

# Minor Guardianships and/or Conservatorships

## Temporary Guardianship of a Minor

Temporary Guardianship orders authorize individuals to care for minor children when parents are unable to care for their children temporarily. A guardianship order is often required for a single parent to enter into the military. Guardianship orders may be required to register the minor child in school and authorize medical treatment for a child. Guardianships are not granted by this Court from one parent to another parent. Such cases are handled through Superior Court or Juvenile Court.

### Requirements:

To begin the process, a petition must be filed seeking guardianship of the child(ren) by the person(s) who wish to be named guardian(s). The Initial Filing Fees must be paid upon filing the petition. There is an additional cost if the Court determines a notice has to be published and/or the Sheriff has to serve notice on a parent. The person seeking guardianship must complete all pages of the petition. If the parents are willing to sign the acknowledgement and consent to the petition, their signature **MUST** be notarized or witnessed by a Probate Clerk. We cannot accept notarized letters from a parent. If a parent is deceased, you will need to bring in a death certificate or obituary. If the guardianship is needed for more than one minor, and the minors have the same mother and father, you can file one petition. If the minors have different parents, you will have to file a petition for each minor and pay the required filing fees for each petition. To qualify as a guardian of a minor, you must be a U.S. citizen, permanent resident, or have poof of permanent status in the U.S.

### Initial Filing Fee:

(DUE AT THE TIME OF FILING).....\$102.50

**\*Other fees MAY apply and ALL fees are due BEFORE the final order is issued.**

Notice Publication (if required).....determined by The Sylvester Local

Personal Service/Sheriffs Service (if required)..\$50.00

Recording Fees Per Page.....\$2.00

Certified Copies.....\$10.00

## **Court Process:**

The Petition must be filed and the filing fees must be paid upon filing. If everything in the petition looks complete, the clerk calls the petitioner for a hearing date. The clerk determines whether or not a notice has to be issued, prepares any needed notice, and has the same published or served. The Judge will require that the Guardian and each individual in the home 18 years and older fill out a background check form. If a parent objects to the petition, the petition is automatically forwarded to Juvenile Court. If no objection is filed by a parent, the petitioner(s) will appear at the Court and at the Judge's determination, Orders, Oath and Temporary Letters of Guardianship are signed.

*Any balance of court costs must be paid prior to the Temporary Letters of Guardianship being issued.*

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## **Conservatorship of a Minor**

Conservatorship of a Minor appoints the natural parent(s) or legal guardian(s) as Conservator of property belonging to a minor. This type of petition is required for minor children receiving funds that are more than \$15,000 from an inheritance or from a settlement. No petition is necessary for a natural guardian to receive any money or property for their child, if the property is worth less than \$15,000.00.

This petition must be filed for a person who is not the natural guardian of the child, to become conservator for that child's property which requires management by a conservator.

A surety bond will be required.

## **Requirements:**

To begin the process, a petition must be filed seeking conservatorship of the property belonging to a child by the person who wishes to be named conservator. The Initial Filing Fees must be paid upon filing the petition. There is an additional cost if the Court determines a Notice has to be published and/or the Sheriff has to serve notice. The person seeking conservatorship must complete all pages of the petition. The Petition must include signed and notarized acknowledgement and consents from the minor's nearest relatives whose whereabouts are known and are as follows: (Show parents whose rights have not been terminated; if none, adult

siblings of the minor; if none, the grandparents of the minor; if none, any nearest relatives of the minor so that there are three individuals named). If there is more than one child that owns property, you may have to file a separate petition for each child and pay court costs for each petition. (This can be determined by an attorney.) To qualify as a conservator of a minor, you must be a U.S. citizen, permanent resident, or have poof of permanent status in the U.S.

**Initial Filing Fee:**

(DUE AT THE TIME OF FILING).....\$102.50

***\*Other fees MAY apply and ALL fees are due BEFORE the final order is issued.***

- Notice Publication (if required).....determined by The Sylvester Local
- Guardian Ad Litem (if required).....determined by the Court
- Personal Service/Sheriffs Service (if required)..\$50.00
- Recording Fees Per Page.....\$2.00
- Certified Copies.....\$10.00

**Court Process:**

The Petition must be filed and the filing fees must be paid upon filing. The court reviews the petition and if everything in the petition looks complete, the clerk calls the petitioner for a hearing date. The clerk determines whether or not a notice has to be issued, prepares any needed notice, and has the same published or served. In some cases, the court will appoint a Guardian Ad Litem to represent the minor. The Judge can elect to have a background check done on the potential conservator. At the hearing, the petitioner(s) will appear in Court and upon the Judge’s determination , the Order and Oath are taken and the bond amount set (if not determined prior to the hearing). After a Bond is filed, the Letters of Conservatorship are signed. You may need to file a Personal Status Report, Inventory and Annual Returns.

*Any balance of court costs must be paid prior to the Order and Letters of Conservatorship being issued.*

**Supporting Documents**

Petition for Temporary Letters of Guardianship of Minor 44.85 KB

Petition for Letters of Conservatorship of a Minor 185.5 KB

Personal Status Report 20.37 KB

Minor Conservatorship Inventory and Asset Management Plan 39 KB