



FAQ: Someone is trying to get guardianship of my kids

❖ You can find all the fact sheets we link to here at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).

Should I read this?

Yes, if you have been served with court papers filed in a Washington State court seeking to name someone guardian of your child or children.

What will I learn?

- That you may be able to get a lawyer appointed to represent you.
- That if you don't have a lot of money, the court may appoint one for you at public expense. (You don't have to pay for the lawyer.)
- How to ask the court to appoint you a lawyer in some cases.

What is a minor guardianship?

Washington passed a new minor guardianship law that started in January 2021. It creates a court process for authorizing someone to take care of a child under age 18 who is not their own.

Does this mean the guardian gets custody?

Yes. A court order of minor guardianship would give the guardian a parent's powers. This includes the legal power to take custody of your child, the legal power to provide care, education, health, safety and welfare for the child, and the power to consent to medical treatment for the child. **Guardianship does not end (terminate) your parental rights for good!**

Why do my children need a guardian? They have me.

The person who filed the guardianship case did so because they think guardianship would be in your children's best interests. They may also be saying you and the other parent are unable or unwilling to parent (take care of) the children. You should carefully read the Petition to find out what the claim is.

My children do not need a guardian. I am capable and willing to be the parent my children need. What can I do?

You can object to the guardianship. You need to show the court you are willing and able to provide for the support, care, education, health and safety of your child. It will help to provide specific examples. Our [How to ask for a lawyer if you are a parent in a minor guardianship case](#) packet has the forms and instructions for doing this.

I am Native American, or my children are. Do I have additional rights?

Yes. If your child is or may be a member of a Native American tribe, federal and state Indian Child welfare laws give you additional rights in a guardianship case. Read [Minor Guardianship of Native American Children](#) to learn more.

Can I get a lawyer?

Maybe. The court can (does not have to) appoint a lawyer to represent you in a minor guardianship case.

If you cannot afford a lawyer (you are indigent), **and** you object to the guardianship and ask for a lawyer, **or** the court agrees for other reasons that you need a lawyer, the court must appoint you one at public expense (you do not have to pay for the lawyer). You will need to fill out and file the Motion to Appoint Lawyer if you want the court to appoint you one. Our packet, [How to ask for a lawyer if you are a parent in a minor guardianship case](#), can help guide you through this process.

If you have submitted documents in the case, including an Objection to the guardianship, explaining that you cannot afford a lawyer, and have asked the court to appoint you one, the court should do so. If you get to the next hearing and the judge has not yet appointed a lawyer to represent you, you should ask the judge:

- When will the lawyer be appointed?
- How do you contact that lawyer?
- Does the judge agree that you have the right to a lawyer? If not, why not?

I was served with court papers. Someone got an emergency order of guardianship over my child. Can I get a lawyer in this situation?

Yes.

I still have questions after reading this.

This area of the law is brand new and still developing. Try to talk with a lawyer who knows family law before filing anything with the court.

If you do not have a lot of money, and you do not live in King County, call CLEAR at 1-888-201-1014. If you live in King County, call the King County Bar Association's Neighborhood Legal Clinics at (206) 267-7070, Monday – Thursday from 9 a.m. to 12 p.m., to schedule a free half-hour of legal advice. (Let them know you are a parent who was served with a minor guardianship.)

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.

CLEAR and 2-1-1 will provide interpreters.

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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