

Information to Protect Yourself and Your Family

Prepared by CASA of Maryland, Detention Watch Network, and National Immigration Project of the National Lawyer's Guild

Legal Guardianship (also known as a Probate Guardianship)

- A legal guardian is an adult who the court allows to provide care for a child (including legal and physical custody of the child), or to manage the child's assets, or both. Any relative, family friend, or other interested person can file a petition with the court to be selected as the child's legal guardian.
- A legal guardianship can be for guardianship of the person, the estate, or both.
 - Guardianship of the person: The guardian can make all decisions about the child's care that a parent would make. The guardian is responsible for the child's care, including the child's:
 - Food, clothing and housing
 - Safety and protection
 - Physical and emotional growth
 - Medical and dental care
 - Education and any special needsA guardian may be responsible for any intentional damage caused by the child and for negligent supervision of the child.
 - Guardianship of the estate: The guardian of the estate must:
 - Manage the child's money;
 - Make smart investments; and
 - Manage the child's property carefully.A guardianship of the estate is needed when the child owns or receives valuable property, like if a child inherited a house or a large amount of money. A guardianship of the estate is not needed when a child owns only inexpensive toys and clothing or the child receives social security benefits or TANF/CalWorks (welfare).
- A legal guardian cannot move a child out of California without the court's permission. If the court agrees, the guardian must also establish guardianship in the state he/she moves to.

- The California courts have developed a guardianship pamphlet with basic information about legal

Caregiver's Authorization Affidavit

- If the child's parents are not available to execute a power of attorney, the child's caregiver (the adult who the child is living with instead of his/her parents) can complete the Caregiver's Authorization Affidavit.

Free or Low-Cost Legal Service Providers

The following

Minor's Name: _____

Minor's date of birth: _____

Allergies to drugs or food: _____

Conditions for which minor is currently being treated: _____

Current medications: _____

Restrictions on activity: _____

Primary care physician (name and telephone number): _____

Insurance Company: _____

Mother's name: _____

Mother's address: _____

Mother's telephone numbers: _____
(work) *(home)* *(other)*

Father's name: _____

Father's address: _____

Father's telephone numbers: _____
(work) *(home)* *(other)*

