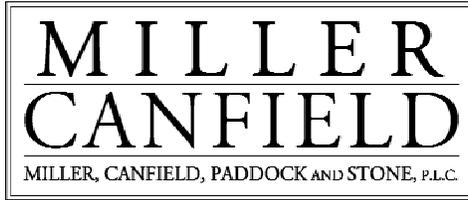


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The attached guide to guardianships in the school context has been prepared to assist school districts receiving requests to enroll non-resident pupils under the authority of guardianship to assure that those making the requests fully understand the implications of guardianship for relationships between the school district, the parents and the guardians. This information is meant to supplement and be consistent with any documents provided by the court making the decision to approve the guardianship petition. We anticipate that the district would ask the parent and/or guardian to each sign and date two copies of the guide, one of which the school district would keep for its records and the other to be retained by the signer. While guardianships are certainly appropriate in some situations, there are many times when parents and guardians do not fully understand that the child must live with the guardian and assumes nearly all parental rights. This guide is intended to address many common misconceptions about guardianships, and the ongoing role of the court in the process.

## **WHAT GUARDIANSHIP OR LIMITED GUARDIANSHIP MEANS A GUIDE FOR SCHOOLS, PARENTS AND GUARDIANS**

**Parents may petition for the appointment of a guardian, or a limited guardian, for a minor child. In guardianship, the child is called a ward. The difference between guardianship and limited guardianship is that a limited guardian may not consent to the minor ward's marriage or adoption. In either case, and regardless of the reason a limited guardianship is created, the effect on the parents and responsibilities of the guardian are the same as to the following:**

- Parental rights are suspended while the guardianship is in effect. While the parent(s) may continue to be involved in the child's life, the parent has no decision-making power as to the child during that time. The effect of the petition is a declaration that and the rights of the parents are suspended because they are unable to adequately parent the child at that time.
- The guardian assumes all parental rights and obligations except the obligation to provide financial support for the child. As a practical matter, however, many guardians, including limited guardians, find themselves providing financial support to the child.
- The guardian is the only party with whom the school district maintains contact. The parents have no right to seek or receive information from the school.
- The guardian (and not the parent):
  - is the emergency contact and completes enrollment papers
  - receives report cards
  - participates in parent-teacher conferences, and signs consent forms for school trips, athletics and other school activities
  - participates in any disciplinary (suspension or expulsion) proceedings
  - participates in any proceedings relating to special needs of the student, including the development of an IEP (individual education plan)
  - is responsible for attendance, behavior, oversight on homework and performance
  - is responsible for addressing the medical needs of the child

- must respond to all court requests relating to the child or the guardianship. (A guardian who fails to respond to these requests may be held in contempt by the Court.)

To establish a limited guardianship the parent files a petition with the Probate Court along with a limited guardianship placement plan. The plan developed between the parent and the guardian does not create the guardianship and does not and may not change the requirements described above. Before any guardianship is established the court will hold a hearing, with notice to interested parties and a judge will make the final decision whether to establish the full or limited guardianship.

The guardian must file an annual report with the court. Failure by the guardian to provide proper oversight and care for the child may result in referral by the Probate Court to the Michigan Department of Human Services (formerly, the Family Independence Agency) or Youth Assistance.

The guardianship does not end automatically. The Probate Court must terminate the guardianship pursuant to a termination petition filed with and approved by the Probate Court after notice to interested parties and a hearing.

A guardian is not a “guardian ad litem.” A guardian ad litem is an individual appointed by the Court in some instances, usually contested situations, to represent the interests of the child in the guardianship proceeding.

*The following questions and answers may be helpful:*

Q: The parent and the guardian have filed with the Court a plan stating that the parent will attend school conferences. May the parent attend?

A: Parents may attend **ONLY** if they accompany the guardian.

Q: My child is in the band and the band is going on a trip outside the school district. The parent has signed the permission slip. May the child go on the trip?

A: No, the guardian must sign the permission slip.

Q: A child under guardianship is not doing well in one of his classes. Who can call the school to get information and talk to the teacher or the principal?

A: Only the guardian.

Q: How are parental rights restored?

A: Parental rights can be restored only by an order of the Probate Court. The parent or guardian must seek such an order.

Q: If I have questions about my duties as a guardian can the School District answer them?

A: The School District may not answer legal questions. You should consult your own attorney.

RECEIPT ACKNOWLEDGED:

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Parent

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Proposed Guardian

Date: \_\_\_\_\_