

GUARDIANSHIP of a MINOR
*Questions and Answers***How is a guardian appointed?**

Only a judge can make someone a guardian. If the child lives in Suffolk County, you come to the Suffolk County Probate and Family Court at 24 New Chardon Street, Boston.

When is a guardian appointed?

A guardian is appointed when parents cannot take care of a child. A guardian is named if parents die, or if they go away and cannot be found, or if they are found to be unfit.

Who can be a guardian?

A guardian must:

- ◆ be at least 18 years old
- ◆ be a U.S. resident
- ◆ be of sound mind
- ◆ have no felony convictions

What does a guardian do?

A guardian has custody and control of the child. The guardian is responsible for the child's care. The guardian makes sure the child is properly fed, clothed, and housed, and that the child goes to school. The child must live with the guardian, and cannot be returned to the parents without court approval.

How does guardianship differ from adoption?

With adoption, birth parents give up all rights and responsibilities for the child. With guardianship, parents keep some of these rights and responsibilities. For instance, parents can visit the child, or challenge the guardian's power. They can petition the court to regain custody.

If you wish to become the guardian of a minor, pick up forms and instructions from the Resource Center.

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

READ THIS:

Information provided by the Community Outreach Program **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.

Read This Carefully. If You Do Not Understand The Information,
Ask for Help

HOW TO BE APPOINTED GUARDIAN OF A CHILD

USE THIS PACKET to be appointed guardian for a child under 18. This is an involved process with many steps. **These materials are not for:**

✓ Guardianship or conservatorship for adults;

Do each step in order. Most require you to use forms. There are instruction sheets to help you.

STEPS:

- 1 See the Checklist on the cover of the forms packets. Make sure that you have the correct forms.
- 2 **COMPLETE THE FORMS:** Fill out all forms completely and in black ink. You may want to make an extra copy of the blank forms before you fill them in, in case you make mistakes as you are completing the forms. **You will have to fill out the following forms. There are detailed instructions for each form.**
 - ✓ **GUARDIANSHIP OF MINOR FORM (PETITION FOR APPOINTMENT).**
 - ✓ **BOND** One for Temporary Guardianship and One for Permanent Guardianship.
 - ✓ **AFFIDAVIT DISCLOSING CARE OR CUSTODY PROCEEDINGS**
 - ✓ **GUARDIANSHIP INTAKE SHEET.**
 - ✓ **AFFIDAVIT OF INDIGENCY.** Fill out these forms if you think you cannot afford to pay the court fees.
 - ✓ **PUBLIC ASSISTANCE AFFIDAVIT**
 - ✓ **MILITARY AFFIDAVIT**
 - ✓ **MOTION FOR APPOINTMENT AS TEMPORARY GUARDIAN**
 - ✓ **AFFIDAVIT IN SUPPORT OF MOTION FOR TEMPORARY GUARDIANSHIP**
 - ✓ **CITATION (NOTICE) OF GUARDIANSHIP-MINOR (Instructions and sample form. The form is not in packet, it will be mailed out by court)**

- 3 **COPIES:** Make two (2) copies of all the completed forms. Assemble the copies so that you have 3

COMPLETE PACKETS OF THE FORMS-- the originals and 2 sets of copies. Keep one copy for yourself.

TO FILE THE PAPERS AT THE COURT:

4 TAKE THE ORIGINALS AND COPIES TO THE CLERK TO BE FILED OR MAIL THEM IN:

Take the **originals** of the documents to **Office of the Register of Probate, Richard Iannella**, on the third floor of the court, for processing. An assistant Register will review the papers and stamp them in. **File the case and obtain a docket number. *IF you wish to mail in your completed forms, send them to:***

**Register of Probate, Richard Iannella
Suffolk Registry of Probate, Indexing Department
24 New Chardon Street
Boston, MA 02114-4703**

5 SCHEDULE A HEARING ON THE MOTION FOR TEMPORARY GUARDIANSHIP (Read instruction sheet for details)

6 NOTIFY THE OTHER PARTIES OF THE HEARING DATE (Read instruction sheet for details)

7 WHEN YOU RECEIVE A "NOTICE"/CITATION , COMPLETE SERVICE OF THE NOTICE. (Read instructions sheet for details)

8 Schedule a hearing date for the Permanent Guardianship (Read instruction sheet for details)

9 OTHER HELP: If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "Attorneys". Also, the Register's Office has a pamphlet on legal resources. There is a "lawyer for the day" available most days in the Register's Office. This attorney is available on a first come/first serve basis to provide limited advice and information.

Every time a case is filed in court, a *DOCKET NUMBER* is assigned. This is the number the court uses to identify your case and find your case file.

Write this number on *all* papers you file in Court. Have the Docket Number handy when you come to the courthouse or call on the telephone to ask about your case.