

# Guardianship of a Minor Child:

## Your Duties and Responsibilities as a “Guardian”

So you want to be appointed the “guardian” for a minor child? Here are some answers to some of the questions you might have:

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

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

### **What will be my legal responsibilities?**

You will be acting as if you are the child(ren)’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 in detail.

### **How long will I be the child(ren)’s guardian?**

Normally until each child turns 18. You won’t have any authority after they become an adult.

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

If you can’t or don’t want to be the guardian any longer, you must go back to court so the **judge can appoint someone new.** You cannot pick a new guardian for the child(ren) on your own. If the child(ren) need a new guardian, go back to the Register of Wills office at the Erie County Courthouse and they will help you with the next step.

### **Will I be able to enroll the children in school and talk to their teachers?**

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 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 child(ren)?**

When you take the child(ren) to the doctor, you should **take the guardianship order with you** to show

the medical staff that you are the one who's responsible for him or her. This is also true if one of the children goes to the hospital. It's best if you carry a certified copy of the court order **at all times**.

**The child(ren)'s mother has been getting money for child(ren) – shouldn't that come to me now?**

Yes. That is, **after** you are appointed guardian. If the child(ren) get **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 or welfare office. You can apply to have the checks sent to you as the guardian for the child(ren). Remember: This money is to be used **ONLY** to pay for the expense of caring for the child(ren).

**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 children?**

When you become guardian of the child(ren), it will be **up to you to decide** what's best for them. (**Wait!** There's an exception – if the Court Order says the parents can't see the child, you **MUST** do what the Court Order says.) If you

don't want the parents to visit with the child(ren), you can refuse. In that case, if the parents want, they can go to court to ask the judge for visits.

**And what if the parents or someone else sues me for custody?**

If anyone tries to sue you for custody of the child(ren) after you have been appointed their guardian, be sure the court knows about the guardianship hearing. Take a copy of the guardianship order with you to the hearing. If you are accused of not being a good guardian for the child(ren), the Judge will decide if you should stay the guardian, or if he should pick a new guardian.

**What if one of the children is in an accident or gets injured?**

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