

INSTRUCTIONS FOR COMPLETING PETITION FOR GUARDIANSHIP OF THE PERSON AND / OR PROPERTY OF A MINOR (CC-GN-001)

未成年人之和/或财产监护权申请(表格 CC-GN-001)填写说明

(Md. Rule 10-111)

(马里兰州规则 10-111)

Before completing the Petition for Guardianship of Minor, review the General Instructions (form CC-DRIN) in addition to these instructions. These instructions will assist you and are for informational purposes only. They are not intended as legal advice.

填写未成年人监护权申请之前, 请查阅一般说明(表格 CC-DRIN)及这些说明。这些说明可为您提供协助, 仅用于提供信息之目的。这些说明并非旨在用作法律建议。

WHO SHOULD USE THIS FORM?

谁应该使用此表格?

Use the Petition for Guardianship of Minor (form CC-GN-001) if you are asking the court to appoint you or someone else as a guardian of the person or property of a minor (a child under 18), and you do not have a lawyer. These instructions answer questions including:

如果您请求法院任命您或另一人作为未成年人(未满 18 岁的儿童)或财产监护人, 并且您没有律师, 则使用未成年人监护权申请(表格 CC-GN-001)。这些说明回答问题, 包括:

WHAT IS GUARDIANSHIP?	1
监护权是什么?.....	1
WHO CAN FILE FOR GUARDIANSHIP?	2
谁可以提交监护权申请?.....	2
HOW DO I FILE FOR GUARDIANSHIP OF A MINOR?	2
我如何提交未成年人的监护权申请?.....	2
WHO CAN BE A GUARDIAN?	5
谁可以成为监护人?.....	5
WHAT ARE THE GUARDIAN ORIENTATION AND TRAINING REQUIREMENTS?	7
监护人入门指导和培训的要求是什么?.....	7

NOTE: Guardianship cases can be complicated. You may want to speak with a lawyer.

注:监护权案件可以非常复杂。您可能希望与律师讨论。

WHAT IS GUARDIANSHIP OF THE PERSON OR PROPERTY OF A MINOR?

未成年人或财产监护权是什么?

Guardianship of the person: The court may appoint a guardian of the person of a minor if neither parent is capable of serving as guardian of the person or no testamentary appointment (i.e., appointment by will) has been made. If appointed, the guardian will make decisions about the minor's health care, food, clothing, shelter, and other subjects.

未成年人监护权:如果家长双方均无法充当事人的监护人或未曾做出遗嘱任命(即遗嘱规定的任命), 法院可为未成年人任命监护人。如果得到任命, 监护人将做出关于未成年人医疗、食品、衣物、住所以及其它事项的决定。

Guardianship of the property: A court will appoint a guardian of the property if it determines that:

财产监护权:如果法院认为存在下列情况, 则将任命财产监护人:

1. the minor owns or is entitled to property (e.g., through inheritance, tort recovery (money from a lawsuit for injuries or damages), insurance policy, etc.) that requires management or protection,
未成年人拥有或有权获得财产(例如通过继承、侵权追索(受伤或损害赔偿金诉讼得到的资金)、保单等)必须管理或保护,
or
或

2. the minor needs funds for support, care, and education and protection is necessary or desirable to obtain or provide funds.

未成年人需要资金用于支持、护理和教育, 而为了获取或提供资金有必要或最好实施保护。

If appointed, the guardian will determine whether the minor needs any distributions for the minor's general well-being or for educational purposes, and petition the court for permission to withdraw funds. The guardian of the property may be required to post a bond.

如果得到任命, 监护人将决定未成年人是否需要任何分配用于未成年人的一般福利或教育目的, 并申请法院批准提取资金。财产监护人可能需要交纳保证金。

Guardianship of the person and property: A person can be appointed to serve as guardian of both the person and property of a minor.

当事人及其财产监护权: 某人可被任命为未成年人及其财产的监护人。

WHO CAN FILE FOR GUARDIANSHIP?

谁可以提交监护权申请?

Only interested persons can file for guardianship. Interested persons are defined by law. See paragraph 8 of the Petition for Guardianship of a Minor (form CC-GN-001) for a list of interested persons.

仅利害关系人可以提交监护权申请。利害关系人的定义由法律规定。参阅未成年人监护权申请(表格 CC-GN-001)第 8 段了解利害关系人列表。

If you are not an interested person, but are concerned about risks to the personal or financial well-being of the minor if a guardian is not appointed, it is recommended that you speak with a lawyer.

如果您不是利害关系人, 但担心在未任命监护人的情况下未成年人的个人或财务状况会面临风险, 建议您与律师讨论。

HOW DO I FILE FOR GUARDIANSHIP OF A MINOR?

我如何提交未成年人的监护权申请?

If you are filing the guardianship case yourself, you are the petitioner. Use the **CC-GN forms**.

如果您将自己提交监护权案件, 您就是申请人。使用 **CC-GN 表格**。

There are six (6) steps:

共有六 (6) 个步骤:

☐ **STEP 1. Complete a Petition for Guardianship of Minor (form CC-GN-001).**

☐ **第 1 步。填写未成年人监护权申请(表格 CC-GN-001)。**

- **Parent's Consent to Guardianship of a Minor** – If the minor's parents are alive, ask them to consent (agree) to the guardianship by completing and signing the form Parent's Consent to Guardianship of a Minor (form CC-GN-007). Include the original form with your petition. If you cannot get consent from a living parent because they cannot be contacted, located, or identified, file the Affidavit of Attempts to Contact, Locate, and Identify (form CC-GN-010) with the court. If there is another reason, file an affidavit with the court (a written statement made under oath) stating why you could not get the parent's consent.
- **未成年人监护权家长同意书** – 如果未成年人的家长在世, 要求他们同意监护权, 即填写并签署未成年人监护权家长同意书(表格 CC-GN-007)。将表格原件放入您的申请中。如果您无法从在世家长处获取同意书, 因为您无法联系他们、找到他们或识别他们, 则向法院提交试图联系、寻找并识别之宣誓书(表格 CC-GN-010)。如有另一理由, 则向法院提交宣誓书(宣誓下的书面声明), 表明您无法获取家长同意书的原因。
- **Designation of a Guardian of the Person** – After a minor's 14th birthday, the minor may designate who they want as a guardian of the person.
Complete the Designation of a Guardian of the Person by a Minor (form CC-GN-008).
- **指定当事人监护人** – 未成年人满 14 岁后, 可按其意愿指定监护人。
填写未成年人指定监护人(表格 CC-GN-008)。

- **Designation of a Guardian of the Property** – After a minor’s 16th birthday, the minor may designate who they want as a guardian of the property. Have the minor complete and sign the Designation of a Guardian of the Property by a Minor or Disabled Person (form CC-GN-009). Attach the original form to the petition.
- **指定财产监护人** – 未成年人满 16 岁后, 可按其意愿指定财产监护人。让未成年人填写并签署未成年人或残疾人指定财产监护人(表格 CC-GN-009)。将表格原件附于申请中。

CC-GN-001 Form tips:

CC-GN-001 表格注意事项:

- If you are a **co-petitioner** (another person joining the filing for guardianship of the minor), complete and sign a Co-Petitioner Information Sheet (form CC-GN-018).
- 如果您是**共同申请人**(加入提交未成年人监护权申请的另一人), 请填写并签署共同申请人信息表(表格 CC-GN-018)。
- **Instruction 3: Similarly situated full siblings** – means full siblings who need a guardian appointed for the same reason(s).
- **说明 3: 处境相似的全同胞兄弟姐妹** – 指需要出于相同原因被指定监护人的全同胞兄弟姐妹。
- **Paragraph 6:** If you are asking the court to appoint another person as guardian of the person or property, ask that person to complete and sign the Prospective Guardian Information Sheet (form CC-GN-023) and file the original with your petition.
- **第 6 段:** 如果您将要求法院任命另一人为当事人或财产监护人, 要求该人填写并签署未来监护人信息表(表格 CC-GN-023)并将原件与您的申请一起提交。
- **Paragraph 7:** List the name of someone over the age of 18 who does not live with the minor and is not an interested person in the case. This is required so there is a neutral person the court can contact.
- **第 7 段:** 列出未与未成年人一起居住而且并非案件利害关系人的年满 18 岁人员姓名。这样要求是为了找到法院可以联系的中立人。

☐ **STEP 2. File for guardianship** – File the completed petition and required exhibits with the clerk of the court in the appropriate court.

☐ **第 2 步. 监护权申请提交** – 填妥的申请和所需附件提交至合适法院的法院书记官处。

Where to File for Guardianship

提交监护权申请地点

If you are requesting guardianship of the person and the minor **lives in** Maryland, file in the circuit court of the county (or Baltimore City) in which the minor is living. Do not file in the county (or Baltimore City) where you are living unless you live in the same county as the minor. If the minor **does not live in** Maryland, file in the circuit court of any county (or Baltimore City) in which the minor is physically present.

如果您申请监护权的未成年人居住在马里兰州, 在未成年人居住的县(或巴尔的摩市)巡回法院提交申请文件。除非您与未成年人在同一个县居住, 否则请勿在您居住的县(或巴尔的摩市)提交申请文件。如果未成年人**不**居住在马里兰州, 则在未成年人实际所在的任何县(或巴尔的摩市)巡回法院提交申请文件。

If you are requesting guardianship of the property of the minor, file in any county (or Baltimore City) where the minor has property such as a house or bank account.

如果您申请未成年人的财产监护权, 则在未成年人持有财产(例如住房或银行账户)的任何县(或巴尔的摩市)提交申请文件。

If you are requesting both guardianship of the person and property, file in the county (or Baltimore City) in which the minor lives or is physically present.

如果您申请当事人及其财产监护权, 则在未成年人居住或实际所在的县(或巴尔的摩市)提交申请文件。

You may also be able to file your case in the orphans' court in the county (or Baltimore City) where the minor lives, is physically present, or has property. Please note that a case that is filed in the orphans' court will be transferred to the circuit court if it is contested.

您也可以在未成年人居住、实际所在或持有财产的县(或巴尔的摩市)孤儿法院提交您的案件。请注意,如果在孤儿法院提交的案件有争议,则将被转至巡回法院。

You must pay a filing fee. If you cannot afford the filing fees, ask the court to waive the fees at the beginning of your case by filing a Request for Waiver of Prepaid Costs (form CC-DC-089) (See General Instructions (form CC-DRIN) for more information on fees and court costs).

您必须支付申请费。如果您无法承担申请费,则要求法院在您的案件开始时豁免此类费用,您须通过提交预付费用豁免申请(表格 CC-DC-089)提出要求(参阅一般说明(表格 CC-DRIN)了解关于费用和法院收费的信息)。

The court will assign your petition a **case number**. It will also issue a **show cause order** that includes 法院将为您的申请分配**案件编号**。法院还将发布**陈述理由命令**,其中包括:

- the date of the guardianship hearing (see STEP 6);
- 监护权听证会日期(参阅第 6 步);
- the date by which service must be completed (see STEP 3); and
- 送达必须完成的截止日期(参阅第 3 步);以及
- the date by which the minor and interested persons need to respond or “show cause” as to why a guardianship is not necessary or why a proposed guardian should not be appointed.
- 未成年人和利害关系人需要就其认为监护权不必要或建议监护人不应任命之理由做出回复或“陈述理由”的截止日期。

Remember the case number. Keep copies of the petition and all attachments.

记住您的案件编号。保存申请和所有附件的副本存档。

☐ **STEP 3. Service of process** – Service of process is the way the court ensures that all necessary people receive copies of your guardianship petition. Your case cannot move forward until proper service is made.

☐ **第 3 步。传票送达** – 传票送达是法院确保所有必要人员收到您的监护权申请之副本的方式。可靠送达完成前,您的案件不可前进。

You must serve the minor, the parent(s), guardians(s), or other person(s) having care or custody of the minor, the minor's attorney if they have one, AND all interested persons (see Paragraph 8 of form CC-GN-001 for a list of interested persons). If the minor lives with you, serve the minor and any additional persons named by the court. Service on a minor who is under the age of ten may be waived as long as the other service requirements are met (i.e., service is made upon the minor's parent, guardian, or other person who has custody of the minor, or another person if the minor lives with the petitioner).

您必须对未成年人、家长、监护人或照顾或抚养未成年人的其它人、未成年人律师(如有)以及所有利害关系人完成送达(参阅表格 CC-GN-001 第 8 段获取利害关系人列表)。如果未成年人与您一起居住,则必须将监护权申请副本送达至未成年人和法院指定的任何其它人。在满足其它送达要求的情况下,对未满十岁的未成年人送达可豁免(即对未成年人家长、监护人或抚养未成年人之其它人或在未成年人与申请人一起居住的情况下之另一人完成送达)。

Each person to be served must receive:

将接受送达服务的各人必须收到:

- 1) A copy of the petition;
申请副本;
- 2) Any papers filed with the court; and
向法院提交的所有文件;以及

- 3) The **show cause order** issued by the court.
法院发布的**陈述理由命令**。

Serve interested persons with a Notice to Interested Persons (form CC-GN-005) if asking for a guardianship of the person and/or Notice to Interested Persons-Md. Rule 10-302(c) (form CC-GN-006) if asking for a guardianship of the property. 如果要求当事人监护权, 则向利害关系人送达利害关系人通知(表格 CC-GN-005), 和/或如果要求财产监护权, 则送达利害关系人通知-马里兰州规则第 10-302(c) 条(表格 CC-GN-006)。

- ☐ **STEP 4. File proof of service with the court** – File proof that all necessary people have been properly served with the required papers. If you were unable to contact, locate, or identify any interested person, complete and sign an Affidavit of Attempts to Contact, Locate, and Identify Interested Persons (form CC-GN-010) and file it with the court.
☐ **第 4 步。向法院提交送达证据** – 提交所有必要人员均妥善得到所有必要文件送达的证据。如果您无法联系、找到或识别任何利益关系人, 请填写并签署试图联系、寻找并识别利害关系人之宣誓书(表格 CC-GN-010), 并将其提交至法院。

For more information about service, see General Instructions (form CC-DRIN) and the Self-Help Video, “Service of Process,” available at: mdcourts.gov/video/selfhelp/serviceofprocess.html.

如需关于送达的信息, 请参阅**一般说明**(表格 CC-DRIN)和自助视频“传票送达”, 视频获取地址:
mdcourts.gov/video/selfhelp/serviceofprocess.html。

- ☐ **STEP 5. Appointment of an Attorney** – After the court receives a petition for guardianship, it may appoint an attorney to represent the minor if the minor does not already have one.
☐ **第 5 步。律师任命** – 法院收到监护权申请后, 如果未成年人还没有律师, 法院可能任命一名律师代表未成年人。

- ☐ **STEP 6. Hearing**
☐ **第 6 步。听证会**

The court will schedule a hearing to help the court decide if the minor needs a guardian and, if so, who should be appointed. It is important that you attend the hearing and bring all papers related to the case. If the minor or an interested person contests (challenges) your request for guardianship, contact a lawyer before the hearing.
法院将安排听证会, 以帮助法院决定未成年人是否需要监护人, 如果需要, 则决定应任命的对象。您必须参加听证会并携带案件相关的所有文件。如果未成年人或利害关系人反对(质疑)您的监护权申请, 请在听证会前联系律师。

WHO CAN BE A GUARDIAN? **谁可以成为监护人?**

The court may appoint anyone who is qualified and capable of fulfilling the responsibilities of a guardian. The law provides a list of potential guardians in order of preference.

See: Md. Code Ann., Estates and Trusts, Article § 13-707.

法院可任命符合资格并且有能力履行监护人责任的任何人。法律按优先顺序提供了可能的监护人列表。
参阅马里兰州注释法典, 财产与信托条款第 13-707 款。

Unless good cause is shown for the appointment, the court may not appoint someone who has been convicted of any of the following crimes listed under Md. Code Ann., Estates and Trusts, Article § 11-114:

除非任命有正当理由, 否则法院不可任命(依据马里兰州注释法典, 财产与信托 11-114 款中所列)曾被判处犯有下列罪行之人:

- A felony
- 重罪
- A crime of violence as defined in § 14-101 of the Criminal Law Article, which include:
 - 刑法条款第 14-101 款中定义的暴力犯罪, 其中包括:
 - abduction;
 - 诱拐;

- arson in the first degree;
- 一级放火罪;
- kidnapping;
- 绑架;
- manslaughter, except involuntary manslaughter;
- 误杀(非自愿误杀除外);
- mayhem;
- 重伤害罪;
- maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Maryland Code;
- 致残(曾依据《马里兰州法典》原 27 条第 385 和 386 款被禁止);
- murder;
- 谋杀;
- rape;
- 强奸;
- robbery under § 3-402 or § 3-403 of the Criminal Law Article;
- 抢劫(依据刑法条款第 3-402 或 3-403 款);
- carjacking;
- 劫车;
- armed carjacking;
- 武装劫车;
- sexual offense in the first degree;
- 一级性侵;
- sexual offense in the second degree;
- 二级性侵;
- use of a handgun in the commission of a felony or other crime of violence;
- 在重罪或其它暴力犯罪进行过程中使用手枪;
- child abuse in the first degree under § 3-601 of the Criminal Law Article;
- 一级虐童(依据刑法条款第 3-601 款);
- sexual abuse of a minor under § 3-602 of the Criminal Law Article if:
- 对未成年人性虐待(依据刑法条款第 3-602 款), 但须符合下列情况:
 - the victim is under the age of 13 years and the offender is an adult at the time of the offense;
受害人未满 13 岁, 罪犯在进行侵犯时已成年;
 - and
而且
 - the offense involved:
 - 侵犯涉及:
 - vaginal intercourse, as defined in § 3-301 of the Criminal Law Article;
 - 性交(依据刑法条款第 3-301 款定义);
 - a sexual act, as defined in § 3-301 of the Criminal Law Article;
 - 性行为(依据刑法条款第 3-301 款定义);
 - an act in which a part of the offender's body penetrates, however slightly into the victim's genital opening or anus; or
 - 罪犯的身体部位不管多轻微进入受害人的生殖孔或肛门;或
 - the intentional touching, not through the clothing, of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
 - 没有隔着衣物有意触碰受害人或罪犯的生殖器、肛门或其它亲密区域以激起性欲、满足或虐待。
- an attempt to commit any of the crimes listed above;
- 尝试进行上述所列任何罪行;
- continuing course of conduct with a child under § 3-315 of the Criminal Law Article;
- 继续与依据刑法条款第 3-315 款规定的与儿童进行行为;
- assault in the first degree;
- 一级攻击;

- assault with intent to murder;
- 意图谋杀的攻击;
- assault with intent to rape;
- 意图强奸的攻击;
- assault with intent to rob;
- 意图抢劫的攻击;
- assault with intent to commit a sexual offense in the first degree; and
- 意图实施一级性侵的攻击; 以及
- assault with intent to commit a sexual offense in the second degree.
- 意图实施二级性侵的攻击。
- Assault in the second degree; or
- 二级攻击; 或
- A sexual offense in the third or fourth degree or attempted rape or sexual offense in the third or fourth degree
- 三级或四级性侵或试图实施的三级或四级强奸或性侵。

Unless good cause is shown for the appointment, the court may not appoint someone as a guardian of the property who has been convicted of a crime that reflects negatively on that person's honesty, trustworthiness, or fitness to perform the guardianship duties, including fraud, extortion, embezzlement, forgery, perjury, and theft.

除非任命表明了正当理由, 否则法院是不会给曾经犯下能够负面反映一个人的诚实、可信度, 或负面反映执行监护人职责胜任度的人, 包括欺诈、勒索钱财、挪用公款、伪造文书、作伪证和盗窃去担任财产监护人。

If you or the proposed guardian has been convicted of a disqualifying crime, **there will be an opportunity to explain to the court why the court should still make the appointment.**

如果您或建议监护人曾经犯过可以取消资格的罪行和被定罪, 将有机会向法院解释为什么法院依然应该进行任命。

WHAT ARE THE GUARDIAN ORIENTATION AND TRAINING REQUIREMENTS?

监护人入门指导和培训的要求是什么?

Before the court appoints you as a guardian of the person or property, you must watch the orientation program for court-appointed guardians available at mdcourts.gov/family/guardianship/guardianorientationprogram. This brief video covers the role, duties, and responsibilities, of a guardian and what to expect if appointed. If you do not have access to a computer or need help watching the program, contact the court.

在法院任命您为当事人或财产监护人之前, 您必须观看法院任命之监护人入门指导计划, 网址是: mdcourts.gov/family/guardianship/guardianorientationprogram。这一简要视频涵盖了监护人的角色、职责和责任, 以及在得到任命后可以预期的状况。如果您没有计算机或在观看计划上需要帮助, 请联系法院。

After watching the video, complete a Certificate of Completion – Guardian Orientation and Training Program (form CC-GN-031) and file it with the court.

观看视频后, 填写完成证明-监护人入门指导和培训计划(表格 CC-GN-031)并将其提交至法院。

After the court appoints you as guardian, it will direct you to complete a training program. The program covers your specific responsibilities as guardian in more detail, describes how to make decisions as a guardian, and provides information about community resources available to help you and the person you care for. Guardians of the person must complete the training within 120 days of appointment. Guardians of the property must complete the training within 60 days of appointment. The court may direct you to complete the training at another time.

法院将您任命为监护人后, 其将指导您完成培训计划。计划涵盖了您作为监护人的具体责任的更多详细信息, 说明了作为监护人如何做出决定, 并提供了关于帮助您以及您的照顾对象时可用的社区资源的信息。当事人监护人必须在任命后 120 天内完成培训。财产监护人必须在任命后 60 天内完成培训。法院可能告诉您在另一时间完成培训。

Some courts offer the training program as a class you can attend. Some may allow you to complete the training program online. Ask the court how you can meet the training requirement.

有些法院以课程形式提供培训计划, 您可以参加这些课程。有些法院可能允许您在线完成培训计划。询问法院您可以如何达到培训要求。

Visit mdcourts.gov/guardianship for more information about the court-appointed guardian orientation and training programs. This website also has checklists, court forms, and other resources for guardians.

访问 mdcourts.gov/guardianship 了解关于法院任命的监护人入门指导和培训计划的更多信息。此网站也有针对监护人的检查清单、法院表格和其它资源。