

Multnomah County Probate Minor Guardianship Information

What is a probate minor guardianship in Oregon?

A minor guardianship is a protective proceeding filed with the probate court whereby a person other than the minor's parent seeks decision-making authority and custody of the minor. A minor is a person under the age of 18.

What authority does a guardian of a minor have?

The guardian of a minor has the powers and responsibilities of a parent who has legal custody of a child, except that the guardian has no obligation to support the minor beyond the support that can be provided from the estate of the minor, and the guardian is not liable for the torts of the minor. The guardian may consent to the marriage or adoption of a protected person who is a minor. (ORS 125.215(1)(e))

Where is the case filed?

The case should be filed in the county in which the minor resides or is present (ORS 125.020).

How long does it take to be appointed guardian?

Being appointed guardian is a multi-step process that takes time. The amount of time varies depending on the specific circumstances of the case. A minimum of 21-days' notice must be given to the minor's parents. Notice must also be given to the minor if the minor is 14 or older. The notice for the parents and to the minor must be personally served on the party by a disinterested person who is willing to sign a proof of service form. The minor's parents may sign a consent to the proposed guardianship, which may help speed the process along. Other parties may also be entitled to notice, as well, including DHS. Proof of service of proper notice must be filed with the court. On average, it takes between 4-6 weeks to be appointed guardian, if the steps are completed by the proposed guardian in a timely manner.

How much does it cost to file for minor guardianship?

The filing fee is updated periodically (every few years), but the current filing fee is \$124 (as of May 1, 2022). It is possible to request a fee waiver or deferral for this fee.

What if I need to be appointed right away?

You will need to contact an attorney for assistance. A temporary guardianship is a special type of case where the judge must find that an "immediate and serious danger to the life or health of the respondent" (minor) exists (ORS 125.600(1)). There are strict notice requirements for these types of cases and a hearing is required. The court does not have any forms for this type of case. Additionally, if

appointed, the temporary guardian's authority only lasts for 30 days. If there is an immediate and serious threat to the life or health of a minor, DHS or Child Protective Services are typically involved and custody/placement of the minor will be made by DHS.

What if one of the parents (or someone else) objects to my appointment as guardian?

The parties (you and the objector) will need to arrange for mediation of the disagreement, either with an attorney willing to serve as mediator or by scheduling a judicial settlement conference with a Multnomah County Family Law judge. You and the objector are responsible for arranging for mediation (the court does not schedule mediation for you) and for paying the fees for mediation. If mediation is unsuccessful in resolving the dispute, a hearing will be needed to resolve the matter. You and the objector would work together to find mutually agreeable hearing dates and communicate your preferred dates to the court. It is very important for scheduling purposes that you provide the court with an estimate regarding the amount of hearing time you will need. Additional instructions and information will be provided by the court should a hearing become necessary.

Where do I get the forms and instructions for Multnomah County minor guardianship?

https://www.courts.oregon.gov/forms/Documents/MUL_Probate_GuardianshipOfAMinorPacket.pdf

What if I don't know where one (or both) of the minor's parents are?

You may ask the judge to grant permission to serve notice to the parent or parents who cannot be found by posting notice at the courthouse. A packet of forms for alternative service is available for this circumstance. The packet is here:

https://www.courts.oregon.gov/forms/Documents/MUL_AlternateServiceProbatePacket.pdf

What if I need help with the forms and process?

You may make an appointment with the Legal Resource Center to assist with the review of the forms by calling 971-236-8670 or emailing MUL.LRC@ojd.state.or.us . You may also email the Probate Department at MUL.ProbateDept@ojd.state.or.us or come to the Multnomah County courthouse in person and request assistance from a Probate Clerk with your forms.

What happens after I'm appointed guardian?

You will be sent a letter that outlines your duties and responsibilities, and you will be required to complete a class about being a guardian for a minor. The class is free of charge and may be completed online. You may request and receive court certified letters of guardianship, which you'll be required to furnish to medical, school, and other organizations to verify that you have been appointed as guardian. You'll have to file a report every year with the court about how the minor is doing. If you do not file your guardian reports each year, the judge will set a hearing requiring you to explain why you have failed to file the report and may remove you as guardian.