



Yurok Tribal Court

Yurok Tribal Court – Family Law Guardianship Instructions

What is a Family Law Guardianship?

A **Family Law Guardianship** is a legal order from the Yurok Tribal Court that allows a non-parent (like a grandparent, aunt, uncle, or family friend) to care for a child and make important decisions for them. It **does not terminate** the parents' legal rights, instead it suspends them while the guardianship is in place.

Who Can Ask for Guardianship?

You can ask the Court for guardianship if:

- The child is **under 18** and **not married**.
- The child is **living with you**, or the parents agree to place the child in your care.
- The child is:
 - Living on the Yurok Reservation, **or**
 - An enrolled Yurok member, **or**
 - The child of an enrolled Yurok member.
- There is **no active CPS case** in state or county court that would prevent guardianship.

Temporary Guardianship Orders

- You may request a **temporary (emergency)** guardianship if the child is at risk of harm.
- The Judge will review your request **within 24 business hours**, but may schedule a hearing first.
- All paperwork must be **complete** before the Judge will review it.

How to Start a Guardianship Case

1. **Pick up or download the forms** from the Yurok Justice Center or Yurok Tribal Court website.
2. **Start with Form GC-100:** Petition to Establish Guardianship of a Minor.
3. **Only one child per petition**—each child needs their own case.
4. **Complete all sections**, including:
 - Parent and sibling information.
 - Why guardianship is needed (Section 8).
 - Emergency details (Section 9), if applicable.

Required Forms

- **GC-100** – Petition to Establish Guardianship
→ Required to start the case
- **GC-150** – Family Law Guardianship Summons
→ Issued by the Clerk of the Court for every respondent
- **GC-110** – Temporary Emergency Order
→ If you're requesting emergency guardianship
- **GC-120** – Order After Hearing
→ Give a copy to the Clerk's Office prior to the hearing or bring a copy to the hearing.
- **GC-106** Response to Emergency Order
→ Must be served to parents if emergency order is requested

Optional Forms

- **GC-101** Parent's Declaration
→ If parent(s) agree to guardianship
- **GC-102** Minor's Statement
→ If child is old enough to express their wishes
- **GC-103** Declaration of Other Interested Person
→ For relatives or others who want to support (or not support) the petition
- **GC-104** Request for Prove-Up Hearing
→ If a parent is unknown or cannot be located
- **GC-105** Order Dispensing with Notice
→ If the Court waives notice to a parent

Notifying the Parents

When you file for guardianship, you must **give notice** to certain people so they have a chance to respond.

Who Must Be Notified?

You must **serve copies** of the petition and hearing notice to:

- **Both parents**
- **Any legal guardians or Indian custodians**
- **Other adults who have cared for the child**

If a Parent Cannot Be Found:

If you don't know where a parent is or cannot locate them:

1. File **Form GC-104: Request for Prove-Up Hearing**.
2. Provide **evidence** of your search efforts.
3. Ask the Court to waive notice by submitting **Form GC-105: Order Dispensing with Notice**.

You must attend the Prove-Up Hearing and explain why the parent cannot be served. The Court may ask you to continue searching or may approve your request to waive notice.

Parent's Response:

- A parent can respond to the guardianship by completing **Form GC-101: Declaration of Parent re: Guardianship**.
- This form must be:
 - **Served on all parties**
 - **Filed with the Court**
 - Accompanied by a **YTC-1000 Proof of Service**

Filing Fee

- You must pay any filing fee with the Clerk of the Court.

Investigation & Home Visit

- A **Court Investigator** will be assigned at the hearing and will schedule a time to visit your home and write a report.
- A **Background Check** of the proposed guardian as well as any adults residing in the home must be completed.
- The Judge will review the report before making a decision.

Court Hearings

- You **must attend** all scheduled hearings.
- Bring completed forms (GC-110 or GC-120) for the Judge to sign.
- If you don't attend, your case may be dismissed.

After Guardianship is Granted

- The guardian has full legal and physical custody.
- The guardian is responsible for:
 - Food, shelter, safety, education, and medical care
- The Court will review the case **every 6 months**.
- The Guardianship will remain in place until the Court issues an order to modify or terminate it.
- Guardianship ends when the child:
 - Turns 18
 - Marries, joins the military, is adopted, or passes away
 - Or if the Court decides it is no longer needed
- A **GC-700** Guardianship Status Review Report should be completed by the appointed guardians before the 6-month review hearings and filed with the Court.

Termination of Guardianship

Who can Request Termination?

- A parent or the guardian can file a request to end the guardianship.

How to Request Termination:

1. Fill out **Form GC-200: Petition to Terminate Guardianship**.
2. Have someone who is not a party to the case **serve** (deliver) a copy of the form to **all parties involved** in the case.
3. **File** the completed form along with the **YTC-1000** Proof of Service with the Court Clerk.

What Happens Next:

- The **guardian and/or parent(s)** will have a chance to respond to the request.
- The Court will schedule a **hearing** to review the request.

- A **home visit** will be conducted by the Court Investigator to help the Judge decide if ending the guardianship is in the **best interest of the child(ren)**.
- The Judge may then issue a **GC-115** Order to Terminate Guardianship.

Do I Need a Lawyer?

- A lawyer is **not required**, but can be helpful.
- The **Yurok Legal Access Center** can help with forms and information (but cannot represent you in court).