

INSTRUCTIONS

Petition for Guardianship of At-Risk Juvenile (18-21 years old)

Important Notices and Resources

Who can complete these forms? A person aged 18, 19, or 20 who is at-risk. Throughout these instructions and the forms, that person is referred to as “At-risk Juvenile” or “Petitioner.”

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have questions about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide Self-Help Center at 651-435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

If you need an interpreter, [contact the court](#) as soon as possible to ask for one (mncourts.gov/Find-Courts.aspx).

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

Forms You May Need

- *Petition for Guardianship of At-Risk Juvenile* (GAC902);
- *Waiver of Personal Service* (GAC904);
- *Affidavit of Service to Proposed Guardian (Petition for Guardianship of At-Risk Juvenile)* (GAC905); and
- *Affidavit of Service to Parents* (GAC906).

Forms are available online at <https://mncourts.gov/GetForms.aspx?c=21&p=163>.

What You Need to Do

1. Fill out the *Petition for Guardianship of At-Risk Juvenile* (GAC902), following all of the steps in these instructions.
2. Make sure your parents know about the petition. Give a copy of the completed petition to your parents, unless you are asking the Court to waive this notice requirement because:
 - You do not know who a parent is;
 - You do not know where a parent lives; or
 - Another good reason.
3. Serve a copy of the completed petition on the Proposed Guardian (and on the Current Guardian, if there is one).
4. File the *Petition for Guardianship of At-Risk Juvenile* (GAC902), and the *Affidavit of Service (Petition for Guardianship of At-Risk Juvenile)* (GAC903), with Court Administration.
5. Appear at the hearing. Each “step” here is described in more detail below.

General Information

What is the purpose of a Guardianship for At-Risk Juvenile?

A federal immigration law allows juveniles to seek Special Immigrant Juvenile Status (SIJS) if they are in the United States without status and are considered **at-risk** (abused, neglected, or abandoned). In order to seek SIJS, the juvenile needs a Court to determine that they are an at-risk juvenile and establish a guardianship for them. The at-risk juvenile must be between the ages of 18 and 21 and must not be married.

According to Minn. Stat. § 257D.02, the purpose of the guardianship is to provide an at-risk juvenile with guidance, assistance, financial and emotional support, and referrals to resources necessary to:

1. Meet the at-risk juvenile’s needs, which include but are not limited to:
 - Shelter;
 - Nutrition;
 - Access to and receipt of psychiatric, psychological, medical, dental, educational, occupational, or other services;
- AND/OR
2. Protect the at-risk juvenile from sex or labor trafficking or domestic or sexual violence.

Do you have all the information you need to fill out the forms?

The *Petition for Guardianship of At-Risk Juvenile* (GAC902) asks for the following information:

- Information about you, including your name, date of birth, current address, marital status, and country of nationality or last habitual residence.
- Information about the Proposed Guardian.
- Information about other cases (guardianships, juvenile court cases, family court cases).
- Your parents’ names, addresses, and country of nationality or last habitual residence.

Step 1

Fill Out *Petition for Guardianship of At-Risk Juvenile (GAC902)*

The Caption

The caption is found at the top of the form.

State of Minnesota	District Court
County of: _____	Court File Number: _____
Judicial District: _____	Case Type: <u>Guardianship – At-Risk Juvenile</u>
In Re the Guardianship of:	

Petitioner	
Petition for Guardianship of At-Risk Juvenile (GAC902)	
Minn. Stat. ch. 257D	

- A. List the county where you will be filing your Guardianship for At-Risk Juvenile case.

NOTE: You must file in the county where you or the Proposed Guardian lives. If you are not sure where you should file, please [talk to an attorney](http://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx). Court staff cannot tell you where to file your case.

- B. List the Judicial District. Each county belongs in one of ten judicial districts. If you need help, see <http://www.mncourts.gov/Find-Courts.aspx>.
- C. Leave the line for Court File Number blank. Court Administration will assign a Court File Number later.

The Case Type (Guardianship – At-Risk Juvenile) has been filled in for you.

Fill in your full name (first, middle, and last) on the line for Petitioner. As the at-risk juvenile asking the Court to appoint a guardian, you are the Petitioner.

- D. Fill in the full name of the Proposed Guardian.

The Petition

In **Section 1**, you will give information about yourself.

In **Section 2**, you will give information about the Proposed Guardian.

Section 3 is about “best interests.” The form asks you to explain why it is not in your best interests to be returned to your or your parent’s previous country of nationality or last habitual residence.

Section 4 asks for information about other court cases (guardianship cases, family court cases, and juvenile court cases) you are involved in, if any.

In **Section 5**, you will give information about your parents. In the petition, your parents are referred to as “Parent 1” and “Parent 2.”

- In #12(b), check the box at the end of the question if you do not know Parent 1’s address and in 12(c), check the box at the end of the question if you do not know Parent 1’s country of nationality or last habitual residence.
- In #13(b), check the box at the end of the question if you do not know Parent 2’s address and in 13(c), check the box at the end of the question if you do not know Parent 2’s country of nationality or last habitual residence.

Section 6 is where you can give the court other information you think would be helpful for the court to know (and that is not already asked about).

Requests for Relief

1. Fill in the name of the Proposed Guardian.
2. According to Minnesota law (Minn. Stat. § 257D.06, revisor.mn.gov/statutes/cite/257D.06), you are supposed to make sure your parents have a copy of your *Petition for Guardianship of At-Risk Juvenile* at least 14 days before the hearing that Court Administration will schedule in this case.

The law says you can do this “in any manner and format reasonably calculated to give the parent adequate notice.” Examples of ways to get a copy of the petition to your parents include (but are not limited to) mailing it to them, handing it to them, faxing it to them, or emailing it to them.

However, the judicial officer may waive this notice requirement in certain situations. For example, when you do not know who one of your parents is, or you do not know where a parent lives.

If you want to ask the Court to waive the parental notice requirement for Parent 1, check the box in #2, and then explain why you think the Court should waive the parental notice requirement for Parent 1.

3. If you want to ask the Court to waive the parental notice requirement for Parent 2, check the box in #3, and then explain why you think the Court should waive the parental notice requirement for Parent 2.
4. If there is something else you want to ask the judicial officer to order, check the box in #3 on the petition, and fill in what you are asking for.
5. You do not have to fill in anything in #4.

Signature Block

Sign and date the *Petition for Guardianship of At-Risk Juvenile*, and print your contact information in the blanks under the signature line. You will also need to fill in the county and state you are in when you sign the form.

When you sign petition, you are signing under penalty of perjury. This means you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see [Minn. Stat. § 609.48](http://revisor.mn.gov/statutes/cite/609.48), revisor.mn.gov/statutes/cite/609.48).

Step 2

Make Copies of the Completed *Petition for Guardianship of At-Risk Juvenile*

You need to make a copy of your petition for each of the following people:

- The Proposed Guardian;
- The Current Guardian (if any);
- Parent 1; and
- Parent 2.

It is also a good idea to make a copy for yourself.

Step 3

Serve the *Petition for Guardianship of At-Risk Juvenile* on the Proposed Guardian (and Current Guardian, if there is one)

You must have the Proposed Guardian (and the Current Guardian, if there is one) served with a copy of the *Petition for Guardianship of At-Risk Juvenile*. This is called “service of process.” There are 3 ways the Proposed Guardian can be served:

- Waiver of Personal Service;
- Personal service; or
- Service by mail.

Each type of service is explained below. For more general information about service of process, go to the [“Service of Process” Help Topic](http://mncourts.gov/Help-Topics/Service-of-Process.aspx) (mncourts.gov/Help-Topics/Service-of-Process.aspx).

Waiver of Personal Service

If the Proposed Guardian is willing to sign a form called a *Waiver of Personal Service* (GAC904), you can give the copy of the *Petition for Guardianship of At-Risk Juvenile* to the Proposed Guardian directly.

Personal Service or Service by Mail

With **personal service**, someone who is over the age of 18 (not the Petitioner) hand-delivers a copy of the *Petition for Guardianship of At-Risk Juvenile* to the Proposed Guardian.

With **service by mail**, someone who is over the age of 18 mails a copy of the *Petition for Guardianship of At-Risk Juvenile* to the Proposed Guardian by regular U.S. mail.

Papers cannot be served on a legal holiday as defined in [Minn. Stat. § 645.44, subd. 5](#) (revisor.mn.gov/statutes/cite/645.44).

Step 4

Proof that the Proposed Guardian Was Served: *Waiver of Personal Service (GAC904), OR* *Affidavit of Service to Proposed Guardian (GAC905)*

Waiver of Personal Service

If the Proposed Guardian was willing to accept the *Petition for Guardianship of At-Risk Juvenile* directly from you, the Proposed Guardian can sign the *Waiver Personal of Service* form (GAC904).

Waiver of Personal Service - Petition for Guardianship of At-Risk Juvenile (GAC904)

My name is _____, and I am the Proposed Guardian in this case.

I waive my right to be personally served by someone other than the Petitioner, and I have received a copy of the *Petition for Guardianship of At-Risk Juvenile*.

The Proposed Guardian will fill in their name, and then sign and date the form, include their personal contact information, and fill in the county and state they were in when they signed the form.

You will need to get the *Waiver of Personal Service* back from the Proposed Guardian so you can file it with Court Administration (See Step # below).

Personal Service or Service by Mail

If someone else served the *Petition for Guardianship of At-Risk Juvenile* on the Proposed Guardian (and Current Guardian, if there is one), then that person has to fill out the *Affidavit of Service to Proposed Guardian (Petition for Guardianship of At-Risk Juvenile)* (GAC905).

You can fill in the caption at the top of the form like you did for the petition.

Affidavit of Service to Proposed Guardian (Petition for Guardianship of At-Risk Juvenile) (GAC905)

My name is _____, and I am at least 18 years old. I served the **Petition for Guardianship of At-Risk Juvenile** as follows:

To fill out the rest of the form, the person who served the papers (the “server”) fills in their full name.

Next, they fill in the name of the Proposed Guardian and the address where they served the Proposed Guardian. They list the date they served the papers, and they check the box stating how they served (by mail or by personal service).

If there is a Current Guardian in the case, they will fill out the same information for the Current Guardian.

Finally, the server will sign and date the form, include their personal contact information, and fill in the county and state they were in when they signed the form.

You will need to get the *Affidavit of Service to Proposed Guardian* or the *Waiver of Personal Service* form back from the server so you can file it with Court Administration (see Step 6 below).

Step 5 **Notice to Parents** **and Affidavit of Service to Parents (GAC906)**

Notice to Parents

You must provide a copy of the petition to your parents “in any manner and format reasonably calculated to give the parent adequate notice at least 14 days before the hearing.”

Examples of ways you can give your parents a copy of the petition include:

- Mail;
- Fax;
- Hand-delivery; and
- Email.

There could be other ways, too.

Affidavit of Service to Parents

After you have given a copy of your Petition to your parents, fill out the *Affidavit of Service to Parents* form (GAC906). Fill in Parent 1 and Parent 2’s name and address. Then explain when and how you provided a copy of your Petition to each parent.



IMPORTANT!

- If you asked the Court in the Petition to waive the parental notice requirement, then you do not have to give a copy to that parent *at this time*.
- The Court will let you know whether you have to give your parents any kind of notice.

- Check the box on the *Affidavit of Service to Parents* form that says you asked the Court to waive the parental notice requirement. Then explain why you asked for that waiver.

Step 6
File Forms with Court Administration

You will need to file the following forms with Court Administration:

- *Petition for Guardianship of At-Risk Juvenile* (GAC902);
- *Waiver of Personal Service* (GAC904) signed by the Proposed Guardian (or *Affidavit of Service to Proposed Guardian*, GAC905);
- *Affidavit of Service to Parents* (GAC906).

There will be a [filing fee](https://mncourts.gov/Help-Topics/Court-Fees/District-Court-Fees.aspx) (mncourts.gov/Help-Topics/Court-Fees/District-Court-Fees.aspx) due when you file your forms.

If you cannot afford the filing fee, you can ask the court to waive the fee. The forms and instructions for asking for a fee waiver are available on the Minnesota Judicial Branch website at <https://mncourts.gov/GetForms.aspx?c=19&p=69>.

Ways to File	How to File
At the Courthouse	<ul style="list-style-type: none"> • You will need to file the original forms with Court Administration. • This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at https://www.mncourts.gov/Find-Courts.aspx.
Electronic filing through the eFS System	<ul style="list-style-type: none"> • If you have an account, or want to create one, with the eFS System, you can file electronically (eFile). See https://www.mncourts.gov/eFile. NOTE: Once you decide to eFile, you must continue to eFile for the entire case.

What to Expect Next

Court Administration will schedule a court date and will send out a *Notice of Hearing* letting you know details about the hearing.