

MINOR GUARDIANSHIPS

**PLEASE NOTE THAT THE COURT IS NOT ALLOWED TO GIVE LEGAL
ADVICE OR HELP YOU FILL OUT THESE FORMS
IF YOU NEED ASSISTANCE, PLEASE CONSULT AN ATTORNEY.**

FEES:

- THE INITIAL FILING FEE OF **\$150.00** IS DUE AT THE TIME OF FILING BASED UPON THE PROBATE COURT FEE SCHEDULE.
- CERTIFIED LETTERS OF GUARDIANSHIP ARE **\$12.00** EACH ACCORDING TO THE PROBATE COURT FEE SCHEDULE.

TYPES OF GUARDIANSHIPS

There are two types of guardianships for minors: Full Guardianships and Limited Guardianship. Both petition forms are included in this packet. Only the parent can file a petition for limited guardianship. A petition for full guardianship can be filed by any interested person or by the minor if he/she is 14 years or older.

FULL GUARDIANSHIP

The petition for the appointment of a full guardian is made by filing the Petition for the Appointment of Guardian of Minor (PC 651). The court may only appoint a guardian if specific circumstances exist. The court may appoint a guardian for an unmarried minor if the following circumstances exist:

- The parental rights of both parents or the surviving parent have been terminated or suspended by prior court order, by judgment of divorce or separate maintenance, by death, by judicial determination of mental incompetence, by disappearance, or by confinement in a place of detention.
- The parent or parents have permitted the minor to reside with another person and have not provided the person with legal authority for the care and maintenance of the minor.
- All of the following:
 1. The minor's biological parents have been married to one another.
 2. The minor's parent who has custody of the minor dies or is missing and the other parent has not been granted legal custody under court order.
 3. The person whom the petition asks to be appointed guardian is related to the minor within the fifth degree by marriage, blood, or adoption.

A full guardian can make decisions about where the child will live and go to school and what medical procedures are in the child's best interest. The guardian can give consent to the marriage of the minor; and, with permission of the court, the full guardian can consent to the adoption of the minor.

The court may, at any time, for the welfare of the minor, order reasonable visitation and contact of the minor ward by his or her parents.

Documents Required to File for Full Guardianship of a Minor:

- [Petition for Appointment of Guardian of Minor PC 651](#)
- [Minor Guardianship Social History PC 670](#)
- [Waiver/Consent PC 561](#) (if applicable)
- Copy of Current Custody Order (if applicable)

LIMITED GUARDIANSHIP

Only the custodial parent(s) of the minor can file a petition for limited guardianship. The parents, or the parent with legal custody, must sign the petition and voluntarily consent to the guardianship and the suspension of his/her parental rights.

The Court must approve a limited guardianship placement plan agreed to by the parents with custody of the minor or, in the case of only one parent having custody of the minor, the sole parent who has custody and the person(s) who the court will appoint as limited guardian of the minor.

A limited guardian has the same power and authority as a full guardian except he or she cannot give consent for the marriage or adoption of the minor.

Documents Required to File For Limited Guardianship of a Minor:

- [Petition for Appointment of Limited Guardian of Minor PC 650](#)
- [Limited Guardianship Placement Plan PC 652](#)
- [Minor Guardianship Social History PC 670](#)
- Copy of Current Custody Order (If applicable)

INTERESTED PERSONS

Interested persons need to be listed on the petition. It is extremely important that all interested parties be included and their proper addresses given. If an interested person is missed or not properly served, the hearing can not be held. The parties interested in the appointment of guardian of a minor are:

- The minor, if 14 years of age or older
- If known by the petitioner, each person who had the principal care and custody of the minor during the 63 days preceding the filing of the petition
- The parents of the minor or, if neither of them is living, any grandparents and the adult presumptive heirs of the minor
- The nominated guardian