



**OFFICE OF THE STAFF JUDGE ADVOCATE  
101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL  
CLIENT SERVICES  
(270) 798-4432**

## **GUARDIANSHIP OF MINORS**

A guardian is a person who has the legal authority and duty to care for another person because of a person's infancy, incapacity, or disability. Soldiers and their family members sometimes assume responsibility for a minor —such as a nephew, grandchild, family friend, etc. In order for the “acting” parent to have legal rights to care for and supervise the minor, a legal guardianship should be established.

**When a legal guardianship is needed.** A legal guardianship may be required in order to:

- Enroll a minor in DEERS and obtain medical benefits. If the Soldier has legal guardianship for more than one year, the child is entitled to an ID card and access to DEERS.
- Allow a minor to inhabit Government Quarters.
- Enroll a minor in school. DODDS requires a court order establishing Guardianship.
- PCS overseas with the minor/passport applications. Transportation office may require legal guardianship.

**Kentucky Guardianship:** "Guardian" means an individual, agency, or corporation appointed by the District Court to have care, custody, and control of a minor and to manage the minor's financial resources. "Limited guardian" means an individual, agency, or corporation appointed by the District Court to have care, custody, and control of a minor without the power to manage the minor's financial resources. "Conservator" means an individual, agency, or corporation appointed by the District Court to manage only the financial resources of a minor.

**Guardians through Court:** Petition the district court to appoint you as a minor (the Client Services office can help you complete a petition form and an application form); district court sets date/time hearing to review the petition, when the court will consider what's in the best interest of the child and determine appointment of guardianship.

**Guardians by will:** The last surviving parent of a minor may by nominate a guardian, or alternatively, a limited guardian, or conservator, or both, for the minor in their will. One person or entity may be nominated to manage the minor's financial resources and another to have care, custody, and control of the minor. To obtain the necessary forms, contact the court clerk of your county (<http://elect.ky.gov/contactcountyclerks/Pages/default.aspx>). The County Clerk will also tell you what fees you will have to pay.

**Tennessee Guardianship:** Requesting to be appointed as a guardian may be done in the juvenile court in the county where the case can be brought. An action for the appointment of a guardian may be brought in the county of residence of the minor, the county of residence of the minor's parents or, if the minor's parents are living apart, the county of residence of the custodial parent. To request to be a guardian, you must file a “petition for the appointment of a guardian” (see T.C.A. § 34-2-104). This form and more information on fees can be found at the County Clerk's Office (<http://www.tsc.state.tn.us/courts/court-clerks/clerks-list>). The Montgomery County Juvenile Court can be reached at (931) 648-5766. After the petition is filed the court will determine guardianship based on a number of facts.

If you have questions, please call the Fort Campbell Legal Assistance Office at 270-798-4432 or come by the office (Building 2765) Monday, Tuesday, Wednesday from 0930 to 1630 hours, on Thursday from 1300-1630, or on Friday 0930 to 1500.