

RCW 11.130.195 Notice of hearing for appointment of guardian for minor. (1) If a petition is filed under RCW 11.130.190, the court shall schedule a hearing and the petitioner shall:

(a) Serve notice of the date, time, and place of the hearing, together with a copy of the petition and supplemental declaration, personally on each of the following that is not the petitioner:

(i) The minor, if the minor is twelve years of age or older. The court may, upon a showing of good cause, order that information concerning the reasons for the guardianship contained in the petition, the supplemental declaration, and all subsequently filed pleadings and evidence by any party, not be served on the minor if the minor is unrepresented. A minor entitled to service under this subsection may request access to the court pleadings and evidence filed in the court record;

(ii) Each parent of the minor or, if there is none, the adult nearest in kinship who can be found with reasonable diligence;

(iii) Any guardian or person with nonparental custody of the minor issued under *chapter 26.10 RCW; and

(iv) Any other person the court determines should receive personal service of notice; and

(b) (i) Give notice by mail or other action reasonably calculated to give notice under RCW 11.130.065 of the date, time, and place of the hearing, together with a copy of the petition, to:

(A) Any adult with primary care and custody of the minor who is not a parent, guardian, or person with nonparental custody issued under *chapter 26.10 RCW;

(B) Each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition, if known;

(C) Any person nominated as guardian by the minor, if the minor is twelve years of age or older;

(D) Any nominee of a parent;

(E) Each grandparent and adult sibling of the minor, if known;

(F) Any conservator acting for the minor in any jurisdiction; and

(G) Any other person the court determines.

(ii) The court may waive notice to persons listed under (b) (i) of this subsection for good cause. Good cause includes an allegation that giving notice may risk harm to the minor.

(2) Notice required by subsection (1) of this section must include a statement of the right to request appointment of an attorney for the minor or object to appointment of a guardian and a description of the nature, purpose, and consequences of appointment of a guardian. Notice for the minor must specifically state all rights retained by the minor including the right to request counsel, the right to attend, and the right to participate and communicate with the court. Notice for the minor must also state whether the court has entered any prior order limiting information served upon the minor, and that the minor may ask the court to reconsider the court's order at any time. Notice for the minor must include information on how the minor can respond to the petition.

(3) The court may not grant a petition for guardianship of a minor if notice substantially complying with subsection (1)(a) of this section is not served on:

(a) The minor, if the minor is twelve years of age or older; and

(b) Each parent of the minor, unless the court finds by clear and convincing evidence that the parent cannot with due diligence be

located and served or the parent waived, in a record, the right to notice.

(4) If a petitioner is unable to serve notice under subsection (1)(a) of this section on a parent of a minor or alleges that the parent waived, in a record, the right to notice under this section, and in all cases involving a minor twelve years of age and older when the minor is unrepresented, the court shall appoint a court visitor who shall:

(a) Interview the petitioner and the minor;

(b) Meet with the minor and explain the rights retained by the minor as outlined in the notice requirements under this section. The court visitor shall ascertain the minor's views or positions regarding the guardianship and shall file a report with the court regarding the minor's views or positions. If the minor wishes the court to reconsider any prior order limiting information served upon the minor, the court visitor shall inform the court of the minor's request;

(c) If the petitioner alleges the parent cannot be located, ascertain whether the parent cannot be located with due diligence;

(d) Investigate any other matter relating to the petition the court directs; and

(e) Ascertain whether the parent consents to the guardian for the minor. [2020 c 312 s 103; 2019 c 437 s 203.]

***Reviser's note:** Chapter 26.10 RCW was repealed by 2020 c 312 s 905, effective January 1, 2021.

Effective dates—2020 c 312: See note following RCW 11.130.915.