

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 the state of Washington.
 - ❖ You can find the fact sheets we link to here at 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 starts on January 1, 2021, this court process authorizes someone to take care of a child who is not their own. It 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 is in your **best interest** and one of these is true:

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

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- ❖ 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*)."**
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These papers should include:

- Minor Guardianship Petition or Emergency 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 twelve or older, you can ask the court to give you an attorney. If the court decides you need an attorney, they will appoint you one. You do not pay the attorney. The court will pay for it. 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 terminate (end) the guardianship. The court can terminate the guardianship if any of these is true:

- The court agrees you do not need a guardian anymore
- You have been emancipated (read [Emancipation of Minors in Washington State](#) to learn more)



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- 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.

Get Legal Help

Outside King County, call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm.

In King County, call 2-1-1 weekdays between 8:00 am - 6:00 pm. They will refer you to a legal aid provider.

You can also apply online with CLEAR*Online: nwjustice.org/get-legal-help.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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