

# GRANITE DISTRICT GUARDIANSHIP PROCEDURES

Revised: November 2019

1. The court has provided a website where patrons can prepare and print their own documents in order to file a petition for guardianship and avoid hiring an attorney. The website is written in English on a high school reading level. If you have difficulty, get help from a trusted person who has good English and computer skills.
2. There is a \$360 court filing fee and \$20 computer program usage fee that will be assessed at the court when you file the petition.
  - a. **If you cannot afford the filing fees, you can ask the judge to waive them.** As the future guardian, you must prove to the court that you are unable to pay the fees. This means you must file a description for your monthly income and debts. If you file a *Motion to Waive Fees* with your guardianship petition, the court clerk will accept the petition without fee payment. But that does not mean the fee is waived. A judge will review your financial information later and decide whether you will need to pay the fees. The judge might waive the fees totally, in part, or not at all. If the judge does not waive the entire fee, you must pay the fee before you can receive the letters of guardianship.
3. Go online to the computer website [www.utcourts.gov](http://www.utcourts.gov).
  - a. Under **SELF HELP**, click **Online Court Assistance Program (OCAP)**.
  - b. Select, **I need an OCAP account**.
  - c. After verifying that your computer meets the requirements click **Next** in “Are you new to this Site.”
  - d. **You must have an email address** to complete this process. The user name and password you create will be unique for this account. The user name and password can be the same. However, the password must be 6 to 20 characters with at least one number, one uppercase letter, and one lower case letter. For the Digital Signature Name, just type you name.
4. After you print the documents (petition) and take them to court, their clerks will help you sort through them and explain the court process to you. **The online computer process is explained below:**
  - a. **Document Preparation.**
    - 1) Under **Start New Interview / Guardian and Conservatorship**, click Guardianship of a Minor Documents.
    - 2) Plan on at least an hour to complete the OCAP instructions, 90 minutes if you apply for a fee waiver.
      - a) If you leave the computer program before finishing, be sure to click the **Save and Exit** button and logout.
      - b) When you log in again you will be taken to the main menu. This time under **My Interviews**, click Guardianship of a Minor Documents. Under Interview Outline a **red** asterisk will show where you left off.
    - 3) Using the buttons at the bottom of the page, proceed through the **Basic Guidelines for Court-Appointed Guardians and Conservators**. **Be sure to scroll to the bottom of each page before clicking each Save and Continue button.**
    - 4) As you take the **Guardian and Conservator Exam**, you will be taught correct answers so you can correct any mistakes. Questions 14 through 17 refer only to conservators who manage a minor’s inheritance or estate.
    - 5) Review the **Introduction, Obtaining Guardianship** information.
  - b. **Petitioner Information.**
    - 1) The petitioner is the person who takes the documents to the court. If a fee waiver is requested, the income and expense information is based on the petitioner’s Household.
    - 2) Unless you indicate otherwise, this person will also be a guardian. At least one guardian should attend the court hearing in order to obtain the court seal on the Letters of Guardianship. Everyone else can sign consent documents instead of going to court. Notary service is not necessary if the consent document contains the court’s truthfulness statement and the location where the document is signed.
  - c. **Where to File**
    - 1) **Matheson Court House – 450 South State Street (1st floor, room N-11, Probate/Adoption)**
      - (1) The case (probate) number and court date are given when the petition is filed.

d. **Child Information**

- 1) When entering the child's information, use the same name that is on the minor child's birth certificate.
- 2) Under the "Guardian Information" heading you will be able to indicate additional guardians.

e. **School District**

- 1) You will be asked to type our district's information: (a) Granite, (b) 2500 S State Street, (c) Salt Lake City, (d) 84115-3110.
- 2) The Affidavit of Waiver from the School District is a document where the school district states that it does not object to the petition and waives its right to attend the court hearing because the student has not committed serious infractions of the law or school rules (including rules of Granite School District).
  - a) In addition, that the student has not been guilty of chronic misbehavior which would, if it were to continue after the student was admitted: (a) endanger persons or property; (b) cause serious disruptions in the school; or (c) place unreasonable burdens on school staff.
- 3) A guardianship specialist in Granite School District's Prevention & Student Placement must sign this waiver prior to the court hearing.
  - a) The department, **Prevention & Student Placement** is located in the five story building at the highlighted address above. If you enter from the State Street side, we are in the first suite on the right (D-123).
  - b) If the student has been enrolled in Granite School District for the previous academic quarter, we will sign the waiver without asking for support documents.
  - c) For children 12 and older, if the child is coming from outside Granite District, the district may request a police statement describing contacts with the police department in the community where the child lived previously.
  - a) The district may also request a letter from the previously attended school when there have been (a) safe school violations, (b) truancy problems, and (c) substance abuse or sales.
  - c) After we receive the behavior information (if needed), we will prepare, sign and notarize the affidavit of waiver and send it directly to the court.

e. **Child's Financial Estate Value**

- 1) If the child has a financial estate from an insurance settlement or other source, the state will monitor the estate to ensure that the money is used for the child's benefit.
- 2) Most children do not come to their guardians with financial estates. It is most common for the total value of the child's estate to be \$0.

f. **Notifying Interested Parties**

- 1) You will be asked to provide the name, address and telephone number of both biological parents, even if they live outside the United States.
- 2) You will be asked if you want documents printed for each parent to sign giving consent to guardianship. If you already have written parent consent, there is no need to print another consent document. After filing the petition, it will be your responsibility to send these documents to the parents and have them signed, and returned in time for the hearing.
  - a) Once the petition has been filed and a court date is set, notarized paperwork that arrives late should be taken to the court prior to the date of the hearing.
  - b) If you have not received the signed documents before the court date, you should attend the court hearing anyway to explain why. If you do not attend, the petition will be dropped from the calendar and will not be rescheduled until all documents are received.
    - (1) If you need to reschedule, contact the Third District Court. The phone number is 801-238-7300.

- 3) If either parent is unwilling or unable to give consent, you must provide documentation stating that the parental rights have been suspended or, provide a written affidavit or statement signed under oath in front of a notary explaining the situation.

**g. Other Minor Children**

- 1) More than one child can be included in the same guardianship petition if all the children have at least one common mother or father.
- 2) Only one court fee is charged per petition regardless of the number of children included.
- 3) After entering the parent information, there is a link that says, "Click Here to enter the Information for Another Child."

**h. Limited Purpose of the Child Attending School**

- 1) You will be asked if the guardianship is only for the minor child to attend school. Answer "No" if there is a financial estate, or if you want to extend your family insurance benefits to the student.
- 2) If you answer "No" you will be asked to choose either "Full" or "Limited" guardianship?
- 3) If you choose "Limited" you will be asked to describe the responsibilities and legal authority the guardian(s) should have. You can also stipulate a specific length of time for the guardianship.
  - a) Annual reports are not required for Limited Guardianships.

**k. Bonding**

- 1) The bond is an insurance policy paid for by the estate that protects the child in the event that your mistake causes the estate to lose money. The amount of the bond will be the total value of the estate property over which you have unsupervised control, plus one year's estimated income.
- 2) When the total value of the child's estate is \$0, bonding is not necessary. The court usually does not order a bond unless the estate is over \$15,000.

**l. Are you capable of paying the court fees?**

- 1) If you answer "Yes" you will be expected to pay \$380 at the time you file the petition.
- 2) If you answer "No" you will be asked for financial information concerning your monthly household income and expenses.
  - a) You do not need to provide supporting financial documents but you will be asked to swear that, to the best of your knowledge, the information you have given is correct.
  - b) When asked about Dependents, list everyone (including you) who depends on the combined family income for support.
  - c) To check the probability that you will qualify, the "Court Fee Waiver Table" is available upon request from Prevention & Student Placement via email.

**m. Reviewing the Petition**

- 1) Upon request, Prevention & Student Placement staff will help you review and print your petition before it is filed.
4. Take the printed documents (approximately 35 pages) to the Matheson Courthouse (see 4c1) on page 1. The process usually takes less than 10 minutes.
    - a. The petitioner can go alone to file the petition. If all of the documents are signed and the petition is complete, someone other than the petitioner can deliver the petition to the court.
  5. After filing the petition, whether it is complete or not, you will receive a case number from the court.
    - a. Bring the case number, hearing date, and affidavit of waiver to Prevention & Student Placement. This information is needed to authorize temporary guardianship for enrollment in the school.
      - 1) You will be given a Memorandum of Authorization. The school will need this document to temporarily enroll the student until the court grants guardianship.

6. The court is open Monday through Friday from 8 A.M. to 5 P.M. By using OCAP it is possible to enter the information, print the documents, file the petition at the courthouse, provide the case number to our office, and receive the temporary guardianship in less than a day.
7. Guardianship hearings are generally held in the court on Wednesday mornings at 8:30 A.M.
  - a. Up to 30 cases are scheduled at the same time with the same judge.
  - b. After determining that the paperwork is in order, the judge will authorize the *Letters of Guardianship*.
  - c. After your hearing, a guardian must take the folder offered by the court clerk to room N-11 to validate the Letters of Guardianship with the court seal.
8. After the hearing, the court will send a copy of the *Letters of Guardianship* to Prevention & Student Placement. We will forward the letter to the school and the guardianship process will be complete.
  - a. If the court is unable to issue the *Letters of Guardianship* within 1 week following the court hearing, the school will be authorized to discontinue the student's enrollment until the process is completed.
9. For further assistance contact:
  - a. **Marta Cooney**, Guardianship Specialist
    - 1) Email address: [mncooney@graniteschools.org](mailto:mncooney@graniteschools.org)
    - 2) Telephone number: 385-646-4174
    - 3) Fax number: 385-646-4697