

Petition for the Guardianship of a Minor

Instructions for completing the Petition for Guardianship of a Minor
(Use these instructions only when the minor has less than \$100 in cash or property)

Use this packet **ONLY** if:

- ✓ You want to become a child's guardian
- ✓ The child lives in Boston, Chelsea, Revere, or Winthrop
- ✓ The parents want you to be guardian or the parents cannot be located.
- ✓ The child **DOES NOT** own any real estate or own more than \$100.

You can't use these papers unless all four are true. Please see the staff of the self service center if you need additional help.

Produced by the Suffolk Probate & Family Court Community Outreach Program—Richard Iannella, Register

READ THIS:

Information provided in this packet **IS NOT LEGAL ADVICE**, It is information. This information is not a substitute for a competent lawyer.

When you sign a legal document or file any papers in court, it can seriously affect you in the future. You should always try to get legal advice before filing documents.

Bar Association lawyer referral services are listed in our brochure "Legal Resources in and around Suffolk County." Also listed are free legal service providers. You may be eligible for help.

**INSTRUCTIONS FOR COMPLETING the
Petition for Guardianship of a Minor Without Surities**

Please print or type all information.

Put the information asked for in line 1 in the place marked 1 in the example. The number 1 is not on the form you will fill out. Use the sample form to see where to put the information.

- ① Write in SUFFOLK.
 - ② IF you have been given a case number, write in in here.
 - ③ Fill in the name of the child you are applying to be guardian for.
 - ④ Fill in the child's current address, including the city and state.
 - ⑤ Fill in the child's date of birth.
 - ⑥ IF there is more than one child with the same parents, then list the other children on the next lines. **ALL CHILDREN LISTED ON THIS PETITION MUST HAVE THE SAME MOTHER AND FATHER.** If you are applying to be the guardian of more than one child, and they have the same mother, but different fathers, you must fill out a **SEPARATE SET OF FORMS FOR EACH CHILD.**
 - ⑦ Print your name, address, and your relationship (Maternal or Paternal; Aunt, Grandmother, Uncle) to the child. If you and another person are both applying, print both of your names and addresses.
 - ⑧ Put in the names and last known addresses of the mother and father of the children. If you do not know an address, put in "ADDRESS UNKNOWN." If a parent is deceased, write this in next to their name.
 - ⑨ If the child is entitled to benefits from the Veteran's Administration, cross out the word *NOT*. Cross out the word *DOES* in the next sentence.
 - ⑩ If you alone are applying to be guardian cross out the word *THEY* and circle "he" or "she", cross out "and the estate", cross out "with".
 - ⑪ Write in today's date.
 - ⑫ Sign the form.
- NUMBERS 9-12 are to be used only if you wish to become guardian for a child over 14. This section must be signed in front of a notary. If you do not know how to find a notary to witness the signature, ask at the Self-Service Center.
- ⑬ A child who is over the age of 14 can nominate their own guardian. If the child you wish to become guardian for is over 14, put in their name here.
 - ⑭ Put your name here.
 - ⑮ The child signs here.
 - ⑯ The notary signs here. If you cannot get the child's signature notarized, you can still file the Petition for Guardianship. You will have to serve the petition in hand to the child.

IF ONE OR BOTH OF THE PARENTS AGREE TO HAVE YOU BECOME THE GUARDIAN HAVE THE PARENT OR PARENTS SIGN IN THE "Parental Assent" section.

- ⑰ Fill in today's date.
- ⑱ Have one parent sign here.
- ⑲ Have the other parent sign here.

ON THE BACK OF THE FORM IN THE SECTION "For Petitioner" FILL IN YOUR NAME, FULL ADDRESS, and PHONE NUMBER.

YOU ARE FINISHED WITH THIS FORM. THE REST OF THE FORM WILL BE FILLED IN BY THE COURT.

①

Division _____

The Trial Court

②

Docket No. _____

Probate and Family Court Department

Guardianship of Minor With - Without - Sureties

Name of Ward(s)* _____

Residence _____

Date of Birth _____

③ (1) Child's name _____

④ Child's address _____

⑤ Child's date of birth _____

⑥ (2) _____

(3) _____

*If the petitioner is an agency then only one ward is permitted on each petition. Each ward must have the same mother and father to be listed on the same petition.

⑦ PETITIONER(S) Your Name if you are filing the complaint. _____
(PRINT Name(s) of Petitioner(s) and (street address(es))

YOUR ADDRESS _____ How are you related to the child?
(city or town) (state) (zip code) (relationship to ward)

List the names of parents, if known, otherwise name grandparents, sisters, brothers, aunts, or uncles (who are over 18)

Name

Residence

Relationship

⑧ ~~THIS IS A SAMPLE FORM-DO NOT FILL IN THIS FORM~~

⑨

The minor(s) is/are - not - entitled to benefits, estate, or income paid or payable by or through the United States Veterans Administration. I/We certify that the ward's estate - does - does not - exceed \$1 00.00.

WHEREFORE, the petitioner(s) pray(s) that he/she/they - or some other suitable person - be appointed the guardian of the minor(s) - and the estate - with custody - with - without - surety on the bond - the parent(s) being unfit.

⑪ Date _____ ⑫ _____
(signature of petitioner (1)) (signature of petitioner (2))

Nomination of Ward(s)

Then personally appeared ⑬ _____
(PRINT name of child(ren))

minor(s) being above the age of fourteen years, who nominate(s) _____
⑭ _____ to be his/her/their guardian.
(PRINT name of nominee) ⑮ _____
(signature of minor)

Before me, ⑯ _____ My Commission Expires _____
NOTARY PUBLIC/JUSTICE OF THE PEACE

Parental Assent

I/We, the surviving parent(s) - spouse - of the minor hereby assent(s) to the granting of the foregoing petition.

Date ⑰ _____ ⑱ _____ ⑲ _____
(signature of parent) (signature of parent)

DECREE

All persons interested having been notified in accordance with the law or having assented and no objections being made thereto,

It is decreed that _____

of _____ **DO NOT FILL OUT THIS SECTION OF YOUR FORM**

be appointed _____ guardian - with custody - of the person - and of the estate - of the above - named minor(s), first giving bond with _____ sureties for the due performance of the trust.

It is further ordered _____ **DO NOT FILL OUT THIS SECTION OF YOUR FORM**

Date _____

JUSTICE OF PROBATE AND FAMILY COURT