

Non-Parent Custody is Changing to Minor Guardianship

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- ❖ You can find the fact sheets and packets we link to here at WashingtonLawHelp.org.
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Should I read this?

Yes, if

- You are involved in a non-parent custody case filed in a court in the state of Washington **and** the case is not yet final.
- You were involved in a non-parent custody case in a court in the state of Washington. The court issued final orders in your case.
- You are thinking about filing such a case in a superior court in the state of Washington.

What will I learn from reading this?

You will learn how Washington's non-parent custody law is ending, and a new law is replacing it.

You will learn a little about the differences between the old and new laws.

You will learn what this might mean for your non-parent custody case.

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- ❖ We will also tell you where you can get legal help.
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So what's new?

Washington passed a new law **that is now scheduled to start on January 31, 2021**. This new law creates a different court process for authorizing someone to

take care of a child who is not their own. Instead of filing for non-parent custody, you will file for guardianship of a minor (child under age 18).

❖ **The law could change later than January 31.** Call your local Superior Court Clerk. They will have the latest update on when the law starts.

Will minor guardianship be different from non-parent custody?

Yes. Here are just a few important differences.

- A parent who objects to someone else taking guardianship over their child may get a lawyer appointed at public expense if they cannot afford one.
- The person who files for minor guardianship must notify more people about the case than if they were filing for non-parent custody.
- Children may have more rights in a minor guardianship case than they do in a non-parent custody case.
- The procedure for getting court orders right away is different.
- You can file a minor guardianship case suggesting that someone else take care of the child.

❖ Check back here for updates on the new minor guardianship law.

What is the same under guardianship of a minor as under non-parent custody?

Someone who gets minor guardianship gets **physical custody of the child** (the child lives with them most of the time) the same as if the court awarded them non-parent custody.

How will this affect existing non-parent custody cases?

It depends.

In cases where the court has already entered final orders, nothing will happen. Those final orders are still good. The person to whom the court awarded custody of the child still has legal custody.

If you are a parent who lost a non-parent custody case, read [Change a Nonparent Custody Order to Get Your Children Back](#).

My non-parent custody case isn't yet final. What will happen to the case after the non-parent custody law ends?

It is **not clear yet**. It might depend on which county court your case is filed in.

If you are the person who filed the case, you should probably try to finalize it as fast as you can. Use our [Finalize a Non-Parent Custody Case](#) packet.

If you are the parent, you can file a motion to dismiss the non-parent custody case.

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- ❖ This information is new and changing. Try to talk to a lawyer who has family law experience in the court where your case is filed. They may know more about what the court plans to do with non-parent custody cases like yours in 2021.
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I can't finalize the case quickly.

Some courts might dismiss your non-parent custody case after the non-parent custody law ends. If that happens, you will have to file a new, minor guardianship case. There might be a period between the dismissal of one case and filing of the other where there is no court order about who has the child.

However, **other courts might let you convert (change) the case to a minor guardianship**. Then you would not have to worry about there being a period with no court orders. Try to talk to a lawyer who has family law experience in the court where your case is filed.

If you are the parent in this situation, you can file a motion to dismiss the non-parent custody case.

We have temporary orders in our non-parent custody case. Will those orders still be good after the non-parent custody law ends?

Courts are supposed to honor these temporary orders even after the non-parent custody law ends. **We cannot guarantee that your court will in fact do so.** Try to talk to a lawyer who has family law experience in the court where your case is filed.

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.

Seniors (age 60 and over) can also call CLEAR*Sr at 1-888-387-7111, statewide.

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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