

*****INSTRUCTIONS*****

PLEASE read the following instructions. By not providing the required information, your hearing may be denied or the hearing date postponed.

Petition for Appointment of Guardian of Minor

Presented by *pro se* Petitioner(s)

Completing the Petition.

- An example of the Petition is located on our website www.eriecountypa.gov. At the home page, click on "County Services" then select "Register of Wills" which appears under the heading titled "Records". You can fill in the form Petition online and then print it out. You may include additional information to meet your needs and circumstances. It is important that you include all information and forms as requested within said petition. If you have any legal questions, you will need to consult an attorney.
- Sign and date the Petition in ALL applicable places. You will need to provide complete addresses for the biological/adoptive parents.
- You must attach to the Petition the following exhibits:
 1. The proposed guardian's written consent to appointment as guardian.
 2. Consents to the guardianship by the biological/adoptive parents must be signed and attached, if possible. Consent of a Minor who is 14 years of age or older should also be signed and attached. If the minor is 14 years of age or older, the minor must appear in court at the time of the hearing.
 3. If the Petition is being filed due to the death of the minor's parent or legal guardian, you must attach to the Petition a copy of any known written instrument (i.e. a will, deed or any other writing) that appoints a guardian to receive property or proceeds on behalf of the minor.
- A separate Petition must be completed for each minor for whom you seek appointment of a guardian. Even if the same person is proposed as the guardian for more than one minor child, you must fill out and file a separate Petition for the appointment of that proposed guardian for each child.

****PLEASE NOTE: YOUR CASE WILL NOT MOVE FORWARD WITHOUT BEING FILED AT THE REGISTER OF WILLS AFTER YOU OBTAIN A HEARING DATE****

Obtaining a Hearing Date:

- Once the Petition(s) is completed and signed, take the original Petition to the Office of Court Administration (Room #205) in order to get a hearing date. Court Administration will make copies of the Petition for you to serve on all interested parties (including the minor(s) biological and/or adoptive parent(s) and/or current guardian(s)).

- Once you have a hearing date, bring the fully completed Petition, including the signed and completed Rule to Show Cause, along with copies to the Register of Wills (Room #122). You will pay the following filing fee for EACH petition: \$50.00, \$40.25 JCP (Judicial Computer Processing fee) and \$5.00 Automation fee.

Service of the Petition & Rule to Show Cause:

- After you obtain your hearing date and you have filed the Petition with the Register of Wills, you ***must*** serve copies of the Petition for Guardianship and Rule to Show Cause scheduling the hearing on all interested parties (including the minor's biological and/or adoptive parent(s) and/or current guardian(s)). This must be done at least 20 days prior to the hearing date.
- You may choose one of the following options to satisfy the service requirement:
 1. Sending one copy to each individual via certified mail, return receipt requested, restricted delivery **and** sending a second copy to each individual via regular mail. Service via this option will provide you with all of the information that you need to show the court that service was properly completed. You must attach your return receipt for the certified mail to the completed and signed Certificate of Service form, file the original with the Register of Wills office and keep a copy of both for you to bring to the hearing with you. If the regular mail is returned to you by the Post Office, you must also bring it to the hearing; or
 2. In the alternative, you may have an adult, other than a petitioner or petitioner's family member, hand a copy of the Petition for Guardianship and Rule to Show Cause on all parties in person. If you choose to complete service in this manner, you must have the person who provides service complete a "return of service." The return of service must include the date, time, place, manner of service, identity of the person served, and any other facts the court may need to determine if service is proper. The return of service must be signed by the person who completed service and must be by affidavit. This means that it must be either sworn or affirmed before an officer authorized by law to administer oaths or contain a statement that is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities. You may use the Certificate of Service form that is attached to these instructions. You must, however, make sure that you include on the Certificate of Service form the date, time, place, manner of service and identity of the person served, as well as ensure that the person who provided service signs the same.
- Proof of Service and/or Acceptance of Service of the Petition and Rule to Show Cause ***must*** be filed in the Register of Wills Office prior to the hearing and a copy must be presented to the Judge at the time of the hearing. (See attached Certificate of Service)

Guardianship Hearing:

- Please arrive on time for your scheduled hearing.
- If the minor is 14 years of age or older, the minor(s) must be present at the hearing.
- If the guardianship is granted, certified copies of that order (\$1.25 each) or a Guardianship certificate (\$5.00 each) confirming that you are the guardian of that child(ren) are available through the Register of Wills Office.

Important:

Failure to comply with these instructions may result in the guardianship being denied and/or the hearing rescheduled.

IN RE:

_____,
a Minor

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:
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IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION

No. _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petition for Guardianship and Rule to Show Cause scheduling the hearing were served on (names and addresses where served):

and in the following manner (describe manner of service for each person served—i.e. personal service or certified mail; give the date and time of service, and attach any proof of service)

I hereby verify that the facts stated herein are true and correct to the best of my knowledge, information and belief. I understand that any false statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Date: _____

(signature of Petitioner)

Date: _____

(signature of Petitioner)

Date: _____

(signature of adult who completed personal service, if personal service rather than mail)