

## **INFORMATION - GUARDIANSHIP PROCEEDINGS (CHILDREN)**

More information is in Chapter 8.09 of the Lummi Code of Laws.

This information and the forms are applicable if a guardianship is requested because:

- (1) the child's parents have consented to the guardianship; or
- (2) there is not a parent available and willing to care for the child.

The Court can also enter a guardianship, even if there is a parent available and willing to care for the child, if the court finds that the child is in need of protection because of conduct by the parent; there is a substantial probability of future abuse or neglect if the child were returned to the parent; and that the situation is unlikely to improve within a reasonable period of time. Lummi Children's Services would normally be involved in this type of proceeding.

**If the child is in the custody of Lummi Children's Services, that office must consent to the guardianship.**

### **1. Guardianship Petition**

This form initiates the guardianship case. Completely fill out the blanks on the form, including checking all applicable boxes. Use full legal names for all persons. The form must be signed in front of a notary public. If you have consent forms signed by one or both parents, submit those with the petition.

### **2. Summons - Guardianship**

Fill out the Summons – Guardianship form.

### **3. File the Guardianship Petition and Summons.**

File the Guardianship Petition and Summons at the Lummi Court Clerk's window at the Lummi Tribal Courthouse. When filing the petition and summons, the filing fee must be paid or a waiver of the filing fee form must be filed and then will be reviewed by a judge.

### **4. Serve Guardianship Petition and Summons.**

Serve the parties with the Petition for Guardianship and the Summons-Guardianship using the service instructions for Civil Cases. You will also need to serve a copy of both documents on the Lummi Nation through the Office of the Reservation Attorney.

## **VISITATION WITH BIRTH FAMILY**

The birth parents and their extended families have the right to reasonable visitation unless restricted by the Court. You may wish to make an agreement with members of the child's birth family regarding contact and visitation.

## **GUARDIANSHIP HEARING**

Appear at the time and date on your Notice of Hearing. The petitioner(s) and child, if age 12 or older, shall appear personally at the hearing to establish the guardianship unless excused by the Court for good cause shown.

## **REVIEW HEARINGS AFTER GUARDIANSHIP ESTABLISHED**

The court may set review hearings. You will receive notice of these hearings. At the hearing, you will report to the court on the general welfare of the child, and the status of the child's health, education, financial situation, and birth family contacts.