

INSTRUCTIONS TO COMPLETE PETITION FOR THE APPOINTMENT OF A GUARDIAN OF A MINOR

Minor guardianships are used to provide legal authority for adults other than the parents of the minor to take care of the minor for a short or long time because the parent or parents of the minor are unwilling or unable to safely and adequately care for their child. While a minor guardianship is in place the guardian, and not the parent, has the right and responsibility to make decisions about and care for the minor child.

A full guardian of a minor has the same powers and responsibilities toward a child as does a custodial parent except that the guardian is not obligated to support the child with personal funds and is not liable to third parties for the acts of the minor.

All forms must be typed or clearly printed in ink. All forms must be accurately and fully completed. The Court will not accept forms for filing unless they are accurate and complete. Court personnel are not allowed to provide you with legal advice concerning this matter. If you have questions in regard to this procedure, or are unable to properly complete these forms, you should then seek assistance from a qualified attorney.

The minor who needs a guardian must either be a resident of Muskegon County or be living with someone in Muskegon County at the time the petition is filed with the Court. If the minor is at least 14 years of age, the minor must also sign his/her consent to the guardianship.

The minor must be in need of a guardian because the parental rights of both parents or the surviving parent have been terminated or the parent(s) have permitted the minor to reside with another person and have not provided that other person with the legal authority for the care and maintenance of the minor.

The proposed guardian(s) must be present for the hearing.

BELOW ARE INSTRUCTIONS TO COMPLETE FORMS IN THIS PACKET. PLEASE READ OVER AND FOLLOW THESE INSTRUCTIONS TO MAKE SURE THAT THE COURT WILL BE ABLE TO ACCEPT YOUR PETITION. BEFORE FILING THE ENCLOSED PETITION YOU WILL NEED TO:

Obtain a copy of the minor's birth certificate, and if the child is subject to another court's jurisdiction, you will need to obtain a copy of the latest order affecting the child; i.e. Judgment of Divorce, Paternity Order, Child Support, Custody or Family Division Orders.

A \$162.00 filing fee must be paid in cash or money order at the time of filing. There is also a \$60.00 charge for a court ordered homestudy. Payment is due at the time of filing.

INSTRUCTIONS

PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR (PC 651)

Where it states "In the Matter of" – put in the name of the child.

In section 1; put in your name and the relationship you have with the child, i.e. Grandparent, Aunt, Uncle, etc.

In section 2; put in the child's date of birth and the child's home address and gender. You will then put in the address where the child is currently residing if different from the child's home address.

In section 3; if the child is of Indian ancestry, you must list the name of the tribe that the child belongs or could belong to.

In section 4; put all known information concerning the parents of the child; complete name and address. You must also provide information on who has custody of the.

In section 5; if the parents of the child are divorced, or there was a paternity action, or the child was involved in child protective proceedings, you must list the court that has/had prior jurisdiction including the case number.

In section 6; you must check the box that applies to your reason for obtaining guardianship.

In section 7; a temporary guardian may be requested if there is a medical emergency or the child is in imminent danger.

In section 8; indicate the name, address and telephone number of the person who you are asking to be appointed the Guardian for the minor child.

In section 10; if the minor is **14 years** of age or older, the child must also sign the petition.

SOCIAL HISTORY FORM (PC 670)

The proposed guardian must complete this form. This form will be used by the court to determine if the guardian is suitable to act as the court appointed guardian for the minor.

NOTICE OF HEARING (PC 562)

Where it indicates, "In the Matter of" please put in the name of the minor. The Court will give you a hearing date/time when the forms are fully complete and accepted for filing. At the bottom insert the date, name, address and telephone number of the petitioner.

CRIMINAL HISTORY CHECK

This form must be completed with the information requested and dated and signed. If there is more than one proposed guardian, a separate criminal history check must be completed.

PROOF OF SERVICE (PC 564)

This form is completed after the court documents have been filed with the Court. This must be filed with the Court at least **10 days prior to the scheduled hearing.**

On the first line, put in the name of the minor.

Section 1; list the papers being served. (Ex.: Petition for Appointment of Guardian of Minor, Notice of Hearing)

Section 2; check the appropriate box for the type of mail service used. List the name and address of who service was sent and then indicate the date service was sent.

Section 3; must be completed if you personally hand delivered the Petition and Notice of Hearing to the interested person(s).

Interested parties pursuant to court rule:

- (a) the minor, if 14 years of age or older;
- (b) if known by the petitioner, each person who had the principal care and custody of the minor during the 63 days preceding the filing of the petition;
- (c) the parents of the minor or, if neither of them is living, any grandparents and the adult presumptive heirs of the minor, and
- (d) the nominated guardian.

You are required to mail a copy of the petition and notice of hearing to the interested person(s). Once this has been done, you will need to date and sign the form and return to the Court for filing (Muskegon County Probate Court, 990 Terrace St – 5th floor, Muskegon MI 49442)

After completing **all** of the forms in this packet and making the necessary copies for service, bring them to the Court and your documents will be processed.

AFTER THE COURT HAS APPOINTED YOU GUARDIAN

The guardian is required on an annual basis to file the **ANNUAL REPORT OF GUARDIAN ON CONDITION OF MINOR (PC 654).**

Please provide the Court with any address and/or telephone changes.

STATE LAW PROHIBITS COURT STAFF FROM GIVING LEGAL ADVICE CONCERNING THIS MATTER.