



Instructions for Filing a Petition for Guardianship of Minor

General Instructions

The proposed guardian should complete the petition. Please complete petition legibly, typed or written in ink. All of the required documents and forms should be filed with the court at the same time. The Clerk of Court cannot, by law, accept a petition for filing unless it is filled out completely and all necessary documents are included.

Legal Advice – By law, court personnel are prohibited from giving legal advice. If you have questions regarding the petition, or are unable to properly complete the forms, you should seek assistance from a qualified attorney. The clerk can provide you with a list of attorneys admitted to practice in Tribal Court, including legal aid offices.

Costs – The costs associated with filing a Petition for Guardianship of Minor are:

- Filing Fee - \$50.00.
- If you (the petitioner) believe you are indigent, you must file an Affidavit for Waiver/Suspension of Fees. The clerk will provide a copy of this form free of charge.
- If the petition is granted, you will receive one certified copy of the Letters of Authority. Additional copies are \$10.00 per certified copy.
- Fees cannot be returned if the petition is denied.

Investigation by Child Protective Services – Upon the filing of any Petition for Guardianship of Minor, the court will order Anishnaabek Community and Family Services to investigate the proposed guardianship and complete a home study of the proposed guardian. An ACFS worker will visit the proposed guardian's home and make such other investigation as is appropriate.

Hearings – The initial hearing on a Petition for Guardianship of Minor will generally take place within 14 days after filing of the Petition. The purpose of the initial hearing is to ensure that the petition is properly before the court and that all interested parties have been notified. If warranted, the Court may order the guardianship on a temporary basis pending the full hearing. The Court will then schedule a full hearing on the Petition at least 30 days later. This is to allow time for ACFS to conduct its investigation and prepare its report, and for the attorney guardian ad litem (GAL) to meet with the minor child(ren).

Line-by-Line Instructions

Do not complete the information within the caption of the case. The Clerk of Court will complete this section upon filing.

1. Include your full legal name, complete residential address, and relationship to the child.
2. Indicate whether or not the proposed guardian is a tribal member. If so, you must include a copy of the proposed guardian's tribal enrollment card with the petition. You must check only 1 of the 3 boxes in line 2.
3. Include the child's date of birth and the city or county and state where the child was born. Indicate whether the child is male or female and where the child currently resides. Next, indicate, whether or not this address is within the jurisdiction of the Tribe, i.e. on tribal property.
4. Include a copy of the child's tribal enrollment card.
5. You must list the child's parents, guardian/custodian, and all of the Interested Parties in the case. Note that an Interested Party is not simply someone who cares about the minor; an Interested Party is someone who has a legal interest in the proceedings. No one with a legal interest can be excluded, and you must include the address for each Interested Party. Attach additional pages if necessary. Interested Parties include the child's grandparents, adult siblings, and any relatives with the same degree of kinship as the proposed guardian, or a closer degree of kinship. For example, if the proposed guardian is an aunt to the minor child, you must list all of the minor child's aunts and uncles. If the minor child is 14 years of age or older, they are also considered an Interested Party. Interested parties do not include a biological parent whose parental rights have been terminated by court order. The Court will serve all interested parties with a copy of the petition and the notice of hearing.

If one or both of the minor child's parents is incarcerated, you will need to determine the parent's whereabouts. The address of a prisoner in the custody of the Michigan Department of Corrections can be located at www.michigan.gov/corrections by doing an Offender Search.

6. Check the box on line 6 if there is, or has been, a guardianship, custody, or child welfare case filed in another court regarding the minor child. Indicate what tribal or state court the case was filed in and the approximate date of the filing.
7. On line 7, you must select checkbox a, b, or c. If you select checkbox a, you must further select that the parents' rights have been terminated or suspended (choose 1), and then must indicate how those rights have been terminated or suspended. If the parent's rights have been terminated or suspended for separate reasons, you may choose more than one selection here.

If you select (a) or (b), you are requesting a full guardianship pursuant to Tribal Code 30.803. Full guardianships are intended to be permanent and remain in place until child arrives at the

age of eighteen (18) years, dies, is emancipated by the Tribal Court, or until the guardian is legally discharged.

If you select (c), you are requesting a limited guardianship pursuant to Tribal Code 30.802. A limited guardianship is generally temporary in nature and is established by parental consent only, and shall be revocable by the Tribal Court upon parental request.

8. On line 8, explain in detail why you believe a guardianship is necessary.
9. If there is a medical or other emergency or the minor is in imminent danger so that earlier appointment of an emergency/temporary guardian is necessary, you may request appointment of a temporary guardian by completing line 9 of the Petition.
10. On line 10, list the individual you are proposing as guardian.
11. On line 11, list all of the minor child's assets and liabilities, as well as all sources of income.

Signatures - The petitioner must sign the petition. If the petitioner is not the proposed guardian, the proposed guardian must also sign the petition. If the parent(s) are in agreement with the guardianship, they must also sign the petition, if possible. All signatures must be notarized.