

Petitioner's Packet



Guardianship

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PETITIONER'S GUARDIANSHIP OF A MINOR GUIDE

This guide is for informational purposes only and the accuracy of this information is not guaranteed. This information is not legal advice and is not a substitute for legal advice. Court Clerks cannot give you legal advice.

A guardianship creates a legal relationship for the guardian and child(ren) that is in the child(ren)'s best interest. A guardianship *does not* eliminate a natural parent's legal, parental rights. A guardianship merely grants the guardian legal authority to act as the primary caregiver for the child(ren). This includes, but is not limited to, authorizing medical care, and providing for the child(ren)'s education, food, housing, etc. A guardianship generally lasts until the child is 18, but a guardianship may also be for a temporary time, a specific issue, or a guardianship solely over the child's finances.

1. Who can file a petition for guardianship?

Any individual who is 18 or older can file a petition for guardianship. The person who files the petition for guardianship is called the "Petitioner."

2. How do I file a petition for guardianship?

STEP 1: Read this guide carefully

Read this guide, and the petition, carefully in its entirety before completing the petition.

STEP 2: Gather Documentation/Information

Locate any personal information about the child, and the child's parents, that will help you complete the petition for guardianship. This includes tribal enrollment information, birthdates, and contact information for the child's parents.

STEP 3: Complete the Petition

It is important to complete the complaint/petition with as much detail as possible so the judge has enough information to conduct an initial hearing. Accurately providing all the requested information will help prevent unnecessary delays in the process.

If, for genuine safety reasons, you are requesting your address to be confidential, then you must make this request to the Court while also providing your mailing address to the Court for service purposes. It is recommended that you file a Statement of Address form with this request and also leave your address blank on the petition to assist in ensuring that your address remains confidential.

As part of the petition process, the *petitioner* is required to have a guardianship report prepared. A guardianship report is used to help inform the judge whether or not a guardianship will be in the best interests of the child and the Tribal community. The guardianship report can be completed by the Puyallup Tribal Children's Services (Children's Services) or by another qualified agency or individual. If Petitioner selects Children's Services, a copy of the petition will be forwarded to Children's Services by the Court. If for some reason Petitioner does not wish to utilize Children's Services, Petitioner must seek Court approval for an alternate agency or individual at their own expense. The guardianship report is mandatory. See Steps 3.1-3.3 for more information.

STEP 4: File the Petition

To file the complaint/petition with the Court, submit the complaint/petition, any supplemental documents, and pay the filing fee to the Court, located at 1451 East 31st St. Tacoma, WA 98404, during business hours (Monday through Friday 8:00 a.m. – 5:00 p.m., closed for holidays).

Step 4.1: Submit to the Court Clerk

- Completed & signed complaint/petition
- Statement of Address
- Any supplemental documents

Step 4.2: Pay the filing fee to the Court Clerk

- Pay the \$20 filing fee or
- File a motion to request a fee waiver (*if applicable*)

Step 4.3: Receive from the Court Clerk

- Your receipt or a copy of the order waiving filing fees
- A file-stamped copy of your filings

3. What happens after I file the petition?

If you do not object to Children's Services completing the guardianship report, then the Court will contact Children's Services to arrange to have a guardianship report completed within seven (7) days of filing the petition. This is to ensure that a report can be completed before the hearing date.

Once you have filed the petition, and pay your filing fee, the Clerk of the Court will set a hearing date. Notice of that hearing date will be mailed to you and others who are required to be notified pursuant to PTC § 7.12.060, at the addresses you provide.

Step 3.1: Arrange for the guardianship report

- If Petitioner selects Children's Services, a copy of the petition will be forwarded to Children's Services by the Court.

- If you are requesting Court approval to use a different service provider at your own expense, this will be addressed at the preliminary hearing. It is important that you clearly explain in your petition why you are requesting an alternate agency/individual to prepare the report and provide contact information for the suggested agency/individual. The judge may or may not grant your request.

Step 3.2: Actively participate

- Cooperation and diligence in the guardianship preparation process will reduce delay. Delays in the completion of the report will cause delays in the guardianship process.

Step 3.3: File the report

- Once the guardianship report is complete, file the report with the Court at least ten (10) days prior to the hearing date so that the Court Clerk can forward the report to the other parties.

4. What happens after I file the petition?

After a petition is filed, the Court will set a hearing date, and provide a notice and summons to come to Court for a preliminary hearing with a copy of the petition to the necessary parties. The Court will also request that the Puyallup Tribal Children's Services prepare a guardianship report. This report will help inform the judge of the circumstances and guide their decision-making process.

5. What happens at the preliminary hearing?

You, and/or your attorney, must show up at the hearing. The hearing is private and closed, so only those individuals with a legitimate interest in being at the hearing will be present. The judge will determine who may be present. The judge will also hear from the parties, and based on the circumstances will make a decision on how to proceed.

6. What happens after the hearing?

What happens after the hearing depends on what the judge orders. Therefore, it is important to fully read and understand the order because it will outline the next step in the process.

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re:

_____ *Full Name(s) of minor child(ren) or vulnerable Tribal adult*

_____ *DOB(s) of minor child(ren) or vulnerable Tribal adult*

=====

Plaintiff(s)/Petitioner(s),

v.

Defendant(s)/Respondent(s).

Case No. _____

**ADDRESS AUTHORIZATION FOR
SERVICE BY:**

FIRST CLASS MAIL

EMAIL

OTHER: _____

YOU MUST COMPLETE THIS FORM IF YOU ARE A PARTY TO THIS CASE

My name is _____, and I am a party to this case.

I authorize to accept service by all parties and the court of all future pleadings, papers, and court orders for this case to the following address:

FIRST CLASS MAIL:

EMAIL: _____

OTHER: _____

(Optional) I also authorize to accept legal papers at the following:

Case No. _____

Address Authorization for Service

Page 1 of 2

I understand that it is my responsibility to inform this Court and the other party if my address changes while this case remains open. I must also provide the other party with a copy of a Notice of Address Change and file this with this Court.

Party Signature

Date

/s/

Print Name – Party Electronic Signature

Attorney/Advocate Bar No. (if applicable)

Co-Party Signature (if any)

Date

/s/

Print Name – Party Electronic Signature

Attorney/Advocate Bar No. (if applicable)

**IN THE CHILDREN'S COURT OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re the guardianship of:

DOB: _____

A Minor Child

Case No. _____

=====

_____,
Petitioner(s),

v.

_____,
Respondent(s).

**PETITION FOR GUARDIANSHIP OF A
MINOR CHILD**

COMES NOW, _____, Petitioner(s), and requests the Court appoint
Petitioner(s) as legal guardian(s) of the minor named herein.

The guardianship requested is:

- Full (Person & Property)
- Person
- Property
- Limited issue _____
- Temporary _____

Petitioner Information

1. There is only one petitioner.
 Petitioners are married to each other.
 Petitioners are not married to each other.
 Other: _____
2. Petitioner's Name: _____
Relationship to the minor child: _____
Birth Date: _____
Address: _____

Phone: _____
3. Enrolled member of the Puyallup Tribe.

- Eligible for membership in the Puyallup Tribe.
- Enrolled member of the _____ Tribe.
- Eligible for membership in the _____ Tribe.
- Considered Indian by the community.
- Other _____.

4. Petitioner's Name: _____
 Relationship to the minor child: _____
 Birth Date: _____
 Address: _____

 Phone: _____

5. Enrolled member of the Puyallup Tribe.
 Eligible for membership in the Puyallup Tribe.
 Enrolled member of the _____ Tribe.
 Eligible for membership in the _____ Tribe.
 Considered Indian by the community.
 Other _____.

Minor Child's Information

1. Name: _____
 Birth Date: _____
 Physical Address: _____

2. Enrolled member of the Puyallup Tribe.
 Eligible for membership in the Puyallup Tribe.
 Enrolled member of the _____ Tribe.
 Eligible for membership in the _____ Tribe.
 Considered Indian by the community.
 Other _____.

3. The minor is living with:
 The minor's mother
 The minor's father
 Other _____

Address: _____

Length of stay: _____

4. Please list any court cases involving the minor child.

Mother's Information (Do not leave blank, if unknown you must say unknown)

1. Mother's Name: _____
Birth Date: _____
Address: Last known address: _____
 Whereabouts unknown.
Phone: _____
Email: _____
2. Enrolled member of the Puyallup Tribe.
 Eligible for membership in the Puyallup Tribe.
 Enrolled member of the _____ Tribe.
 Eligible for membership in the _____ Tribe.
 Considered Indian by the community.
 Other _____.

Father's Information(Do not leave blank, if unknown you must say unknown)

1. Father's Name: _____
Birth Date: _____
Address: Last known address: _____
 Whereabouts unknown.
Phone: _____
Email: _____
2. Enrolled member of the Puyallup Tribe.
 Eligible for membership in the Puyallup Tribe.
 Enrolled member of the _____ Tribe.
 Eligible for membership in the _____ Tribe.
 Considered Indian by the community.
 Other _____.

Other Interested Parties (if any)

1. Name: _____
Date of Birth: _____
Relationship to Minor Child: _____
Address: _____
Phone: _____ Message Phone: _____
2. Name: _____
Date of Birth: _____
Relationship to Minor Child: _____
Address: _____
Phone: _____ Message Phone: _____
3. Name: _____
Date of Birth: _____

Relationship to Minor Child: _____

Address: _____

Phone: _____ Message Phone: _____

4. Name: _____

Date of Birth: _____

Relationship to Minor Child: _____

Address: _____

Phone: _____

Message Phone: _____

Facts Supporting Petitioner's Request

1. Please check all that apply.

- Mother is deceased. Father is deceased.
- Mother has consented in writing. Father has consented in writing
- Mother's parental rights are terminated. Father's parental rights are terminated.
- Mother is incarcerated. Father is incarcerated.
- The minor was adjudicated a child in need of care in case number: _____
- The parental consent and affidavit are attached.
- Other _____

2. Granting this petition for guardianship would be in the minor's best interest because:

3. Petitioner(s) can provide adequate parental care because:

- Petitioner(s) has/have a steady income.
- Petitioner(s) has/have stable, safe, and adequate housing.
- Petitioner(s) can provide the minor with adequate food, clothing, medical and other professional care, education, and supervision.
- Petitioner(s) can provide an accounting of and administer the minor's property in accordance with Puyallup Tribal law.

4. Please describe in detail why you should be appointed as guardian(s).

Guardianship Report

1. I understand the Court will contact Puyallup Tribal Children's Services within 7 days of filing this petition and request that a guardianship report be completed.
2. I am requesting that another agency or individual be appointed to complete the guardianship report at my own expense because _____
_____.

Name of Individual/Agency: _____

Address: _____

Phone: _____

Qualifications: _____

Is anyone at the agency related to a party, the minor, or otherwise connected to a party or the minor? _____

Is the individual a neutral party or is this individual related to a party, the minor, or otherwise connected to a party or the minor? _____

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and any attachments are true and correct to the best of my knowledge and belief. Puyallup Tribal Code § 5.12.1180.

Petitioner Signature

Date

/s/

Print Name – Petitioner Electronic Signature

Attorney/Advocate Bar No. (if applicable)

Co-Petitioner Signature (if any)

Date

/s/

Print Name – Co-Petitioner Electronic Signature

Attorney/Advocate Bar No. (if applicable)

Case No. _____

PETITION FOR GUARDIANSHIP OF A MINOR CHILD

**IN THE CHILDREN'S COURT OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re the guardianship of:

_____,'

DOB: _____

A Minor Child

=====

_____,
Petitioner(s).

Case No. _____

**CONSENT TO
GUARDIANSHIP**

COMES NOW, _____, as the parent of the above named minor, and state as follows:

1. I, _____, am the mother father of the above-named minor.
2. My date of birth is _____.
3. My physical address is _____.
4. I am aware that a Petition for Guardianship has been, or will be filed by, _____, the Petitioner(s) in this matter on behalf of _____, the minor.
5. I give my permission for the Petitioner(s) to be the guardians of the minor.
6. I understand that I am not giving up my parental rights, but I am allowing Petitioner to exercise all powers and duties of guardianship, which includes the same powers and duties as a parent.
7. I understand that if the Court approves the petition, the guardianship will last until the child is 18, married, deceased, adopted or ends by order of the Court, whichever comes first.
8. I understand that the Court will hold a hearing to decide whether to appoint a guardian and that I am entitled to attend this hearing and to speak at the hearing.

I will be present at the hearing in person.

- I waive my right to be present at the hearing and will not attend.
- I request permission to appear at the hearing telephonically.
- My counsel will be present at the hearing to represent my interests.
- I have not yet been notified of the hearing date.

9. I also understand that if the Court enters a guardianship order the Court may change that order in the future if necessary.

10. I understand that I can request a review hearing and ask the Court to change or end the guardianship order. However, the Court will decide whether or not to change or end the guardianship.

11. I am making this statement freely, voluntarily and intelligently. No person has made any promises to me to induce me to sign this consent form.

**** DO NOT SIGN UNTIL INSTRUCTED BY A NOTARY PUBLIC OR THE JUDGE ****

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and any attachments are true and correct to the best of my knowledge and belief. Puyallup Tribal Code § 5.12.1180.

Parent Signature

Attorney/Advocate Bar No. (if applicable)

/s/ _____
Print Name – Party Electronic Signature

Date

Signed and sworn to before me on _____, by _____.

Date Affiant

Judge _____
Signature

Notary _____
Signature

Notary Public in and for the
State of: _____

County of: _____

My commission expires: _____

Affix stamp or seal

**IN THE CHILDREN'S COURT OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re the guardianship of:

_____,'

DOB: _____

A Minor Child

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_____,
Petitioner(s).

Case No. _____

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GUARDIANSHIP**

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2. My date of birth is _____.
3. My physical address is _____.
4. I am aware that a Petition for Guardianship has been, or will be filed by, _____, the Petitioner(s) in this matter on behalf of _____, the minor.
5. I give my permission for the Petitioner(s) to be the guardians of the minor.
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Parent Signature

Attorney/Advocate Bar No. (if applicable)

/s/ _____
Print Name – Party Electronic Signature

Date

Signed and sworn to before me on _____, by _____.

Date Affiant

Judge _____
Signature

Notary _____
Signature

Notary Public in and for the
State of: _____

County of: _____

My commission expires: _____

Affix stamp or seal