

The mission of the Kinship Care Resource Center, which is part of the School of Social Work at Michigan State University, is to provide support for the physical, emotional, cultural, and social well-being of kinship families in the state of Michigan. This mission will be accomplished by:

- ◆ Linking families to community resources;
- ◆ Providing kinship care related technical support and consultation to agencies;
- ◆ Developing innovative, community-based research projects; and
- ◆ Educating service providers, legislators, policy makers and community leaders about the needs of kinship families.



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# FILING FOR GUARDIANSHIP FOR CHILDREN

MICHIGAN STATE UNIVERSITY

SCHOOL OF SOCIAL WORK

KINSHIP CARE RESOURCE CENTER

*Strengthening Families ♦ Spanning Generations*



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8 If you do not know where the parent(s) can be reached, you will need to file a **Declaration of Intent to Give Notice by Publication** and a **Publication of Notice of Hearing** form with the court. A local newspaper will print this notice and send you a bill (usually less than \$60). The newspaper will also send a copy of the publication to the court for the court's records, proving that you have sent the notice. The **Publication of Notice of Hearing** can only be used when the potential guardian does not know where the parent(s) can be reached.

9 If the hearing for guardianship is approved, the guardian will sign an **Acceptance of Appointment** form. Letters of guardianship and the order will be given by the court. If you wish to receive a certified copy of the letters of guardianship, there will be an \$11 fee charged. Fees may be different amongst the courts.

## Contacting Probate Court for a Guardianship Packet

To receive the information packet to file for guardianship for a child, please call or visit the probate court in your county. The phone number for probate court is found in the Yellow Book (phone book). You may also find the number through the internet at <http://courts.michigan.gov/scao/services/dirs/tlinks.htm>.

## Financial Resources

The Department of Human Services (DHS) has financial programs to assist relative caregivers for children. Please contact your local DHS for more information. The number for DHS can be found in the Yellow Book (phone book). You may also use the internet by visiting <http://www.michigan.gov/dhs/0,1607,7-124-5461-,00.html>

Please note: If a child has been placed with a relative because of an abuse or neglect case, licensed foster care is an option available through DHS that can provide a monthly stipend (\$400-600). However, a caregiver cannot have guardianship and foster care at the same time.

# Steps Required to File for Guardianship (Limited or Full)

- 1 Go to your county's probate court office and ask for a packet of information regarding guardianship of a child. Most courts have packets and provide forms for free.
- 2 For Full Guardianship, the third party or person wanting to become a guardian will need to fill out the **Petition for Appointment of Guardian of a Minor**. For Limited Guardianship, the custodial parent(s) will need to fill out the **Petition for Appointment of Limited Guardian of a Minor** and a **Limited Guardianship Placement Plan**.
- 3 Fill out a **Minor Guardianship Social History** form and attach letters of recommendation. These letters should be from people who know you well and can confirm you are able to care for a child. For any guardianship, the person wanting to become a guardian of a child would fill out the **Social History** form.
- 4 File with the court the **Petition for Appointment**, the **Limited Guardianship Placement Plan** (if one is needed), the **Social History** form and letters of recommendation. The court will give general assistance with understanding the forms. The cost for filing for Limited or Full Guardianship is \$150. Once you have paid, the clerk will set a date for the court hearing. *You may request waiver of the filing fee if you cannot afford to pay the fee.*
- 5 Once you file your request for any type of guardianship, an investigator may visit the child, make a home visit with the proposed guardian, write a report, and make suggestions to the judge. If the court approves your request, then according to the Michigan law (MCL 600.875), you may be charged a \$50 fee for the cost of the investigation. However, not all courts charge a fee for the investigation.
- 6 Once you have filed a request for guardianship and a court hearing date has been set, you must notify the parent(s) of the child of the hearing. This is done using a **Notice of Hearing** form. The notice must be made at least 7-14 days before the hearing depending on whether done by mail or in person.
- 7 After the **Notice of Hearing** form and attachments are sent to the parent(s), you must fill out and file with the court a **Proof of Service** form that lists to whom you delivered the notice and how and when the notice was delivered.



## Introduction

Many kinship families are unexpectedly asked to care for children and need legal authority to provide for them. This brochure is designed to educate kinship families in Michigan about the process of applying for guardianship for children in their care.

## What Is Guardianship and How Can It Be Helpful?

With some exceptions, a guardian of a child takes on the role of a parent, providing for the care and custody of the child. Relative caregivers who have guardianship of the children in their care can make decisions about where the child lives, where he or she attends school, and what medical care is in the child's best interest.

Source: Guardianships for Children: Filing Information  
—Ingham County Probate Court

## What Is Limited Guardianship?

A **Limited Guardianship** is created when parents willingly suspend their parental rights for a specific period of time. The term “limited” is used to explain what the Limited Guardian can and cannot do while caring for the child. In a Limited Guardianship, the custodial parent(s) are required to file for the guardianship.

### Parental Involvement in Limited Guardianship

The custodial parent(s) of the child must agree to appoint a Limited Guardian for their children as well as agree to give up their parental rights for a specific period of time. Along with the signed permission of the parent(s), both the parent(s) and guardian(s) must create a Limited Guardianship Placement Plan.

This placement plan should include all agreements made about the Limited Guardianship of the child such as:

- Financial support for the child;
- Why the arrangement is being requested;
- How long the placement will last; and
- Visitation and contact between the child and the parent(s).

Although parental rights are temporarily ended in this type of arrangement, the parent(s) can ask to take back custody of the child through a request to the court. If the parent(s) fulfill the agreements in the Limited Guardianship Placement Plan, the court will end the guardianship.

### What Can I Do with a Limited Guardianship?

The Limited Guardian can make decisions regarding:

- Where the child lives;
- Activities of the child; and
- Medical care for the child.

Under Limited Guardianship, the guardian may not release a child for adoption or give permission for an adoption or marriage. A Limited Guardianship has no fixed time and can last as long as a Full Guardianship.



## What Is Full Guardianship?

A **Full Guardianship** is created when a third party (non-parent) files to become a guardian of a child. Unlike the Limited Guardianship, it does not require the parent(s)' permission or agreement.

### Parental Involvement in Full Guardianship

In order for you to obtain Full Guardianship of a child, the court must decide that both parent(s) are unwilling or unable to care for the child.

### What Can I Do with a Full Guardianship?

The Full Guardian can make decisions regarding:

- Where the child lives;
- Activities of the child; and
- Medical care for the child.

Under Full Guardianship, with a separate hearing and approval of a court, the guardian can release the child for adoption or give permission to an adoption or marriage.

## Court Involvement with Guardianship (Limited and Full)

A guardian must report to the court each year on the condition of the child. The report must include the condition of the child, any medical treatment or care of the child, educational and social information, parental visitations, and what, if any, reason exists for continuing the guardianship. The form that must be used to file the annual report is available at the probate court. The powers and duties of a guardian of a child are found at MCL 700.5215.

The guardianship must be reviewed at least once a year if the child is under 6 years of age. However, the court may order the evaluation of any guardianship at any time.

To turn a Limited Guardianship into a Full Guardianship, a request can be made to the probate court.