

## **WHAT IS GUARDIANSHIP?**

A **guardianship** is where the court orders a non-parent to take care of a minor child. A guardianship can be for the minor's **person** and/or **estate**. When you are appointed guardian of a minor you must serve as guardian until you are legally released by the court from your duties or the minor reaches age 18.

Guardianship of the **person** means taking care of the minor's physical needs such as food, clothing and shelter. Guardianship of the **estate** means taking care of the minor's assets, such as money, property or things of value. **If the minor has assets you must get help from a private attorney. The Self-Help Legal Access Center does not assist with guardianship of the estate.**

## **HOW DO I KNOW IF I NEED TO GET A GUARDIANSHIP?**

**Turn to the next page.....**

Before you decide if a guardianship is what you need, consider the following options:

- **A Caregiver's Authorization Affidavit**
- **Power of Attorney (Minor Child)**

These documents may provide you with the limited power to take care of the minor child when the following apply:

- ✓ You only plan to take care of a minor for a short period of time, maybe up to one year.
- ✓ You are related to the minor and the parents will allow you to enroll their child in school and approve medical attention.
- ✓ You are planning to move out of the State of California with the minor child and intend to apply for a guardianship in the other State.

If any of these statements apply you might consider using a **Caregiver's Authorization Affidavit** or **Power of Attorney** instead of a guardianship. It is always best to consult with a private attorney before you decide. For instructions on how to use these forms go to folder #14. To continue with guardianship, turn to the next page.

As guardian of a minor you will assume the role of the minor's parent. It can be rewarding, but it can also be stressful. You will have the ongoing responsibility of the minor, as well as possible liability for the minor's actions. It is always best to consult with a private attorney before you decide.

## **I HAVE DECIDED I WANT A COURT ORDERED GUARDIANSHIP, WHAT NOW?**

1. Get the court forms to file. You can purchase them from the court clerk's office or from the Self Help Legal Access ("SHLA") Centers. The packet currently sells for \$3.10.
2. It will cost \$196.00 to file the petition in Superior Court. If you cannot afford this fee, ask the clerk for a **fee waiver packet** to apply for a waiver of the filing fee. The fee waiver packet is free.
3. Complete the forms in the packet one at a time.

**THE SELF HELP FOLDERS WILL SHOW YOU HOW TO COMPLETE THE FORMS, ONE STEP AT A TIME. YOU MAY NOW GO TO FOLDER #2.**