



Guardianship Frequently Asked Questions

Q: What does being a “legal guardian” mean?

A: The person appointed by the court is called the legal guardian, and this person, assumes legal responsibilities for the child/minor. This means that they are 1) responsible for the child's care and 2) have authority to make decisions regarding the child's education, health care and personal needs.

Q: How long does a guardianship last?

A: Once a guardianship is granted by the probate court, it remains in effect until the minor reaches the age of 18 or until a petition to terminate the guardianship is granted.

Q: How long does it take for the court to grant a guardianship?

A: From the time that the petition for guardianship is filed, it may take up to four months for the guardianship to be granted. The amount of time depends on the proper notice to relatives and a completed investigation, by the court, as to the appropriateness of the guardianship.

Q: What's the difference between guardianship and adoption?

A: In guardianship matters, the legal guardian does not become the legal parent because parental rights are only suspended, not terminated. An adoption is a substitution of one parent or set of parents for another. When an adoption occurs, either the parents voluntarily relinquish their rights or a hearing is held in which all rights and duties of the parents to the child are terminated.

Q: What is a joint guardianship?

A: A joint guardianship permits parents with life-threatening illness to share the custody and care of their children with another person without completely relinquishing their own parental and custodial rights. A joint guardianship provides a plan for a legal guardian to step in if the parent becomes too ill to care for the child or dies.

Q: How much does it cost to file a guardianship petition in probate court?

A: Currently, in Los Angeles County, the cost for filing a guardianship petition in probate court is \$1495, unless the petitioner qualifies for a fee waiver.

Q: Who can file for guardianship?

A: Any interested person.

Q: I have a notarized letter from the child's parent giving me permission to care for the child. Does this mean I have temporary guardianship?

A: No. A notarized letter is not a legally binding document; it is considered a “letter of consent.” The only way to obtain guardianship is to file and appear in court.