

Petitioner's Packet



Guardianship

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PETITIONER'S GUIDE

Guardianship of a minor

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 Petition with as much detail as possible so the judge has enough information to conduct a preliminary hearing. Accurately providing as much of the requested information will help prevent unnecessary delays in the process.

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 Clerk. 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 petition with the Court, submit the petition, any supplemental documents, and pay the filing fee of \$20 to the Clerk of the Court during business hours (M-F 8 a.m. - 5 p.m., closed for holidays). The Clerk's office is located inside the Puyallup Tribal Court facility.

Step 4.1: Submit to the Court Clerk

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

Step 4.2: Pay the filing fee to the Court Clerk

- \$20
- Get your receipt

3. What happens after I file the petition?

If you do not object to Children's Services completing the guardianship report, you must contact Children's Services and arrange to have a guardianship report completed. We ask that you contact Children's Services as soon as possible, but at least within 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, and a copy of the petition, 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

- Contact Children's Services as soon as possible. Children's Services can be reached by phone at (253) 680-5532 or in person at 2806 E. Portland Ave. Ste. 100 Tacoma, WA 98404.
- 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 Clerk. This needs to be filed 10 days prior to the hearing date issued by the Court Clerk so that the Court Clerk can forward the report to the parties.

4. 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.

5. What happens after the hearing?

What happens after the hearing depends on what the judge orders. Therefore, it is important to fully read the order and understand its contents 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:

Child(ren) or Vulnerable Tribal Adult Name(s)

DOB(s)

=====

_____,
Plaintiff(s)/Petitioner(s),

v.

_____,
Defendant(s)/Respondent(s).

Case No. _____

STATEMENT OF ADDRESS

COMES NOW _____ and, in this matter, I am (we are) the

Full Name(s)

Plaintiff(s)/Petitioner(s) Defendant(s)/Respondent(s) _____.

Party Type

1. Court Record.

For genuine safety concerns, I request my home address and contact information be confidential from the other party(ies) and/or the public to protect my and/or my child(ren)'s or ward's health, safety, or liberty. By checking this box I understand that my address will not become part of the Court record, but will be for Court use only.

My address is not confidential. By checking this box I understand that my address will become part of the Court record and that other parties and individuals involved will have access to my address and contact information.

2. The address where I agree to accept legal papers for this matter is:

Street Address or P.O. Box

City

State

Zip Code

3. (Optional) I also agree to accept legal papers for this matter at the following email address: _____

4. My contact phone number(s) is(are) (check preferred):

_____ _____ _____

Home Phone

Cell Phone

Work Phone

Co-Party: _____ _____ _____

(if any)

Home Phone

Cell Phone

Work Phone

Case No. _____

STATEMENT OF ADDRESS

5. I understand that it is my responsibility to inform the Court of any address or contact information changes while this case is open. I understand that if my address or contact information changes, then I must submit to this Court a new *Statement of Address* form with accompanying proof of service to all parties (*if applicable*).

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

Signature

Date

Print Name

Signature Co-Party (if applicable)

Date

Print Name Co-Party (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: _____ <p style="text-align: center;">A Minor Child</p> ===== _____, <p style="text-align: center;">Petitioner(s),</p> v. _____, <p style="text-align: center;">Respondent(s).</p>	Case No. _____ <p style="text-align: center;">PETITION FOR GUARDIANSHIP OF A MINOR CHILD</p>
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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. a) Petitioner's Name: _____
 Relationship to the minor child: _____
 Birth Date: _____
 Address: _____

Phone: _____

- b) 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. a) Petitioner's Name: _____

Relationship to the minor child: _____

Birth Date: _____

Address: _____

Phone: _____

- b) 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 _____.

Facts Supporting Petitioner's Request

1. Please check all that apply.

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

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 will personally contact Puyallup Tribal Children's Services within 7 days of filing this petition and request that a guardianship report be completed.
- 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 all attachments are true and correct to the best of my knowledge and belief.

Petitioner's Signature

Date

Petitioner Print Name

(If any) Co-Petitioner's Signature

Date

(If any) Co-Petitioner Print Name

**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.

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

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

WAIVED

Signature Date

WAIVED

PLEASE TAKE NOTICE: Notary requirements are waived until further notice. Please sign and date this form without a Notary.

On _____, _____ with satisfactory evidence of
Date Parent
identification did sign this document in my presence.

Judge _____

Notary _____
Signature

Notary Public _____
State of : _____

My commission expires: _____

WAIVED

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

=====

_____,
Petitioner(s).

Case No. _____

**CONSENT TO
GUARDIANSHIP**

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

WAIVED

Signature Date

WAIVED

PLEASE TAKE NOTICE: Notary requirements are waived until further notice. Please sign and date this form without a Notary.

On _____, _____ with satisfactory evidence of
Date Parent
identification did sign this document in my presence.

Judge _____
Signature

Notary _____

Notary Public in _____
State of : _____

My commission expires: _____

WAIVED

Affix stamp or seal