

## INTRODUCTION TO GUARDIANSHIP PROCEEDINGS

### TERMS AND DEFINITIONS

**“Ward”** The ward is the same person as the minor or child.

**“Petitioner”** The Petitioner is YOU. You can also have a co-petitioner in a guardianship action. This can be a spouse or another relative or non-relative. You must include all petitioners on the petition and their relation to the minor.

**“Non-Relative Petitioner”** A Non-Relative Petitioner is a person who is not related to the minor through a blood relationship. This includes step-parents, god-parents, foster care providers, and friends of the family.

**“Relative in the Second Degree”** A grandparent of the minor.

**“Siblings”** Children who have either the same mother or the same father (this includes half-siblings).

**“Guardianship of the Person”** The legal term for having legal responsibility for a child who is not your biological child. Legal custody means making decisions for the child which affects the care and supervision of the child.

**“Guardianship of the Estate”** The legal term for having control and financial responsibility of the minor’s money or assets.

**“Temporary Petition of Guardianship or Ex Parte Order”** A temporary petition for guardianship allows the petitioner to have temporary custody and control of the child until the court can make a final decision concerning the Guardianship petition.

**“Notice of Hearing,” or “Giving Notice”** A legal form that is used to notify all the people who have the legal right to know about the Petition of Guardianship. THIS NOTICE MUST BE SERVED EITHER IN PERSON OR THROUGH THE MAIL AND IT MUST BE DONE WITHIN 15 DAYS BEFORE THE COURT HEARING.

**“Waiver of Notice”** When the court decides you do not have to notify a certain person about the Petition of Guardianship even if they have a legal right to know. THIS IS GRANTED ONNLY IN EXTREME SITUATIONS WHEN THE PERSON CANNOT BE LOCATED OR WHEN IT IS DANGERSOUS TO THE PETITIONER OR THE MINOR TO NOTIFY THAT PERSON.

**“Proof of Service”** A Proof of Service must be filed with the court after the person has been served with a copy of the “Notice of Hearing” and the “Petition for Guardianship”. The Proof of Service must be completed by someone other than you who is over the age of 18 and is not a party to the action. YOU CANNOT SIGN THE PROOF OF SERVICE. YOU CANNOT MAIL THE PROOF OF SERVICE. YOU MUST HAVE SOMEONE ELSE SERVE NOTICE. YOU, THE PETITIONER, CANNOT SERVE NOTICE.

## PREPARING FOR THE WORKSHOP APPOINTMENT

1. **COMPLETE THE INFORMATION IN THIS PACKET.** It includes the information you will need in order to properly complete the Guardianship forms.
2. **Attend the Clinic.** Please do not bring children to the clinic. Give yourself at least two hours in order to complete the forms. Remember, it is **your** responsibility to get the forms filled out, copied and filed with the court.
3. **File completed paperwork and give notice.** This consists of filing your petition and accompanying paperwork at the Court and serving notice to the required parties (relatives of the minor).
4. **Attend Court hearings.** You will need to request a court hearing date approximately six weeks from the date you file your papers. It is very important that you attend all court hearings. Be prepared to bring the child to court only after you have been instructed to do so by the court or the court investigator.

## QUESTIONNAIRE

**PLEASE PROVIDE COMPLETE INFORMATION- IT WILL BE USED TO ASSIST YOU IN THE PROPER COMPLETION OF THE FORMS TO BE FILED WITH THE COURT/**

### PART I

1. Name and address of proposed guardian (s):
2. Telephone number of proposed guardian (s):
3. Name and address of the minor:  
(a) Is the minor married?    **Y**    **N**
4. Minor's date of birth:
5. How do you know this minor?
6. If you are a relative, are you related to the mother of the father of the minor? (circle one)

**Mother**      **Father**

7. Name of the person(s) who will nominate the petitioner to be the guardian and the relationship of that person to the child. This means one of the parents nominates and the relatives and parents consent that you should be the guardian.

8. Name and address of each person who is the biological parent of the child, or any other person who the court has said had physical custody of the child:

9. Name and address of the person (s) with whom the minor is living at this time:

**Circle Y (yes) or N (no) for the following questions:**

10. Is the minor in or on leave of absence from a State department Mental Health Facility or a State Department of Developmental Services Institution? **Y** **N**

If yes, please give the name and address of the institution:

11. Is the minor entitled to benefits from the Veterans Administration? **Y** **N**

If yes, give the estimated amount of the monthly benefit:

12. Does the minor have Native American ancestry? **Y** **N**

13. Is the minor receiving welfare? **Y** **N**

If yes, please give the source and the amount and provide a copy of the benefits for the clinic/workshop. (**Do Not** provide the originals - make copies first):

14. Are there any adoption, juvenile court, marriage dissolution, domestic violence, custody, or other similar court proceedings affecting the minor? **Y** **N**

If yes, please explain on an attached sheet, and provide the case title and number, the court address, the date of any court judgment or order, and state how the case affects the minor.

15. Does the petitioner intend to legally adopt the minor? **Y** **N**

16. Has anyone else ever been appointed/nominated as a guardian of the minor? **Y** **N**

If yes, give the name and address of that person and attach a copy of the written nomination.

17. Why do you want to become the guardian of this minor?

18. Why shouldn't the biological parents of the minor have custody?

