decisions for the children.
- Approved** – The court should approve the request to terminate the *Minor Guardianship* or *Non-Parent Custody Order* because the reason the order was approved is no longer true.

The denial or approval is based on the following facts:

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**8. Request to resign, replace, or change**

- Does not apply. The order is being terminated.
- Denied** – The court denies the request to resign, replace, or change because (*explain*):  

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- Approved** – The court approves a request to resign, replace, or change because (*explain*):  

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**9. Other Findings** (if any)

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➤ **Court Orders**

**10. Decision**

- Denied** – The court denies the *Petition to Terminate or Change Minor Guardianship or Non-Parent Custody Order*.
- Terminated** – The court approves the request to terminate. The *Minor Guardianship Order, Non-Parent Custody Order, Nonparental Custody Decree*, and any residential schedule issued by the court are terminated.

Any court or administrative order for a parent to pay child support to a non-parent is terminated today or on *(date)*: \_\_\_\_\_.

**To the Clerk:** Forward this order to WSSR.

**Return Children**

- Does not apply because the children are already with a parent.
- The children must be returned to *(name/s)*: \_\_\_\_\_  
by *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_  
as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- The court orders these arrangements to help the children transition custody *(specify)*: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**Restraining Order**

Any *Restraining Order* previously issued in the non-parent custody case is terminated.

- To the Clerk:** Provide a copy of this Order to the agency listed above within 1 court day. The law enforcement agency must remove the *Restraining Order* from the State's database.  
Name of law enforcement agency where the Protected Person lived when the *Restraining Order* was issued: \_\_\_\_\_
- Other *(specify)*: \_\_\_\_\_
- Changed** – The court approves the request to change the *Minor Guardianship or Non-Parent Custody Order*.  
The change is *(check one)*:
  - described in a new *Minor Guardianship Order* or other separate order approved by the court:  
*(Title of order)*: \_\_\_\_\_  
*(Date approved)*: \_\_\_\_\_
  - The new order will *(check one)*:
    - keep the same guardian

- appoint a new guardian (*name*): \_\_\_\_\_
- as follows (*specify minor changes here that do not require new letters of guardianship*): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**11. Discharge**

- Does not apply.
- The Guardian ad Litem (GAL) or Court Visitor is discharged from this case.
- The following lawyers who were appointed by the court are discharged (*name/s*):

\_\_\_\_\_

**12. 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* *Print Name* *WSBA No.*

 \_\_\_\_\_  
*Signature of Party/Lawyer* *Print Name* *WSBA No.*

 \_\_\_\_\_  
*Signature of GAL or Visitor* *Print Name*

 \_\_\_\_\_  
*Signature of Guardian* *Print Name* *CPG No.*

**Confidential  
Information (CIF)**

**Clerk: Do not file in  
a public access file**

Superior Court of Washington,

County: \_\_\_\_\_

Case No.: \_\_\_\_\_

**Important!** Only court staff and some state agencies may see this form. The other party and his/her lawyer may not see this form unless a court order allows it. State agencies may disclose the information in this form according to their own rules.

1. Who is completing this form? (Name): \_\_\_\_\_

2. Is there a current restraining or protection order involving the parties or children?  Yes  No

If Yes, who does the order protect? (Name/s): \_\_\_\_\_

**3. Proposed Guardian's Information**

Full name (first, middle, last):		Date of birth (MM/DD/YYYY):	Sex:
Driver's license/Identicard (#, state):	Race:	Relationship to children in this case:	
Mailing address (This address will <b>not</b> be kept private.) (street address or PO box, city, state zip):			
Phone:		Social Security Number:	
Email:			
Home address (check one): <input type="checkbox"/> same as mailing address <input type="checkbox"/> listed below (street, city, state, zip):			
Employer's name:		Employer's phone:	
Employer's address:			

**4. Parent 1's Information**

Full name (first, middle, last):		Date of birth (MM/DD/YYYY):	Sex:
Driver's license/Identicard (#, state):	Race:	Relationship to children in this case:	
Mailing address (This address will <b>not</b> be kept private.) (street address or PO box, city, state zip):			
Phone:		Social Security Number:	
Email:			
Home address (check one): <input type="checkbox"/> same as mailing address <input type="checkbox"/> listed below (street, city, state, zip):			
Employer's name:		Employer's phone:	
Employer's address:			

**5. Parent 2's Information**

Full name ( <i>first, middle, last</i> ):		Date of birth ( <i>MM/DD/YYYY</i> ):	Sex:
Driver's license/Identicard ( <i>#, state</i> ):	Race:	Relationship to children in this case:	
Mailing address ( <i>This address will not be kept private.</i> ) ( <i>street address or PO box, city, state zip</i> ):			
Phone:		Social Security Number:	
Email:			
Home address (check one): <input type="checkbox"/> same as mailing address <input type="checkbox"/> listed below ( <i>street, city, state, zip</i> ):			
Employer's name:		Employer's phone:	
Employer's address:			

**6. Other Party's Information** – This person is a (*check one*):  Petitioner  Custodian  Other: \_\_\_\_\_

Full name ( <i>first, middle, last</i> ):		Date of birth ( <i>MM/DD/YYYY</i> ):	Sex:
Driver's license/Identicard ( <i>#, state</i> ):	Race:	Relationship to children in this case:	
Mailing address ( <i>This address will not be kept private.</i> ) ( <i>street address or PO box, city, state zip</i> ):			
Phone:			
Email:			

**7. Children's Information**

Child's full name ( <i>first, middle, last</i> )	Date of birth ( <i>MM/DD/YYYY</i> )	Race	Sex	Current location: lives with
1.				<input type="checkbox"/> Petitioner <input type="checkbox"/> other: _____
2.				<input type="checkbox"/> Petitioner <input type="checkbox"/> other: _____
3.				<input type="checkbox"/> Petitioner <input type="checkbox"/> other: _____
4.				<input type="checkbox"/> Petitioner <input type="checkbox"/> other: _____

**8. Have the children lived with anyone other than Petitioner or Other Party during the last five years?**

(*Check one*):  No  Yes If **Yes**, fill out below:

Children lived with ( <i>name</i> )	That person's <b>current</b> address
1.	
2.	

**9. Do other people (not parents) have custody or visitation rights to the children?**

(Check one):  No  Yes If **Yes**, fill out below:

Person with rights ( <i>name</i> )	That person's <b>current</b> address
1.	
2.	

**10. If you are asking for custody and are not the parent, list all other adults living in your home:**

1. ( <i>Name</i> ):	Date of birth ( <i>MM/DD/YYYY</i> ):
2. ( <i>Name</i> ):	Date of birth ( <i>MM/DD/YYYY</i> ):

I declare under penalty of perjury under Washington State law that the information on this form about me is true. The information about others is the best information I have or is unavailable because (*explain*):

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

Signed at (*city and state*): \_\_\_\_\_ Date: \_\_\_\_\_



\_\_\_\_\_  
*Petitioner/Other Party signs here*

\_\_\_\_\_  
*Print name here*



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

In re: Guardianship/Conservatorship of:

Case No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent/Minor/s

**Proof of Personal Service  
(AFSR)**

**Proof of Personal Service**

I declare:

**1. Who is Serving**

This is original Service of Process I am 18 years of age or older, I am not a party to this action, and I am competent to be a witness. *(Use for Personal Service)*

**2. Service**

I served court documents for this case to *(name of party)*: \_\_\_\_\_

on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_ a.m.  p.m.

Address:

\_\_\_\_\_  
*Number and Street* *City* *State* *Zip*

by giving the documents directly to them.

**3. I served true and correct copies of the *(list titles of documents below)*:**

<input type="checkbox"/> Petition for Guardianship, Conservatorship, and/or a Protective Arrangement	
<input type="checkbox"/> Notice of Petition for Guardianship, Conservatorship, and/or a Protective Arrangement	
<input type="checkbox"/> Notice of Hearing <i>(date)</i> _____	<input type="checkbox"/> Order Appointing Court Visitor
<input type="checkbox"/> Minor Guardianship Petition	<input type="checkbox"/> Notice of Hearing – Minor Guardianship Petition
<input type="checkbox"/> Emergency Minor Guardianship Petition	<input type="checkbox"/> Notice of Hearing – Emergency Minor Guardianship Petition
<input type="checkbox"/> Petition to Terminate or Change a Minor Guardianship or Non-Parent Custody Order	<input type="checkbox"/> Notice about Terminating or Changing a Minor Guardianship or Non-Parent Custody Order

<input type="checkbox"/> Summons	<input type="checkbox"/> Proposed Residential Schedule
<input type="checkbox"/> Declaration of _____	<input type="checkbox"/> Declaration of _____
<input type="checkbox"/> Notice of Intent to Move with Children (Relocation)	<input type="checkbox"/> Objection about Moving with Children and Petition about Changing a Parenting/ Custody Order (Relocation)
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

I declare under penalty of perjury under the laws of the State of Washington that the statements above are true and correct.

Signed at (*city and state*) \_\_\_\_\_ on (*date*) \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Printed name*