



Minor Guardianship

In Yakima Superior Court

Information and Resources

Resources:

The Yakima Court Facilitator is not able to assist with these as current laws prohibits it.

It is highly recommended you contact:

Volunteer Attorney Services
(in Yakima) **at:**

(509) 453-4400

Other Contacts:

Lawyers & Legal Services at:

<https://nwjustice.org/get-legal-help>

1-888-201-1014 (9:15 am to 12:15 pm)

1-888-387-7111 (Seniors age 60 and over)

Washington State Bar Association:

www.wsba.org

Pleadings will be “Filed” at:

Yakima County Clerk’s Office
128 N. 2nd Street, Room 323
(Courthouse, 3rd Floor)
Yakima WA 98901

Hearings will be held at:

Juvenile Justice Center
1728 Jerome Avenue
Yakima WA 98901

Minor Guardianship

Law Effective 1-1-2021. RCW 11.130
(Non-Parental Custody law repealed.)

What is a Guardianship?

Guardianship is a legal arrangement. A guardianship is created when a court appoints someone to make decisions for, and take actions for, someone else. The guardian has a legal duty to that person. The legal duty is called being a fiduciary. A fiduciary is required to act in the best interests of the person under guardianship.

Under RCW 11.130 generally, a court can appoint a guardian for a minor who does not have a guardian under the following circumstances.

1. Appointing a guardian is in the best interests of a minor, **and**

2. One of the following:

- ✓ Each parent of the minor agrees after being informed about what a guardianship means; or
- ✓ All parental rights have been terminated; or
- ✓ There is clear and convincing evidence that no parent of the minor is willing or able to exercise parenting functions as defined in RCW 26.09.004.

Who can be a Guardian?

The guardian has to meet qualifications in the law. These include:

- ✓ Be at least 21 years old (unless the guardian is a parent)
- ✓ Not have criminal convictions involving dishonesty, neglect, or use of physical force or other crimes related to a guardian's responsibilities*
- ✓ Be someone a court would not find to be unsuitable

*A court might consider a relative qualified to be the guardian even if they have a conviction. It will depend on the facts of the situation.

Is there any training?

In general, a guardian must complete the standardized training made available by the administrative office of the courts. The lay guardian training for minor guardianship will be available on January 1, 2021. The website link for the training will be:

<http://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.title11minor>

There is no cost for this training. The court may grant a waiver of this training.

Forms:

Forms are to be obtained at:

<http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=125>

If you do not have computer / internet access, the local Library may be able to assist you.

MINOR GUARDIANSHIP CASES

There are three types of minor guardianship cases:

- ✓ "Regular" Minor Guardianship
- ✓ Emergency Minor Guardianship
- ✓ Standby Minor Guardianship

Who can start a:

Regular Minor Guardianship:

- ✓ The person who wants to be the guardian
- ✓ Someone interested in the welfare of the minor
- ✓ The minor

Emergency Minor Guardianship:

An emergency guardian may be appointed if the person asking for the emergency guardianship can show two things.

- ✓ Appointing the emergency guardian is likely to prevent substantial harm to the minor's health, safety, or welfare, and
- ✓ No other person appears to have authority and willingness to act in the circumstances

Standby Guardianship:

A court can appoint a standby guardian for a minor if the parent or someone the parent wants to be the guardian petitions (asks) the court. The court must find that within two years no parent will be able or willing to perform parenting functions. RCW 11.130.220 defines the specific procedures for a Standby Guardianship.

Please seek legal assistance from the resources listed in the Resources section of this brochure.