



# TRIAGE QUESTIONNAIRE GUARDIANSHIP

Elkhart County Unified Family Court

Name of Person Filing	Case Type

*This form is designed to assist in the seeking of guardianship over an adult or child. For adults who need care, guardianship is the correct form of action. However, in cases where a child is the person needing care, a decision will need to be made to determine if it is more appropriate to seek guardianship or if a petition should be filed seeking custody of the child under IC 31-17-2-3 (2). This form will help determine which action is more appropriate.*

Pathways	
<p>The Elkhart County Family Court has three different Pathways available to you:</p> <ul style="list-style-type: none"> <li>• <b>Streamlined:</b> Everything, or nearly everything, is agreed upon; OR you do not know where the other party is located.</li> <li>• <b>Tailored:</b> Some agreement but may need some help with issues such as details of custody, parenting time, and asset division.</li> <li>• <b>Judicial/Specialized:</b> There are major issues involved, for example contested custody or parenting time, domestic/family violence, alcohol/drug abuse, emotional abuse, or sexual abuse.</li> </ul>	
<p><b>Which Pathway do you believe fits your situation?</b></p>	<p><input type="checkbox"/> Streamlined   <input type="checkbox"/> Tailored   <input type="checkbox"/> Judicial/Specialized</p>
<p><i>Please help us determine your Pathway by completing this questionnaire as accurately and thoroughly as possible. You only need to complete the section of the form that applies to your situation (i.e. Adult Needing Guardianship for an adult, or Child Needing Guardianship for a child.)</i></p>	

Adult Needing Guardianship
<p><b>1. Is the Adult safe?</b>   <input type="checkbox"/> Yes   <input type="checkbox"/> No <i>If no, please explain:</i></p>
<p><b>2. Who cares for the Adult now?</b></p>
<p><b>3. Does the Adult who needs care own property?</b>   <input type="checkbox"/> Yes   <input type="checkbox"/> No <i>If yes, please explain:</i></p>
<p><b>4. Do all people involved agree that care is needed for this Adult?</b>   <input type="checkbox"/> Yes   <input type="checkbox"/> No <i>If no, please explain who agrees and disagrees:</i></p>

**Child Needing Guardianship**

**1. Is the Child safe?**    Yes    No

*If no, please explain:*

**2. Who cares for the Child now?**

**3. Where are the Child's parents?**

**4. Are there any other open cases involving the Child and their parents, including Protection Order, Child In Need of Services ("DCS case"), or Criminal cases where the Child is the victim?**    Yes    No

*If yes, please explain and list case number(s):*

**5. Does the Child own property, or have money due or coming to them, including insurance proceeds (SSI) or wrongful death funds?**    Yes    No

*If yes, please explain:*

**6. Do all people involved agree that care is needed for the Child?**    Yes    No

*If no, please explain who agrees and disagrees:*

**Guardianship vs Petition for Custody for a Child**

Now that you have completed this form, review these notes to help determine if a Petition for Custody should be filed rather than a Guardianship for a child:

- *If the child has no property and no money is due or coming to the child, then a custody petition under IC 31-17-2-3(2) is more appropriate because it does not require the many technical and ongoing yearly requirements of guardianships. It is less expensive for the custodians and equally serves the needs of the child.*

- *If there is an existing Juvenile Paternity or Dissolution of Marriage case, then a petition or motion in that case per IC 31-17-2-3 (2) is appropriate. If there are no such cases, then a Petition for Custody may be filed as a new Miscellaneous Civil (MI) case.*

***Please file your completed Triage Questionnaire with the rest of your required documentation.***