

GUARDIANSHIP FORMS

FOR

MINORS

GUARDIANSHIP OF MINORS
NOTICE TO PRO-SE GUARDIANSHIP PETITIONERS

PLEASE RETURN THESE INSTRUCTIONS WITH THE COMPLETED PETITION

The Citizens of Oklahoma are not required to be represented by an attorney to file a petition for, and to be appointed as, a guardian of a minor child.

However, please be advised that the Court will require you to meet the same standards of compliance with the laws and rules of procedure as are required of attorneys.

As a petitioner for guardian you are seeking to assume authority to manage and control another person's rights and the Court will require full compliance with those laws and rules. **The Court, its staff and the Court Clerk's office personnel cannot, and will not, provide you with legal advice nor assist you in the performance of the requirements imposed by law, including the preparation of the forms.**

The petition and other Affidavits provided in this packet of forms must be completed by you and filed with the Court Clerk's office.

1. **You must answer every question.**
2. After you file the Petition and Affidavits with the Court Clerk you will receive a case number and a Judge will be assigned to the case. Take file-stamped copies of your Petition and the affidavits and all other forms to the office of the assigned Judge.
3. The Judge's staff will assign a hearing date and time to be included in the "Order for Hearing" and the "Notice of Petition" which must then be returned to the Court Clerk's office for filing.

4. **Notice must be mailed at least ten (10) days before the hearing date.**
Those entitled to receive notice are defined in Title 30 O.S. §2-101, or as required by the Court.

If the court decides that a guardianship is necessary, a guardian is appointed. The guardian is required to, at the least, annually report to the court about the ward and the ward's finances.

If you are in need of legal assistance and cannot afford an attorney you should contact any attorney you know who may be willing to assist you without fee, or even with a reduced fee. You may also contact Legal Aid Services of Oklahoma.

If you have a substantial reason to believe that the child named in your application is at risk of immediate harm, additional paperwork is required.

If you have substantial reason to believe that a minor child is subject to abuse or neglect you are required by law to report such information to the Oklahoma Department of Human Services (DHS).

You must comply with all Local Court Rules. Rule 10A specifically states that you must answer each question completely, do not leave any blank spaces, and do not list "NA" (for not applicable) or similar terms. Blank spaces are only allowed for "dates" and "dollar amounts".

The judge, the judge's staff and the personnel of the Court Clerk's office cannot provide you with legal advice or help you in filling out the required forms and providing notice of court proceedings. The judge and the judge's staff cannot speak with any party to a guardianship unless all involved parties are present.

**In The District Court of Oklahoma County
State of Oklahoma**

In The Matter Of _____)
 The Guardianship Of _____)
 _____) Case No:
 _____)
 (a) minor child(ren).)

PETITION

Petitioner, _____, of lawful age, respectfully represents to the Court

1. That _____ is a minor child, _____ years of age, having been born on the _____ day of _____, _____ in _____, _____
 (City) (State)

2. That _____ is the natural mother who resides at:

 (Address) (City) (State) (Zip)

3. That _____ is the natural father who resides at:

 (Address) (City) (State) (Zip)

5. Are you a relative of the child(ren)? If so, what is your relationship? _____

If you are not a relative of the child(ren), how would you describe your relationship?

5. That I reside at: _____ (relationship)
 _____ (Address)
 _____ (City) _____ (State) _____ (Zip)

My current phone number is _____
 Area Code Phone Number

6. Has the petitioner ever been convicted of a felony crime, or a crime involving domestic violence?
 Yes / No (CIRCLE ONE)

7. I am not insolvent and I have not declared bankruptcy during the five (5) years prior to the filing of this petition.
8. I am not obligated or indebted to said minor
9. That said minor is in need of care and supervision by an adult person.
10. That it is in the best interests of said minor that I be appointed as guardian of the person, the property or both the person and the property of said minor.
11. The minor's assets do not exceed the value \$_____
12. That I am not a person subject to registration under the **Oklahoma Sex Offender Registration Act** and attached hereto as "Exhibit A" is an affidavit in regard thereto that I have read and approved.
13. That attached hereto as "Exhibit B" is my affidavit in regard to **the Uniform Child Custody Jurisdiction and Enforcement Act that I have read and approved.**
14. The guardianship is being sought out of: *necessity* [] *convenience* []
15. If the guardianship is being sought out of alleged necessity [i.e. parents not presently able to properly care for the child(ren)] briefly explain the reason that prevents the parents from providing proper care:

16. Is/Are the child(ren) presently in Petitioner's physical custody? *Yes* [] *No* []
17. If the response to the above is "Yes" how did the child(ren) come to be in Petitioner's physical custody?

18. If the response to the above is "No," is Petitioner seeking custody of the child(ren)? *Yes* [] *No* []
19. If the Petitioner has ever been known by another name, please list it here:

20. Have you been contacted by a representative of DHS regarding the filing of a Guardianship on behalf of these children? If you have, provide the details here:

WHEREFORE, Petitioner, being duly sworn upon oath, states that he/she has read the above allegations and knows the contents thereof to be true and correct, and prays that he/she be appointed as guardian of the person, the estate or both the guardian of the person and estate of said minor child.

Signature

Address

City, State, Zip Code and and Phone Number

Subscribed and sworn to before me this _____ day of _____, _____.

(Court Clerk)

(Notary Public)

**In The District Court of Oklahoma County
State of Oklahoma**

In The Matter Of)
The Guardianship Of)
_____) Case No:
_____)
(a) minor child(ren).)

Oklahoma Sex Offenders Registration Act

AFFIDAVIT

I am not a person subject to registration under the **Oklahoma Sex Offenders Registration Act**. I am not married to or living with such a person, or a person who has been convicted of, or has charges pending for, a felony or any relevant misdemeanor, to include acts of domestic violence, nor is anyone living with me or frequently present in my home previously been convicted of, or has charges pending for, a felony or any relevant misdemeanor, to include acts of domestic violence.

That as guardian of the above minor child, under no circumstances shall I permit the child to be left in the custody or direct care of a person who is known to me to be subject to registration under the **Oklahoma Sex Offenders Registration Act**. Nor shall I permit the children to be left in the custody of a person married or living with such a person, or with any individual who has been convicted of any crime involving domestic abuse. Nor shall these children be placed in the custody of a person who has previously been convicted of, or has charges pending for, a felony or any relevant misdemeanor or acts of domestic violence.

Petitioner

Address

City, State and Zip code

Phone Number

Subscribed and sworn to before me on this _____ day of _____.

Court Clerk or Notary Public

Exhibit A
To Petition for Guardianship

**In The District Court of Oklahoma County
State of Oklahoma**

In The Matter Of _____)
 The Guardianship Of _____)
 _____) Case No:
 _____)
 (a) minor child(ren).)

Uniform Child Custody Jurisdiction and Enforcement Act
AFFIDAVIT

_____, Petitioner in the above-styled and numbered guardianship proceeding, being first duly sworn upon oath, deposes and states:

1. The minor _____ presently resides at:

_____, _____, _____, _____
 Address City State Zip

2. The minor has resided at the following address during the last five (5) years:

Address	City	State	Zip	Dates

3. The names and present address of all persons with whom the minor has resided during the last five (5) years are:

Name	Address	City	State	Zip

7. I acknowledge that I have a continuing duty under the law to inform the Court, in writing, of any additional information acquired by me after executing this "Affidavit".

Signature: _____

Print Name: _____

Petitioner

Address

(City, state & zip)

Phone number

Subscribed and sworn to before me this _____ day of _____, _____.

Court Clerk / Notary Public

EXHIBIT B
To Petition for guardianship

**In The District Court of Oklahoma County
State of Oklahoma**

In The Matter Of _____)
The Guardianship Of _____)
_____) Case No:
_____)
(a) minor child(ren).)

**Waiver of Notice And/or
Consent to the Appointment of Guardian**

I, _____, of _____, _____, being _____ years of age, state
(Address)
_____, being _____ years of age, state
(City, State and Zip Code)

under oath that I am:

- the above-named minor
- one of the above-named minor children
- the mother of the above-named minor children
- the father of the above-named minor children
- a maternal grandparent of the above-named minor children
- a paternal grandparent of the above-named minor children
- an adult brother of the above-named minor children
- an adult sister of the above-named minor children
- a person currently having custody of or with whom the above-named minor children currently reside
- a person who claims a right to custody of the above-named minor children
- a person who claims a right to visitation with the above-named minor children;

and that I do hereby consent to the appointment of the Petitioner as guardian of the person of the above-named minor child(ren).

Executed this _____ day of _____.

Signature

Subscribed and sworn to before me this _____ day of _____, _____.

Court Clerk / Notary Public

**In The District Court of Oklahoma County
State of Oklahoma**

In The Matter Of)
The Guardianship Of)
_____) Case No:
_____)
(a) minor child(ren).)

**Waiver of Notice And/or
Consent to the Appointment of Guardian**

I, _____, of _____,
(City, State and Zip Code) (Address), being _____ years of age, state

under oath that I am:

- the above-named minor
- one of the above-named minor children
- the mother of the above-named minor children
- the father of the above-named minor children
- a maternal grandparent of the above-named minor children
- a paternal grandparent of the above-named minor children
- an adult brother of the above-named minor children
- an adult sister of the above-named minor children
- a person currently having custody of or with whom the above-named minor children currently reside
- a person who claims a right to custody of the above-named minor children
- a person who claims a right to visitation with the above-named minor children;

and that I do hereby consent to the appointment of the Petitioner as guardian of the person of the above-named minor child(ren).

Executed this ____ day of _____.

Signature

Subscribed and sworn to before me this _____ day of _____, _____.

Court Clerk / Notary Public

**In The District Court of Oklahoma County
State of Oklahoma**

In The Matter Of)
 The Guardianship Of)
 _____) Case No:
 _____)
 (a) minor child(ren).)

**Nomination of Guardian by a Minor
Fourteen Years of Age or Above**

_____, a minor, _____ years of age, having been born on _____, _____, respectfully states:

1. I have received a copy of the Petition for Appointment of Guardian filed herein by _____, which Petition seeks the appointment of the Petitioner(s) as guardian of of my person and/or of my property;
2. I am aware of my right to nominate a guardian to be appointed for me, and that the Court will appoint the person(s) I nominate if the Court approves that Petition, and
3. I hereby nominate: _____ (print full names of persons nominated) as guardian(s) of my person and/or my property if the Court determines that my nominees qualify under the law.

(Signature of Minor)

Subscribed and sworn to before me this _____ day of _____, _____.

Court Clerk / Notary Public / Judge

**In The District Court of Oklahoma County
State of Oklahoma**

In The Matter Of _____)
The Guardianship Of _____)
_____) Case No:
_____)
(a) minor child(ren).)

**Plan for the Care and Treatment
Of the Ward(s)**

I, _____ (print name), the guardian of the person and/or estate
of the minor child(ren):

_____ (print ward's name(s))
_____ (print ward's address)
_____ (print city, state, zip)

hereby submit this Guardianship Plan for the Care and Treatment of the above-listed ward(s).

1. I believe the services necessary for the physical health and safety of the ward(s) are as follows:
(Please explain what you do to provide care for the named minor child)

2. These services will be obtained and/or provided as follows:

3. A separate guardian of the property of the ward(s)

has has not (check one)

been appointed. If a separate guardian of the property has been appointed, I will share with the guardian of the property all decisions as to the care and treatment of the ward. If a separate guardian of the property has not been appointed, I will make all such decisions consistent with the Orders of the Court.

4. I believe that the following services will assist in fulfilling the needs of the ward(s) and in implementing the terms of the most recent dispositional order. Please check all that apply:

- authority to enroll the ward(s) in school
- authority to consent to medical and psychological treatment for the ward(s)
- authority to determine the residence of the ward(s)
- other:

(Signature of Guardian)

(Address)

(City, State, Zip)

(Phone)

**In The District Court of Oklahoma County
State of Oklahoma**

In The Matter Of)
The Guardianship Of)

_____)
_____)
(a) minor child(ren).)

Case No:

**Plan for the Management of
the Property of the Ward(s)**

I, _____ (print name), the guardian of the person of the minor
child(ren):

_____ (print ward's name(s))
_____ (print ward's address)
_____ (print city, state, zip)

hereby submit this:

initial annual (*check one*)

Guardianship Plan for the Management of the Property of the above-listed ward(s).

1. This child receives a monthly check (such as insurance proceeds or social security benefits) as follows:

2. I plan to care for the minor child's property as follows:

3. These services will be obtained and/or provided as follows:

3. The decisions as to the management of the property of the ward will be shared with the Guardian of the Person, if a separate Guardian of the Person has been appointed, otherwise I will make all such decisions consistent with the Orders of this Court.

4. I believe that the following services will assist in fulfilling the needs of the ward(s) and in implementing the terms of the Orders of this Court.

Executed this _____ day of _____, _____.

(Signature of Guardian)

(Address)

(City, State, Zip)

(Phone)

In The District Court of Oklahoma County
State of Oklahoma

In The Matter Of _____)
The Guardianship Of _____)
_____) Case No:
_____)
(a) minor child(ren).)

Letters of Guardianship

_____ is hereby appointed general guardian of the person and/or
estate of _____
_____.

WITNESS the undersigned Judge of the District Court of Oklahoma County, State of Oklahoma, this
_____ day of _____, 20_____.

Judge of the District Court

Oath of Guardian

I, _____, do solemnly swear that I will discharge all and singular the duties of
General Guardian of the person and/or estate of _____
_____ according to law, and to the best of my ability.

Guardian

Subscribed and sworn to before me this _____ day of _____, _____.

Judge of the District Court

Petitioner

Address

City, State and Zip Code

Phone Number

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF THE GUARDIANSHIP OF) CASE NO:
)
_____, a minor)

ORDER FOR HEARING PETITION FOR APPOINTMENT OF GUARDIAN

Whereas, the Petition of _____ having been filed in
this court on the ___ day of _____, _____, and it appearing that this Court has
jurisdiction and is the property venue for the matters alleged therein, the court hereby orders and
Directs that said Petition be set for hearing on the _____ day of _____,
_____, at _____ o'clock _____ m. in the court room of Judge _____ of the
District Court. Court Room _____.

Notice hereof shall be given by first class mail, with postage prepaid, sent to the last
known address of each of the following not less than ten (10) days prior to the hearing date:

- (1) the minor, if fourteen (14) years of age or older;
- (2) both parents of the minor;
- (3) all grandparents of the minor;
- (4) all adult brothers and sisters of the minor;
- (5) any person having custody or with whom the minor resides; and
- (6) all persons known to Petitioner who claim any rights to custody or visitation with the
minor.

The petitioner is required to prove to the Court that the Notice requirements have been complied with.
Witness my hand and seal of said Court this _____ day of _____, _____.

Judge of the District Court

Petitioner

(address)

(city) (state) (zip)

Phone Number

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF THE GUARDIANSHIP OF) CASE NO:
)
_____, a minor)

NOTICE OF PETITION FOR APPOINTMENT OF GUARDIAN

You are hereby notified that _____ has petitioned
this Court to be appointed guardian of the person and/or estate of the above-named minor
_____, and that said Petition will be heard in the
court room of Judge _____ Room _____ in the Oklahoma
County Courthouse at 321 Park Avenue on the _____ day of _____
_____, at _____ o'clock ____ M. at which time you may appear and show cause if any, why
said Petition should not be granted.

WITNESS my hand and seal of said Court this _____ day of _____, _____

Judge of the District Court

Petitioner

(address)

(city) (state) (zip)

Phone Number

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF THE GUARDIANSHIP OF

PG - 20 _____ - _____

a minor

DECREE AND ORDER APPOINTING GUARDIAN

Now, on this _____ day of _____, _____, this cause coming on to be heard upon the Petition of _____ to be appointed as guardian of the person and / or estate of said minor child(ren). Petitioner appearing in person with/without legal counsel and the minor [] appearing in person / [] appearing not.

The court having reviewed the file herein, together with any testimony and evidence presented and finds that all notices required by law have been given; that the Court has jurisdiction over the parties and subject matter hereof, and that Oklahoma County is the proper venue for this action and otherwise being fully advised in the premises, finds that the Petition, is sustained and that a guardianship is:

[] *necessary* and the parental unfitness / impediment alleged is found to exist

[] *convenient* and with parental consent and there is no finding of parental unfitness / impediment

and that it is in the best interest of said minor(s) that a guardian be appointed. It is therefore **ORDERED, ADJUDGED AND DECREED** by the Court that _____ be and is hereby, appointed guardian of the person and / or guardian of the estate of _____

_____,
a minor. This appointment shall be effective from and after said guardian executes the oath required by law. The Court finds that the requirement of bond is ORDERED/WAIVED. (Court to indicate).

(If the Court sets a bond)

The court finds that bond in the amount of _____ dollars (\$ _____) shall be posted and signed by a surety company.

As guardian, _____ shall have the authority and responsibility to supervise, insure and direct that the health, safety, welfare and educational needs of the minor child(ren) are properly served and satisfactorily met and make such decisions in relation thereto as may be necessary. As custodial / non-custodial guardian, the authority of said guardian shall / shall not supersede the authority of the parent(s) regarding the health, safety, welfare and educational needs of the minor child(ren). Annual reporting is required. The first review will be a placement review.

Judge of the District Court

(Name of Petitioner)

(Address)

(City, State & zip)

Phone Number