

# **Guardianship Workshop Script**

## **Pre-Workshop Screening for Appointments (Triage)**

### **Workshop for Basic Guardianship of the Person**

**What is Guardianship? *This is for an adult who is not the parent of the child who seeks a court order for legal custody of a minor child.***

**Occasionally a litigant will ask for information or assistance with “Guardianship” when they are actually seeking custody orders. If it is their own child, they need help with a UPA or Petition for Custody and Support.**

**Prior to scheduling an appointment, find out:**

**1) Ask if an alternative to a court-ordered Guardianship is appropriate:**

*Do the parents consent? Is this a short term, temporary arrangement? With parental consent either a power of attorney for minor child or caregiver’s authorization affidavit may be used. These can be used separately or together, but work best together because broader consent to medical treatment is possible with the power of attorney for minor child.*

**2) Is there Child Protective Services involvement?**

*If yes, is there a court case? If a dependency action has been filed, DO NOT make an appointment.*

**If the caller explains that he or she was referred by child protective services or that they were told by CPS to file a Guardianship Petition, make an appointment.**

**3) Ask where the child is living now**

*The case must be filed where the child resides. If in doubt, make the appointment and advise the caller to purchase the forms packet from the court in the county of the child’s current residence.*

**If the child was recently removed from or arrived into the proposed guardian’s home, emergency jurisdiction may be necessary.**

**4) Ask if there will be a Co-Guardian**

*If so, they will need an additional form GC-212.*

**5) Ask if the person filing the Petition for Guardianship has the following information:**

- *Name and address of both parents and grandparents.*
- *Child's date of birth.*
- *If American Indian ancestry, bring registry information.*
- *Address(es) where the child has lived for the past 5 years.*

**If making the appointment by phone, mail the person the Guardianship Intake Forms. If a walk-in, provide him or her with the Guardianship Intake Forms at the time the appointment is made.**

**6) If one or both parents are deceased, or the minor has funds in a blocked account for him or her, the petitioner should obtain advice regarding filing a Petition for Guardianship of the Person and the Estate.**

*For a large estate – the litigant should be referred to private counsel prior to making an appointment.*

*For a small estate, (one for which private counsel may not be easy to find), make the appointment for the Guardianship workshop, but also inform the litigant that a Guardianship of the person and the estate will have additional reporting requirements imposed by the court.*

**7) Advise the proposed Guardian(s) they will need to write a declaration in support of request for Guardianship.**

**A Blank Declaration is the last page of the Guardianship Intake Forms.**

*The Declaration should include the following:*

- 1) *A brief statement of the current situation.*
- 2) *How long has the child been living with you?*
- 3) *Why the parent(s) are unable to care for the child now*
- 4) *Why you should be appointed Guardian?*
  - i) *Your relationship with the child*
  - ii) *Your ability to provide for the child's physical/emotional needs*
  - iii) *Your ability to maintain a suitable environment for the child*
  - iv) *Why you are the best person to care for the child*

**For TEMPORARY GUARDIANSHIP the declaration should include the information as stated above, but the description of the situation should show immediate need. For example, parental harm or neglect, or the child is in need of medical or dental attention.**

**Temporary Guardianships are almost always granted ex-parte within a day or two of filing. Temporary Guardianships will be rejected if the declaration is insufficient to show the court a need for immediate orders, especially if the child does not already reside with the proposed guardian.**