



# TRIAGE QUESTIONNAIRE - Guardianship Cases

## Elkhart County Family Courts

Client Name	Case Number

*This form is designed to assist in the seeking of a guardianship over an adult or child. For adults who need care a guardianship is the correct course 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

This form will also assist the Court in determining which Pathway is the best process to follow for your case. See descriptions below for the three Pathways:

- **Streamlined:** Everything or nearly everything is agreed upon.
- **Tailored:** Some agreement, but may need some help with some issues.
- **Specialized/Judicial:** There are major issues involved, for example contested custody, domestic/family violence, alcohol/drug abuse, emotional abuse, or sexual abuse.

Which Pathway do you believe fits your situation?     Streamlined     Tailored     Specialized/Judicial

*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. if you have an adult that needs care, then only complete the Adult Needing Guardianship section and if you have a child needing care, then complete the Child Needing Guardianship section on page 2.)*

### Adult Needing Guardianship

1. Is the adult safe?     Yes     No

*If no, please explain:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Who cares for the person now? \_\_\_\_\_  
\_\_\_\_\_

3. Does the adult hat needs care own property?     Yes     No

*If yes, please describe:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Do all people involved agree that care is needed for this adult?     Yes     No

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

**Child Needing Guardianship**

1. Does the child own Property, have money due or coming to the child, including insurance proceeds or wrongful death funds?  Yes  No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Who cares for the child now? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Where are the child's parents? \_\_\_\_\_  
\_\_\_\_\_

4. Is the child safe?  Yes  No

5. If no, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Are there any other cases involving the child and parents, including Orders of Protection, Child in Need of Service, or Criminal cases where the child is the victim?  Yes  No

If yes, please explain and list case numbers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Do all people involved agree that care is needed for this child?  Yes  No

If no, please explain who agrees and who disagrees: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Guardianship vs Petition for Custody**

Now that you have completed this form about your situation, review these notes to help determine if a guardianship or petition for custody should be filed:

- *If the child has no property, no money is due or coming to the child, then a Petition under IC 31-17-2-3(2) is more appropriate because it does not require the many technical and ongoing yearly requirements of a Guardianship. It is less expensive for the custodians and equally serves the needs of the child.*
- *If there is an existing Juvenile Paternity case 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 case as a Miscellaneous Civil case (MI).*