

I am age 12 – 16. What are my rights in a minor guardianship case?

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- ❖ Read this only if you live in Washington State.
 - ❖ You can find all the fact sheets we link to here at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).
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Should I read this?

Yes, if you are age 12 – 16 and either of these is true:

- You received papers asking a court to appoint a guardian for you.
- You need someone to take care of you because your parents cannot do it or are not doing it.

What will I learn?

You will learn

- What a minor guardianship is
- How you can file one yourself
- Alternatives to guardianship
- When you can get a lawyer to represent you in the guardianship
- What to do if you do not think you need a guardian
- How you can be a part of the proceedings
- How you can ask the court to end a guardianship if you don't need it anymore

What is a minor guardianship?

Under a new state law that started in January 2021, this court process authorizes someone to take care of a child who is not 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 regarding your support, care, education, health, safety and welfare. They would also get physical custody of you. You would live with them.

The court will only award someone guardianship of you if it is 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 (terminated).
- No parent is willing or able to take care of you.

One of my parents just went to prison. The other has not been in my life for years. I am living with a relative. Can I ask a court to make this relative my guardian?

Yes, you can.

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

But you and your relative may have other, cheaper, easier options. Your parent who is in prison could give your relative power of attorney to take care of you. This would be good for at least two years. You would not have to go to court. Read [Power of Attorney \(POA\) for Parents](#) to learn more.

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

An adult who is not part of the case must hand you the papers. Check the **title** of each page. It is right under the caption on the first page of each pleading, in bold.

Superior Court of Washington, County of _____

In the Guardianship of:

_____ Respondent/s (<i>minors/children</i>)	No. _____ Minor Guardianship Petition (PTAPMG) [] Clerk's action required: 4, 11
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Minor Guardianship Petition

- ❖ The title might also say **Emergency Minor Guardianship Petition**.
- ❖ The information above this title can also help you. The caption tells you which county the case was filed in. Your name should be listed in **"Respondent/s (*minors/children*)."**

These papers should include:

- Minor Guardianship Petition
- Summons
- Notice of Hearing

You may also have gotten other papers. Read everything you get carefully. The papers explain your rights.

These papers are confusing. Can I get a lawyer?

Maybe. If you are age 12 or older, you can ask the court to give you an attorney. If the court agrees that you need an attorney, they will appoint you one. You do not pay the attorney. The court will pay for it. If the court does not give you a lawyer, see below for where to go for legal help.

❖ The court may but does not have to give you a lawyer.

I was served with minor guardianship papers. 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 do not 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 court.

All your rights are listed in the **Notice to Minors** that you should have been given as part of the papers that started the guardianship case. If you didn't get this form, talk to a lawyer right away. See **get legal help**, below.

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

You have the right to ask the court to end (terminate) the guardianship. The court can terminate the guardianship if any of these is true:

- The court agrees you no longer need a guardian
- You have been emancipated (read [Emancipation of Minors in Washington State](#) to learn more)

- You have been adopted
- You have turned 18

You can also ask the court to change (modify) the guardianship if you want a different guardian. You can find the forms to terminate or modify a guardianship at <https://bit.ly/3RBt5Rw>. Scroll down to the “minor guardianship” section.

Get Legal Help

- **Apply online** with [CLEAR*Online](https://nwjustice.org/apply-online) - nwjustice.org/apply-online
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at nwjustice.org/apply-online.
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111.

Deaf, hard of hearing or speech impaired callers can call any of these numbers using the relay service of your choice.

Interpreters provided.

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