

Telephone Triage Checklist ~ Guardianship

Incoming Call: “I want to file for guardianship/custody of a child.”

Example #1 – Filing for guardianship, with custody of the minor child

Staff: Is the minor child related to you?

Caller: Yes. (If “No”, have the caller explain why they have physical custody of the minor child.)

Staff: Is the child in your physical care now?

Caller: Yes.

Staff: Is parent of the child threatening to take the child from you? Is there a need to file for temporary guardianship as well?

Caller: Yes. Explanation. (Includes issues of neglect and/or abuse and an immediate need for guardianship orders. Temporary Guardianship is not appropriate if the caller just does not approve of the minor child’s parents and/or parenting skills.)

Staff: Have you contacted CPS regarding the child(ren)?

Caller: Yes. (If no, and there are issues of abuse and/or neglect, the litigant may call to make a report. If there is no CPS involvement, proceed w/ appointment. If CPS has detained, then we cannot make an appointment for them.)

Staff: Make appointment

Inform the caller that they will need the names and addresses of both parents, maternal and paternal grandparents, and any siblings/ half siblings that this minor child may have over the age of 12 years old.

Instruct the caller to purchase the guardianship packet, fill out the captions and bring the packet to the workshop. If the caller has internet access, have them use the Butte fillable forms website.

Inform them that the workshop will take three hours, and they may not be able to complete all of the paperwork. Advise that they will need to draft a declaration that explains why a temporary guardianship is needed and another declaration that explains to the court why the permanent guardianship would be in the best interests of the child(ren).

Workshop: Guardianship

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Example #2 – Filing for Guardianship, without physical custody of the minor child

Staff: Is the minor child related to you?

Caller: Yes. (If “No”, have the caller explain why they have physical custody of the minor child.)

Staff: Is the child in your physical care now?

Caller: No.

Staff: Are the parents consenting to the Guardianship? If yes, go ahead and make the appointment. If no:

Staff: Is the child in danger? Is there a need to file for temporary guardianship orders?

Caller: Yes. Explanation. (Includes issues of neglect and/or abuse and an immediate need for guardianship orders. Temporary Guardianship is not appropriate if the caller just does not approve of the minor child's parents and/or parenting skills, or is unhappy with a visitation arrangement.)

Staff: Have you contacted CPS regarding the child(ren)?

Caller: Yes. (If no, and there are serious issues of abuse and/or neglect, the litigant may call to make a report. Advise the caller that filing the petition for permanent and temporary Guardianship may be unnecessary if CPS detains the child(ren). In some instances, CPS may advise a prospective guardian to file so they will not have to detain.)

Staff: If there is a recommendation from CPS, go ahead and make the appointment.

Inform the caller that they will need the names and addresses of both parents, maternal and paternal grandparents, and any siblings/ half siblings that this minor child may have over the age of 12 years old.

Instruct the caller to purchase the guardianship packet, fill out the captions and bring the packet to the workshop. If the caller has internet access, have them use the Butte fillable forms website.

Inform them that the workshop will take three hours, and they may not be able to complete all of the paperwork. Advise that they will need to draft a declaration that explains why a temporary guardianship is needed and another declaration that explains to the court why the permanent guardianship would be in the best interests of the child(ren).

Workshop: Guardianship – to file for custody of a child not your own