

# GUARDIANSHIP OF MINORS IN IDAHO



prepared by  
**MOUNTAIN HOME AFB  
GUNFIGHTER LEGAL OFFICE**



## INTRODUCTION

Guardians have the same powers and responsibilities as a child's parent except they are not legally obligated to provide for the minor from their own funds. A guardian must take reasonable care of the minor's personal effects. A guardian may seek financial support from the minor's parents; however, the guardian must use the funds to support the child. A guardian has the power to make decisions about the minor's education, social and other activities, and to authorize medical or other professional care, treatment, or advice. Finally, a guardian must report the condition of both the minor and the minor's property under the guardian's control to the court and any person as order by the court.

Guardianship does not necessarily entitle a member to military benefits for the minor.

This information on guardianship of a minor is based on Idaho Code §§ 15-5-201 through 15-5-212.

## WHEN CAN GUARDIANSHIP BE GRANTED?

A guardian may be appointed for an unmarried minor (1) if all parental rights have been terminated; (2) the child is neglected, abused, or abandoned; or (3) the parents are unable to provide a stable home environment.

## WHO MAY PETITION TO BE A GUARDIAN?

Any relative of the minor, the minor if he/she is over 14 years old, or any person interested in the welfare of the minor may petition for guardianship.

## WHERE SHOULD I FILE FOR GUARDIANSHIP?

Petitions for guardianship should be filed with the magistrate court in the county where the minor child lives.

## WHAT IS THE COURT PROCESS TO APPOINT A GUARDIAN?

First, a petition and supporting documents must be filed with the magistrate court.

Second, notice of the time and place of the hearing must be given to the Guardian ad Litem, the person having primary care and custody of the minor during the previous 60 days, any living parent of the minor, and the minor if he/she is over 14 years old.

Third, if all legal requirements have been met and it is in the best interest of the minor, the court will appoint the guardian.

If at any time the case becomes contested, you should consult an attorney. A contested case may quickly become very legally complicated.

## HOW DOES A GUARDIANSHIP END?

A guardian's responsibility ends upon the death, removal or resignation of the guardian, or the minor's death, adoption, marriage, or upon reaching the age of majority. A guardian cannot resign until the court gives approval.

**\*This handout is general in nature. It is not a substitute for legal advice from an attorney regarding individual situations. (August 2021)**

For additional information on this and other legal topics, see the Air Force Legal Assistance Website:  
<https://aflegalassistance.law.af.mil>