

A Handbook for RELATIVE GUARDIANSHIP

This Handbook applies only to cases where a blood relative is seeking the guardianship of a minor child/ward. It is not required by law that a person who wants to do this be represented by a lawyer. However, if you are not a lawyer, you will be required by the court to follow the law and the rules of procedure as if you were an attorney.

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.

The following is a very general list of steps that must be taken:

1. A petition for guardianship is filed in the county where the ward lives. A hearing date is set.
2. Notice of the hearing and the proceeding must be given by personal service or first class mail to a statutory group of persons. All persons must receive notice at least ten (10) days prior to the hearing.

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.

The forms given here are general. Certain counties, such as Oklahoma and Tulsa have their own forms.

*In The District Court Of _____ County
State Of Oklahoma*

In The Matter Of)
The Guardianship Of) PG - _____
_____)
_____)

(a) minor child(ren).

**PETITION FOR THE APPOINTMENT OF GUARDIAN
OF MINOR CHILDREN**

Comes Now the Petitioner, _____, and informs the Court as follows:

1. That I am now a resident in good faith of _____ County, and the State of Oklahoma for six (6) months prior to the filing of this petition.
2. That _____ (is a/are) minor child(ren) _____ years of age, respectively, having the following date(s) of birth: _____

3. That the mother of the minor child(ren) is _____. Her present address is: _____.
4. That the father of the minor child(ren) is _____. His present address is: _____.
5. That I am related to the child(ren) in the following manner: _____
_____.
6. That the Court has jurisdiction in this action to make a child custody determination pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, 43 O.S. §551-101, et seq., in that Oklahoma is the home state of the minor child. Attached hereto as Exhibit A is my affidavit setting forth the information required by the Act.
7. The minor child(ren) (is/are) not Indian children within the meaning of the Federal or State Indian Child Welfare Acts.
8. The child has asset(s) (real or personal property) in the value of \$ _____. The anticipated annual income of the minor child(ren) for one (1) year plus the value of the child(ren)'s personal property is \$ _____. If more than one child, list all other children and assets below:

9. Appointment of (check one):

- A guardian of the person(s) of the minor(s)
- A guardian of the estate(s) of said minor(s)
- A guardian of both the person of the minor(s) and the estate/property of the minor(s)

is necessary to provide for the general welfare of the child(ren) and to allow me (the Petitioner) to authorize medical and education services for the child(ren).

10. The parents are unable to care for the child(ren) at this time because: _____
_____.

11. It is in the best interests of the child(ren) that I be appointed:

- A guardian of the person(s) of the minor(s).
- A guardian of the estate(s) of said minor(s).
- A guardian of both the person of the minor(s) and the estate/property of the minor(s).

12. I am qualified to serve as guardian of the _____ of the minor child(ren). I further inform the Court as follows:

- a. no judge of the district court is under any financial obligation to me;
- b. I am not a minor, incapacitated or partially incapacitated;
- c. I have never been convicted of a felony;
- d. I am not a person subject to registration under the Oklahoma Sex Offender Registration Act and attached hereto as Exhibit B is an affidavit in regard thereto.
- e. I am not insolvent and I have not declared bankruptcy during the five (5) years prior to the filing of this petition.
- f. I am under no obligation to the minor child(ren); and
- g. there are no conflicts of interest that would preclude or be substantially detrimental to my ability to act in the best interest(s) of the minor child(ren).

WHEREFORE, the Petitioner prays the Court to grant the following relief:

- A. Appoint me as the:
 - A guardian of the person(s) of the minor(s).
 - A guardian of the estate(s) of said minor(s).
 - A guardian of both the person of the minor(s) and the estate/property of the minor(s).
- B. Set bond in the amount of \$ _____.
 Waive bond
- C. Grant all other just and appropriate relief.

Signature _____
Name _____
Address _____

Verification

State Of Oklahoma)

)

COUNTY OF _____)

_____, of lawful age, being first duly sworn upon oath deposes and states: I am the petitioner named above; I have read the foregoing document and understand its contents; I hereby state that the facts set forth in the foregoing document are true and correct to the best of my knowledge and belief.

Signature: _____

Print Name: _____

Petitioner

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

Notary Public

My Commission Number: _____

My Commission Expires: _____

*In The District Court Of _____ County
State Of Oklahoma*

In The Matter Of)
The Guardianship Of) *PG - _____*
_____)
_____)
(a) minor child(ren).

*Uniform Child Custody
Jurisdiction And Enforcement Act*

Affidavit

STATE OF OKLAHOMA)
) SS
COUNTY OF _____)

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

1. The minor(s), _____, _____, presently live at _____ (city), _____ (state), _____ (zip).
2. The minor(s) has/have lived at the following address during the last five (5) years:

Name	Address	City	State	Zip	Date

4. I have/have not participated as a party, witness or otherwise been involved in a legal proceeding concerning the custody of, or visitation with, said minor(s).

If you have, list the Court, the case number(s) and the date(s) of participation:

Court	Case Number	Dates

5. I have knowledge of the following proceeding pertaining to a divorce of the minor's(s') parents, custody proceeding(s) concerning this/these minor(s) proceedings concerning domestic violence or abuse, protective orders, termination of parental rights, adoptions or Department of Human Services or other proceedings.

Court	Case Number	Dates
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. I have knowledge that the following named persons claim a right to custody or a right to visitation with said minor.

Name	Address	City	State	Zip	Date
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

7. I acknowledge the 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

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

Court Clerk / Notary Public

My Commission Number: _____

My Commission Expires: _____

EXHIBIT A

In The District Court Of _____ County
State Of Oklahoma

In The Matter Of)
The Guardianship Of) PG - _____
_____))
_____))
(a) minor child(ren).

Affidavit of Mailing

STATE OF OKLAHOMA)
) SS
COUNTY OF _____)

I, _____, AFTER FIRST BEING DULY SWORN UNDER OATH, STATE AS FOLLOWS:

That I mailed a true and correct copy of the Petition for Appointment of Guardian of a Minor Child and Order and Notice for Hearing for Appointment as Guardian to _____, natural parents of _____, on the _____ day of _____, by certified mail, postage thereon fully prepaid and green card verifying receipt is hereby attached.

FURTHER AFFIANT SAYETH NOT

Dated this _____ day of _____

Affiant's Name

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

Notary Public

My Commission Number: _____

My Commission Expires: _____

In The District Court Of _____ County

State Of Oklahoma

In The Matter Of)
The Guardianship Of) PG - _____
_____))
_____))

(a) minor child(ren).

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

I, _____, of _____, 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

My Commission Number: _____

My Commission Expires:

In The District Court Of _____ County

State Of Oklahoma

In The Matter Of)
The Guardianship Of) PG - _____
_____)
_____)

(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 estate;
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 estate 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

My Commission Number: _____

My Commission Expires: _____

In The District Court Of _____ County

State Of Oklahoma

In The Matter Of)
The Guardianship Of) PG - _____
_____)
_____)

(a) minor child(ren).

*Order and Notice for Hearing for
Appointment as Guardian*

Notice is hereby given that _____ has filed a petition in this court to be appointed guardian of

- the person and/or
- the estate

of the above-named minor(s), _____

The court will hear the petition on the _____ day of _____, _____, at _____ o'clock ____ m., in courtroom _____ of the _____ County Courthouse. At that time, you or any other interested person may appear and show cause why the Court should not grant the petition and make the requested appointment.

Dated this _____ day of _____, _____.

Judge of the District Court

Name _____, Pro Se

Address _____

Phone _____

In The District Court Of _____ County

State Of Oklahoma

In The Matter Of)
The Guardianship Of) PG - _____
_____)
_____)

(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 ha been convicted of, or has charges pending for, a felony or any relevant misdemeanor, 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.

That as guardian of the above minor child(ren) under no circumstances shall I permit the child to be left in the custody of a per son 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 nay relevant misdemeanor.

Petitioner

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

Court Clerk or Notary Public

My Commission Number: _____

My Commission Expires: _____

Exhibit _____ to Petition for Guardianship

In The District Court Of _____ County

State Of Oklahoma

In The Matter Of)
The Guardianship Of) PG - _____
_____))
_____))

(a) minor child(ren).

Plan for the Care and Treatment
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 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:

_____ (This list should include food, clothing, shelter, education and medical care.)

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:

- 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 _____

Please check all that apply.

(Signature of Guardian)

(Address)

(City, State, Zip)

(Phone)

In The District Court Of _____ County

State Of Oklahoma

In The Matter Of)
The Guardianship Of) PG - _____
_____)
_____)

(a) minor child(ren).

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. I believe the services necessary for the management of the property of the ward(s) are as follows:

2. 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 _____ County

State Of Oklahoma

In The Matter Of)
The Guardianship Of) PG - _____
_____)
_____)

(a) minor child(ren).

Letters of Guardianship

_____ is hereby appointed general guardian of the person of _____.

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

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 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

In The District Court Of _____ County

State Of Oklahoma

In The Matter Of)
The Guardianship Of) PG - _____
_____))
_____))
(a) minor child(ren).

*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 proper 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.

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 currently 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.

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

Judge of the District Court

In The District Court Of _____ County

State Of Oklahoma

In The Matter Of)
The Guardianship Of) PG - _____
_____))
_____))
(a) minor child(ren).

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 _____ in the _____ County Courthouse at _____ 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