

LEGAL GUARDIANSHIP

For school enrollment purposes, a student's residency is determined by the parent(s) or legal guardian(s) residency. (See U.C.A. §53A-2-201.) If the parent(s) reside in a state other than the State of Utah, a student is required to pay the public education fee. The fee for the 2021-22 school year is \$10,000. (If the student's parents are not U.S. citizens, under immigration laws, the student should be attending school under an F-1 visa, and the student is still required to pay the public education fee even if the host family obtains a legal guardianship.

If a parent obtains a court-appointed legal guardian for the student, payment of the public education fee is not required.

A court-appointed legal guardianship must be done through the Third Judicial District Court in and for Salt Lake County. They have an on-line assistance program at the following web site: <http://www.utcourts.gov/ocap/> All of the rules and forms for a guardianship can be found on this web site. It takes approximately 45 minutes to read each screen, answer the questions and enter your information for a guardianship. A password is provided so you can leave the program at any time without losing the information you have entered. This is helpful if you run out of time or if you find you are missing necessary information. The password is active for 14 days only.

The court filing fee for a guardianship is \$375. You will be charged an additional \$20 for use of the on-line program when you file the documents at the courthouse. When you have completed entering in the information, you will be asked if you can afford to pay the court fees. If you cannot pay the fees, a form will be printed which shows your financial information. This form asks the court to dismiss the fees. If the request is approved by the Court, all court fees, including the \$20 fee, will be waived.

If you do not have access to a computer, there are computers set up at the Matheson Courthouse at 450 South State Street, Salt Lake City, in room **W-15**. The computers are available to the public free of charge. You are able to print the forms for free.

There is also a Legal Aid paralegal available to answer your questions in room W-15 Monday through Friday from 8:00 a.m. to 5:00 p.m.

There is a licensed attorney available to give free advice at a clinic which is held from 6:00 PM to 8:00 PM on the first and third Wednesday of each month (unless it is a holiday) at the Scott Matheson Courthouse, 450 S State Street, Salt Lake City, Utah in Room W-19, Conference Room A. You must arrive at least 30 minutes before closing time in order to be seen. This clinic is open to any low income Utahn on a first come-first served basis. An income screening is required. No appointments. The clinic is staffed by volunteer lawyers, legal professionals and law students.

Once you have filed your Petition for Guardianship, you will need to bring the receipt with the case number and judge's name to the district office so that an Affidavit of Waiver can be completed for the court. The student can be enrolled at that time since a hearing date can be a few weeks.

NOTICE TO PARENTS WHO ARE RELINQUISHING GUARDIANSHIP OF THEIR CHILD:

Giving up guardianship of your child to someone else is a very serious matter and should be entered into only after careful consideration to the best interest of the child. However, if guardianship is granted to another family, it is important for you to know that the school district and other school employees may only release information about the child to the new legal guardian. Any information about school, etc. that you would like to know would have to be obtained from the child's new parents, or a signed release authorizing the school to give you the information requested.

In order for the guardianship to be relinquished, it would have to go back through the courts.

If you have any other questions, please contact Denise at the Murray School District Office at (801) 264-7487.