

How to File for Guardianship of a Minor Child

These forms are for Guardianship of a Minor Child when both parents agree to the Guardianship. If a parent does not agree, you should talk to an attorney.

① **Get court forms:** (The name of the court form is found at the bottom of each form.)

To Start the Case

- Family Law Case Information Sheet for De Facto Custodian, Adoption and Minor Guardianship Cases*
- Petition for Appointment of Guardian of a Minor*
- Notice of Guardianship Petition and Hearing*
- Acceptance of Appointment by Guardian*
- Consent to Appointment of Guardian*
- Waiver of Notice* (optional)
- Nomination by Minor* (if child is 14 or older)

To Finalize General Guardianship

- Order Re Appointment of Attorney or Guardian ad Litem*
- Judgment Appointing Guardian of Minor*
- Letters of Guardianship*
- Affidavit of Service*

For Temporary Guardianship

File all forms listed above and the following:

- Order Appointing Temporary Guardian*
- Letter of Temporary Guardianship*
- Notice of Temporary Guardianship*

Get these
court forms for FREE at
www.courtselfhelp.idaho.gov

② **Fill out heading on all court forms:**

Using black ink, fill out the heading on all forms with your information, see the following example.

(Ask the court if you do not know your district and county information.)

John Doe Full Name of Party Filing this Document	SAMPLE
12345 Main St. Mailing Address (Street or Post Office Box)	FORM
Anycity, ID 83111 City, State, and Zip Code	
111-111-1111 Telephone Number	
myemail@address.com Email Address (if any)	
IN THE DISTRICT COURT OF THE <u>FOURTH</u> JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF <u>ADA</u>	
In the Matter of Johnny Doe	Case No.: _____
DOB: <u>01/01/2001</u> a Minor.	

③ **Fill out and sign court forms:**

Form 1. Family Law Case Information Sheet for De Facto Custodian, Adoption and Minor Guardianship Cases: Fill out the form as completely as possible with the information requested. This form will be kept confidential.

Form 2. Petition for Appointment of Guardian of a Minor: You are the Petitioner. Fill out Pages 1-4 completely and sign and date where shown.

Form 3. Notice of Guardianship Petition and Hearing: Sign and date. Leave the hearing date blank unless you have been given a court date by the clerk.

On page 2, fill out information for all persons that require notice. Notice must be given to the minor child if he/she is at least 14 years old, any person who has had principal care and custody of the child during the 60 days prior to the date of the petition, and any living parent of the child. Print your name and sign at the bottom.

Form 4. Acceptance of Appointment by Guardian: Sign and date to show you want to be appointed as guardian and accept the responsibilities of guardian.



④ Need signatures from minor’s parents:

Form 5. Consent to Appointment of Guardian: Parents can sign this form to show they agree to the guardianship. The parent should check the appropriate boxes then sign and date the form. Each living parent must complete a separate form.

Form 6. Waiver of Notice: Any living parent or a person who has had principal care and custody of the minor during the 60 days prior to the petition can choose not to receive notice of the guardianship process and all court documents. They can waive their right to receive notice and documents by signing this form.

⑤ Have the minor sign, (if age 14 or older):

Form 7. Nomination by Minor: If the child is 14 or older, the child must sign and date the form.

⑥ Complete the Forms the Judge will sign:

Fill out the heading of the following forms, but do not sign these forms:

- Order Re Appointment of Attorney or Guardian ad Litem*
- Judgment Appointing Guardian of Minor*
- Letters of Guardianship.*

If you have requested temporary guardianship also fill out the heading on these forms:

- Order Appointing Temporary Guardian*
- Letter of Temporary Guardianship*
- Notice of Temporary Guardianship.*

Note: This Notice must be sent to all interested persons within 72 hours of the appointment of a temporary guardian.

⑦ Make copies of all court forms:

Make copies of ALL forms. You will file the original

with the court, make a copy for your records, and a copy for anyone else who must also receive notice.

⑧ File the guardianship

Take the original and all copies to the courthouse. Pay the filing fee of \$216. If you cannot afford the filing fee, you can fill out a *Motion and Affidavit for a Fee Waiver* at the courthouse.

Some courthouses have a Court Assistance Officer who can review your forms and provide legal information for FREE. Learn more at www.courtselfhelp.idaho.gov

⑨ Serve notice:

Personally deliver OR mail by certified, registered or ordinary first class mail a copy of your court forms at least 14 days before the hearing date to all persons that require notice. Fill out and sign the *Affidavit of Service*, then take it to the courthouse.

*You do not need to serve notice on a person if they signed the *Waiver of Notice*.

⑩ FINAL STEP: Attend the court hearing:

At the court hearing, the judge will call the case name and case number. You should step forward and answer any questions that the judge may have for you. The judge will tell you if the guardianship was granted, and if so, sign the order.



ONGOING REPORTING REQUIREMENTS

Once a guardianship is granted the Guardian will be responsible for providing the court with reports on a yearly basis. Visit the Court Assistance website for those forms at:

www.courtselfhelp.idaho.gov

Talk to an attorney. These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. We always recommend you talk with an attorney before filing paperwork.