

PETITION FOR TEMPORARY
GUARDIANSHIP WITHOUT CONSENT OF
CUSTODIAL PARENT INSTRUCTIONS

*IT IS STRONGLY RECOMMENDED THAT YOU
CONSULT AN ATTORNEY*

DISCLAIMER

THE SELF HELP CENTER STAFF AND THE STAFF IN ANY COURT OFFICE ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE. THE INFORMATION CONTAINED IN THE SELF-HELP CENTER PACKETS IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY CALL THE DAUPHIN COUNTY LAWYER REFERRAL SERVICE AT (717) 232-7536.

A temporary guardian may be appointed by the Court for a limited period for a minor when the minor's custodial parent has entered a rehabilitation facility for treatment of drug or alcohol addiction or has been subject to emergency medical intervention due to abuse of drugs or alcohol.

Only a grandparent, aunt, uncle or adult sibling of the minor child(ren) is permitted to serve as a temporary guardian.

The custodial parent may designate the family member as a temporary guardian by completing the Designation of Temporary Guardian form. However, if the custodial parent has not designated a temporary guardian, the proposed temporary guardian should use the forms contained in this packet.

FOR EVERY PAGE THAT HAS A CAPTION, COMPLETE THE NAME(S) OF THE MINOR CHILD(REN) ON THE TOP LEFT SIDE OF THE PAGE.

INSTRUCTIONS FOR COMPLETING ORDER

- Complete the name of the minor child(ren) on the top left corner. Do not complete the space _____ OC _____. The Clerk of the Orphans' Court will assign the case a number.
- Do not complete anything else on the form.

INSTRUCTIONS FOR COMPLETING THE DECREE OF TEMPORARY GUARDIANSHIP

- Complete the name of the minor child(ren) on the top left corner. Do not complete the space _____ OC _____. The Clerk of the Orphans' Court will assign the case a number.
- Do not complete anything else on the form.

INSTRUCTIONS FOR COMPLETING THE PETITION FOR TEMPORARY GUARDIAN WITHOUT CONSENT OF CUSTODIAL PARENT

1. Enter your name and the name of the child(ren).
2. Enter the minor child(ren)'s address.
3. Enter your mailing address, telephone number and email address.
4. Enter the name of the custodial parent of the child(ren).
5. Check one of the boxes to indicate whether the whereabouts of the custodial parent are known or unknown. If the whereabouts of the custodial parent are known, complete the address, telephone number and email address.

6. Enter the name of the non-custodial parent.
7. Check one of the boxes to indicate whether the whereabouts of the non-custodial parent are known or unknown. If the whereabouts of the non-custodial parent are known, complete the address, telephone number and email address.
8. Check the box to indicate if the non-custodial parent's rights have been terminated by Court Order.
9. Check the box to indicate whether you have notified the non-custodial parent of your intent to petition the Court for temporary guardianship.
10. List the steps you have taken to notify the non-custodial parent about the filing of this petition.
11. Check the box to indicate your relationship to the minor child(ren).
12. Check one of the boxes and list the docket number associated with either the custody action or dependency action. If there is not a custody or dependency case involving the minor child(ren), check the third box.
13. There is nothing to complete. You aver that your rights and responsibilities as a temporary guardian toward the minor child(ren) will become effective upon the completion of a hearing and rendering of a decision by the Court.
14. There is nothing to complete. You aver that you understand that your authority to act as a temporary guardian does not revoke the parental rights of the minor child(ren)'s parents and does not give you any parental rights.
15. Under section (b), enter your name and the name of the minor child(ren).

Sign the petition and print your name.

FILING INSTRUCTIONS

Your document should contain:

- Order
- Decree of Temporary Guardianship
- Petition for Temporary Guardian without Consent of Custodial Parent
- Verification

- Certification of compliance with the Public Access Policy

File an original and a copy of the document with the Clerk of the Orphans' Court, 101 Market Street, Harrisburg, PA. See the Clerk of the Orphans' Fee Schedule for the amount of the filing fee. The filing fee is payable by cash, certified check or money order made payable to the Dauphin County Clerk of the Orphans' Court. If you do not think that you can afford to pay the filing fee, you may file a Petition to Proceed *In Forma Pauperis* (IFP), an Affidavit and supporting documentation (see Self Help Center *In Forma Pauperis* forms and instructions for family law cases).

PETITION FOR TEMPORARY
GUARDIANSHIP WITHOUT CONSENT OF
CUSTODIAL PARENT FORMS

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IN RE: TEMPORARY GUARDIANSHIP OF : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA

:
:
:
:
:

Name(s) of Minor Child(ren)

OC _____

ORDER

Upon consideration of the Petition for Temporary Guardianship without Consent of Custodial Parent,

A hearing is scheduled for _____ day of _____,

20____ in Courtroom _____ at _____ m.

- Dauphin County Courthouse, 101 Market Street, Harrisburg, PA 17101
- 7th Floor Juvenile Justice Center, 25 S. Front Street, Harrisburg, PA 17101

BY THE COURT:

DISTRIBUTION:

IN RE: TEMPORARY GUARDIANSHIP OF : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA

:
:
:
:

Name(s) of Minor Child(ren)

OC _____

DECREE OF TEMPORARY GUARDIANSHIP

AND NOW, this _____ day of _____, 20 ____, upon review of the Petition for Temporary Guardianship without Consent of Custodial Parent, it is hereby ordered that _____ is appointed after hearing as the temporary guardian of _____.

The temporary guardian shall have the authority to act on behalf of the minor child(ren) as a guardian of the minor child(ren).

The temporary guardian is ordered to ensure that _____ has frequent and continuing contact with, and physical access to, the minor child(ren), and shall ensure the involvement of _____, to the greatest extent possible, in the decision making on behalf of the minor child(ren).

The entry of this Decree shall not divest _____ of any parental rights, but shall confer upon the temporary guardian concurrent or shared custody of the child(ren).

The temporary guardian may not remove:

- A. The minor child(ren) or permit the minor child(ren) to be removed from the United States either permanently or temporarily without the consent of the custodial parent and the approval of the Court.
- B. The minor child(ren) from the Commonwealth of Pennsylvania absent a Court Order, which may only be entered after a hearing at which both parents and the minor child(ren) have the right to be present.

The temporary guardianship shall expire on _____ unless extended by further Decree of Court or by written agreement of the temporary guardian and the custodial parent of the child(ren).

BY THE COURT:

DISTRIBUTION:

IN RE: TEMPORARY GUARDIANSHIP OF _____ : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
:
:
: _____ OC _____
Name(s) of Minor Child(ren)

PETITION FOR TEMPORARY GUARDIAN WITHOUT CONSENT OF CUSTODIAL PARENT

1. I, _____ request the Court to appoint me as temporary guardian of _____.
Name(s) of Minor Child(ren)
2. The minor child(ren) currently reside at _____
Street Address, City, State, Zip Code
3. My complete mailing address is _____.
Street Address, City, State, Zip Code
My telephone number is _____.
My email address is _____.
4. As the result of an emergency medical intervention resulting from the abuse of drugs and/or alcohol by _____, the custodial parent of the minor child(ren), the custodial parent is unable to carry out the day-to-day child-care decisions for the minor child(ren).
Name of Custodial Parent
5. The custodial parent's whereabouts are known and their complete mailing address is _____.
Street Address, City, State, Zip Code
The custodial parent's telephone number is _____.
The custodial parent's email address is _____.
- The custodial parent's whereabouts are unknown.
6. The non-custodial parent's name is _____.
7. The non-custodial parent's whereabouts are known and their complete mailing address is _____.
Street Address, City, State, Zip Code

The non-custodial parent's telephone number is _____.

The non-custodial parent's email address is _____.

The non-custodial parent's whereabouts are unknown.

8. The non-custodial parent's rights have or have not been terminated by Court Order.

9. I have have not notified the non-custodial parent of my intent to petition the Court for temporary guardianship.

10. I have taken the following steps to notify the child(ren)'s non-custodial parent of the filing of this petition:

11. I have the following relationship to the minor child(ren):

Grandparent Aunt or Uncle Adult Sibling to Minor Child(ren)

12. There currently is:

a custody action involving the above-named minor child(ren) at docket number _____.

a dependency action involving the above-named minor child(ren) at docket number _____.

no custody or dependency case involving the above-named minor child(ren).

13. I understand that my rights and responsibilities as a temporary guardian toward the minor child(ren) will become effective upon the completion of a hearing and rendering of a decision by the Court.

14. I understand that filing this petition does not revoke the parental rights of the minor child(ren)'s parent(s), nor does it give me any parental rights.

15. WHEREFORE, Petitioner(s) on behalf of minor child(ren) requests the Court:

a. to schedule a hearing on this Petition;

b. to grant the Petition for Temporary Guardianship Without Consent of Custodial Parent and name _____ as temporary guardian of _____.

Your Name
Name(s) of Minor Child(ren)

SIGNATURE OF PETITIONER

Print Name of Petitioner

SIGNATURE OF PETITIONER

Print Name of Petitioner

VERIFICATION

I/we, _____, verify that
Name(s) of Petitioner(s)

the facts set forth in the PETITION FOR TEMPORARY GUARDIANSHIP WITHOUT CONSENT OF CUSTODIAL PARENT are true and correct to the best of my/our knowledge, information and belief. I/we understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date

SIGNATURE OF PETITIONER

Print Name of Petitioner

SIGNATURE OF PETITIONER

Print Name of Petitioner

CERTIFICATION

I/we, _____, certify that this filing complies
Name(s) of Petitioner(s)

with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents. See:

<http://www.pacourts.us/public-records/public-records-policies>.

Date _____

SIGNATURE OF PETITIONER

Print Name of Petitioner

SIGNATURE OF PETITIONER

Print Name of Petitioner