

Guardianship of a Minor

Frequently Asked Questions

(These are general answers to the most common questions. For legal advice, you must consult an attorney)

I signed and filed the Guardianship papers at the Courthouse – am I the Minor’s guardian now?

No! You need a Court Order to become the official guardian for a Minor. **You will have to go to a hearing first.** The Judge will have to decide if you will be a good guardian for the Minor. If so, then the Judge will sign a Court Order which says you are the guardian. That’s when you will officially be the guardian for the Minor.

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What will be my legal responsibilities?

You will be acting as if you are the Minor’s parent. This means that you will be responsible for their education, medical care, and general well-being. You will have to pay the cost for caring for them, but you can apply for benefits (such as Social Security or welfare) which might help. The Judge might also give you specific responsibilities in the guardianship order. Be sure you read the order carefully.

How long will I be the Minor’s guardian?

Until the Minor turns 18, or the guardianship is revoked by Order of Court. If you are accused of not being a

good guardian, the accuser may file a petition to revoke or modify your Guardianship Order and a judge will hold a hearing.

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What if something comes up and I can’t be the guardian anymore?

If you are unable or unwilling to continue to serve as guardian, you must go back to court so the judge can appoint someone new. You cannot pick a new guardian for the Minor on your own. If the Minor needs a new guardian, go back to the Orphans’ Court Clerk / Register of Wills office at the Erie County Courthouse and they will help you with the next step.

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Will I be able to enroll the Minor in school and talk to their teachers?

Yes. Schools may ask for a certified copy of the Guardianship Order. After the Judge appoints you as the guardian, you can get one at the Orphans’ Court Clerk / Register of Wills office where you filed the initial guardianship papers. You will have to pay a small fee for the certified copy.

What about medical care for the Minor?

When you take the Minor to a healthcare provider, you should take the Guardianship Order with you to show you are legally responsible for the Minor. It's best if you carry a certified copy of the Guardianship Order with you at all times.

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The Minor's parent has been getting money for the Minor – shouldn't that come to me now?

Yes. Once you are appointed guardian, if the Minor receives Social Security or other benefits (like welfare), you should be the one getting the checks. If you do not get the money, take the guardianship order to the Social Security, welfare or other benefit office and apply to have the checks sent to you as legal guardian. **Remember: This money is to be used ONLY to pay the expenses of caring for the Minor.**

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Someone told me I'll still need a "custody order" – is that true?

No. Someone like a welfare worker or a doctor might tell you they need to see a custody order in order to talk with you. A Guardianship Order is as good as a custody order. If you have a certified copy of the Guardianship Order, you shouldn't have any problems.

What if the parents call me and want to visit the Minor?

When you become guardian of the Minor, it will be up to you to decide what's best for the Minor as long as it is permitted by the Guardianship Order. For example, if the Guardianship Order says the parents are not permitted to see the Minor, you **MUST** do what the Guardianship Order says. If the Guardianship Order has no restriction on visitation, it is up to you whether you allow the parents to visit with the Minor. If you refuse, the parents may go to custody court to ask a judge for visits. Be sure the custody court is aware of the Guardianship Order and take a copy of it with you to any hearings.

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What if the Minor is in an accident or gets injured?

If the Minor is hurt in an accident (that's not your fault), you have the **right to sue** that person who caused the accident, on the Minor's behalf. Go see a private lawyer if this happens. The court might get involved to be sure the Minor receives a fair amount of money.

IMPORTANT!

**The law often changes.
Each case is different.
This pamphlet is meant to give you general information and NOT to give you specific legal advice.
Always consult with a lawyer if you have legal questions.**