
WEST VIRGINIA INSTRUCTIONS FOR MINOR GUARDIANSHIP

IMPORTANT INFORMATION

YOUR RIGHTS MAY BE BETTER PROTECTED WITH THE HELP OF AN ATTORNEY

You can be appointed as a guardian for a minor if a minor needs someone besides their parents to provide care for them. You can also be appointed as a guardian if a minor owns valuable property that an adult should manage. **Do not file a minor guardianship case if the issue is custody between parents.**

To be appointed as a guardian, you must complete a petition. If you will only provide care for a minor, then the “Petition for Appointment of Guardian for the Minor(s)” should be completed. If you must manage a minor’s valuable property, then the “Petition for Appointment of Guardian for the Minor(s) and/or for the Estate of the Minor(s)” should be completed. The form should be filled out as completely and neatly as possible. You will also need to complete a Civil Case Information Sheet (CCIS).

Unless the case involves abuse and neglect of the minor(s), the case may be filed in family or circuit court. If the case involves abuse and neglect of the minors or the minors were ever subject to an abuse and neglect case, the case must be addressed in circuit court. In these circumstances, you should select "circuit court" at the top of the petition form.

If a parent wants you to serve as guardian, the parent should complete a “Waiver of Guardian Appointment.” If a minor, at least age 14, wants you to serve as a guardian, the minor should complete a “Nomination for Appointment of Guardian.”

Once the original forms are completed, they must be filed in the in the circuit clerk’s office in the county where the minor has lived for the last six months. There are some exceptions that can be indicated on the petition. You should keep a copy of all forms and submit copies to the clerk for anyone who must be served. A filing fee and fees for service of the petition will be collected unless you qualify for a fee waiver.

These fees will be collected unless you qualify for a fee waiver:

Filing fee for minor guardianship:	\$200.00
Service for each copy of the petition by the Sheriff:	\$ 30.00

In some counties, you may need to prepare a notice of hearing. You should ask the circuit clerk whether it is your responsibility. If so, you should serve the notice of hearing, along with the petition and related documents.

When the petition and related documents are filed, **you will be responsible for serving persons who will be affected by the guardianship.** The people who must be served include:

- a) any parent who is not a petitioner and whose parental rights have not been terminated;
- b) any other person who has custodial rights to any minor named in the petition; and
- c) any minor who is 14 years of age or more. Other than a parent, a person has custodial rights to a minor if a court has placed custody of a minor with him or her.

To arrange for service of the petition, the summons, and the notice of hearing, you need to select the type of service: personal service by the sheriff's department, personal service by a private process server, or certified mail. You should include the type of service on the CCIS. Because minor guardianship cases must be addressed quickly, service by certified mail is not a good option for service. Another option can include the completion of a form, "Acceptance of Service," that indicates that an individual is voluntarily accepting service. For example, a parent who agrees that the petitioner should be the guardian may be willing to complete this form. The clerk's office should have a copy of the form for "Acceptance of Service."

The court will conduct an initial hearing within 10 business days of the filing of the petition. The court may conduct additional hearings if all issues are not resolved at the first hearing.

If you are appointed as a guardian for a minor and/or the estate of a minor, you may be required to post a bond. The court will establish the type of bond.