

Duties of a Guardian

When an individual is appointed by the Court as a guardian of a child or children, the Court will review information regarding the child's placement and care to ensure the child's needs are being met. After the Court appoints a guardian, the Department of Human Services (DHS) will no longer be involved in the care, supervision or legal custody of the child.

A guardian must provide information to the Court on a yearly basis and as requested by the Court to comply with the duties required under Oregon law and by the Court overseeing the child's case. The following is intended to provide a potential guardian with general information regarding duties and responsibilities that will be granted to the guardian of a child in DHS custody upon the date appointed by the Court. Duties of a guardian may differ based on the child's needs and Court requirements.

A guardian of a child will have the following duties and authorities under Oregon law 419B.365 – 419B.379:

1. A guardian has the authority and duties similar to those of a parent of a minor child. These duties include, but are not limited to, supplying the child with food, clothing, shelter and incidental necessities.
2. A guardian has the responsibility to provide care, discipline and ensure that the child's educational and social needs are met.
3. A guardian is required to have physical custody and control of the child and notify the Court of any change of address.
4. A guardian may decide on appropriate contact between the parents, relatives, siblings and the child, unless the court order specifies differently.
5. A guardian may consent to the child's marriage or authorize enlistment of the child in the Armed Forces.
6. A guardian may make any other decisions of legal significance concerning the child.
7. A guardian is authorized to apply for any Social Security benefit or public assistance to which the child is entitled and to use the benefit to provide care for the child.

Duties as to medical care:

8. A guardian is responsible for authorizing ordinary medical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the child, including surgery, and in an emergency where the child's safety appears urgently to require it, other extraordinary care.

Reporting to the court:

9. A guardian appointed by the Court, is required to file with the Court a verified written report every year **within 30 days after each anniversary date of the appointment of guardianship.**
If the Court does not send an annual report to complete, contact the Court that ordered the guardianship. Upon receipt of the report, the Court will review the report and may:
 - a. Direct the local citizen review board to conduct a review.

- b. Appoint a court visitor and require the visitor to file a report with the court.
 - c. Conduct a Court review.
10. In addition to the required yearly report, the Court may ask the guardian to supply information periodically.

Information about terminating the guardianship court order and releasing the guardian from duties and responsibilities:

- 11. When circumstances change and guardianship is no longer in the best interest of the child, a guardian must contact or petition the Court to request a hearing for the Court to determine if terminating the guardianship order is warranted. A guardian still has duties and responsibilities until the court order terminating the guardianship is issued.
- 12. When a guardian is no longer willing or able to fulfill the duties of a guardian, they must contact or petition the Court to request a hearing for the Court to terminate the guardianship. After the court hearing, the Court may direct, review, modify or terminate a guardianship order if the Court determines it would be in the child's best interest.
- 13. When a guardian dies, another person taking care of matters for the guardian must tell the Court about the death. The Court may then appoint someone else to take care of the child.

Other information:

- 14. **The guardian cannot return the child to the parents or place the child with any other person without the approval of the court.**
- 15. A guardian is **not** liable to third persons for acts of the child solely by reason of having been appointed guardian.
- 16. A guardian may ask the Court for a copy of the letters of guardianship and any other order signed by the judge. A certified copy is proof that the Court approved the guardians to take care of the child. A guardian may disclose letters of guardianship when necessary to fulfill their duties of a guardian.
- 17. When a guardian has questions about the meaning of the court order or what is required by law, contact an attorney or petition the Court for instructions.
- 18. A guardian appointed by the Court is not a conservator of the estate of the child, unless that person is appointed conservator of the child's estate in a protective proceeding.

This is a summary of the duties and responsibilities granted to a court appointed guardian for a minor child. It is important for a guardian to obtain legal advice regarding their duties and responsibilities as needed. A guardian is responsible for the duties and responsibilities granted to them by the Court. When a guardian is carrying out those duties and responsibilities in good faith, a guardian is not liable to third persons for the actions of their child. However, if a guardian is negligent in their duties, and as a result of that negligence, the child causes injury to a third party, the guardian could be held liable.