

GUARDIANSHIPS

This guide is meant to be used by lawyers who assist clients in guardianship proceedings at no charge or at a reduced fee. Persons who wish to represent themselves will find that they probably will need at least limited representation by a lawyer. See our separate booklet regarding how limited representation works.

Actions for the appointment of a guardian for a minor are governed by Tenn. Code Ann. § 34-2-101 and succeeding sections.

The case 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.

Actions for the appointment of only a guardian of the person may be brought in the Juvenile Court. Actions for the appointment of a guardian of the person or property or both may be brought in Circuit or Chancery Courts and, if it exercises probate jurisdiction, General Sessions Court.

A petition for the appointment of a guardian may be filed by any person having knowledge of the circumstances necessitating the appointment of a guardian.

Subject to the court's determination of what is in the best interests of the minor, the court must consider the following persons in the order listed for appointment of the guardian: (1) the parent or parents of the minor, (2) the person or persons designated by the parent or parents in a will or other written document, (3) adult siblings of the minor, (4) the closest relative or relatives of the minor, and (5) other persons.