

Guardianship – What Some Parents Need to Know

The guardian is the person who is responsible for a child. They can consent to medical care or adoption, and decide where and with whom a child will live. Also, they will make many basic decisions about how a child will grow up, like which school or church to attend. Usually, parents are the guardians of their children. Sometimes parents find themselves in very difficult situations, and do not think they can remain responsible for their child. In those cases, a guardianship may look like a good option. It may look like a way to prevent the State's Division for Children, Youth and Families (DCYF) from becoming involved with the family. If you are thinking about letting someone else become the guardian of your child, there are some things you should know first.

There is no such thing as a temporary guardianship. Before a court can order that a guardian be appointed for a child, it must decide that the parent is not able to do the job. If you agree to the appointment of a guardian, you are telling the court that you cannot manage your child on your own. Later, if you are able to care for your child you will have to prove to the court that the reason for the guardianship is no longer present.

A guardianship cannot be terminated automatically. No matter what kind of agreement you make with the potential guardian of your child, you will not be able to end the guardianship on your own. You will have to go back to court and get the judge to terminate the guardianship. In all cases a judge must do what they find to be "in the best interests of the child." So even if you have done everything anyone has asked of you, the judge might find that it would not be in the best interests of the child to move him or her – even if that means the child stays with the guardian. The longer the child lives with the guardian, the harder it will be for a judge to justify upsetting the child's life.

The guardian's authority will be greater than your own. No matter what kind of agreement you make with the potential guardian ahead of time, you will not be able to "override" the guardian's decisions. Even though you are the parent, the guardian will have all the authority to make decisions about your child.

Despite all of this, there are many circumstances when a guardianship is a great idea – great for the parent and most importantly great for the

child. When a parent is ill, or cannot provide a stable home for a child, one of the greatest and most selfless acts of parenting can be letting the child go to someone who can provide the stability and security that every child deserves.

If you need more information please call our toll-free number at 603-224-3333.

This information is based on the law in effect at the time of publication. It is issued as a public service for general information only, and is not a substitute for legal advice about the facts of your particular situation.

Try Also Reading...

- [Probate Court](#)

Date: April 2020

Author: LEGAL ADVICE & REFERRAL CENTER