

STEP-BY-STEP CHECKLIST FOR OBTAINING GUARDIANSHIP OF A MINOR

You have decided whether your Guardianship is “**Special**” (emergency and expires in 30 days) and/or “**General**”. Either way, you will need to schedule a hearing with a Judge and let the others involved in the Ward’s life know that you are applying for a Guardianship.

The key to being successful with this process is organization, as it involves a lot of paperwork. Keeping your paperwork organized will help the process seem less overwhelming. Take the process one step at a time. Take your time and complete each task before moving on to the next one.

It is recommended that you use file folders to organize all the paperwork, and that you label the three folders as follows:

Folder #1: Take to courthouse to file

Folder #2: Take to have notarized/make copies

Folder #3: Important Documents to Keep

These are instructions for a regular guardianship and do NOT fully cover the steps for obtaining guardianship of a minor in the following situation:

- If the child is 14 years old or older;
- If this is an emergency where a child needs to be protected from physical or financial harm;
- If you are unable to pay court fees;
- If the child is enrolled or eligible for enrollment in a Native American Indian tribe;
- If OKLAHOMA DHS is involved;
- If the guardianship is or will be contested.

If your case involves any of the above factors, **special instructions may apply which are not a part of this guide**. Please seek advice from a qualified attorney.

BACKGROUND CHECKS WILL BE REQUIRED FOR THE PERSON(S) SEEKING GUARDIANSHIP AND ANY PERSON OVER THE AGE OF 18 WHO IS OR WILL BE LIVING IN THE SAME HOME AS THE MINOR CHILD. It is strongly encouraged that you begin the background check process immediately upon filing your Petition for Guardianship as the process can take a long time and you will have to keep returning to court until the background check results are complete and provided to the Court. Instructions for obtaining the required background checks are included later in this guide.

□ **STEP 1-** Find the form PETITION FOR LETTERS OF GUARDIANSHIP (MINOR)

- You are the petitioner and the child is the ward
- Don't sign it yet. You will sign in front of a notary and have your signature notarized.
- Put the completed form in the **folder #2** named "Take to have notarized/make copies".

□ **STEP 2-** Find the form OKLAHOMA SEX OFFENDERS REGISTRATION ACT-AFFIDAVIT (EXHIBIT A)

- Put the child's name on the top where it says: In the matter of the Guardianship of _____
- Don't sign it yet. You will sign in front of a notary and have your signature notarized.
- Put the form in **folder #2** named "Take to have notarized/make copies"

□ **STEP 3-** Find the form UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT AFFIDAVIT (EXHIBIT B)

- Enter your name as Petitioner
- Fill in the rest of the blanks
- Don't sign it yet. You will sign in front of a notary and have your signature notarized.
- Put the form in **folder #2** named "Take to have notarized/make copies.

□ **STEP 4-** Find the form PLAN FOR THE CARE AND TREATMENT OF THE WARD(S)

- Fill in the form.
- It is okay to sign it now.
- Put form in **folder #2**

□ **STEP 5-** Find the form PLAN FOR THE MANAGEMENT OF THE PROPERTY OF THE WARD(S)

- Fill in the form
- If the child does not have any property, just say so.
- Put the form in **folder #2**

□ **STEP 6-** Take the documents in **folder #2** to a notary (a notary can be found at your local post office, tag agency, or bank, and your local courthouse law library may also have a notary)

- Sign in front of the notary and have Notary sign and notarize:

- 1) PETITION FOR LETTERS OF GUARDIANSHIP
- 2) OKLAHOMA SEX OFFENDER REGISTRATION ACT AFFIDAVIT (EXHIBIT A)
- 3) UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT AFFIDAVIT (EXHIBIT B)

- Put all notarized documents back into **folder #2**.
- Take note that these documents are the originals. POINTER: Unless the Notary signs in blue ink or uses a blue, red, or green notarial stamp, you may want to make a PENCIL mark at the bottom of these documents to indicate that they are originals.

- **STEP 7-** Take the original documents in **folder #2** to where you can make copies.
 - Determine how many copies you will need:
 - For the PETITION with the OKLAHOMA SEX OFFENDER AFFIDAVIT (Exhibit A) and UNIFORM CHILD CUSTODY JURISDICTION ACT AFFIDAVIT (Exhibit B) attached, you will need:

- One copy for you 1
- One copy for the background search 1
- Two copies for the Judge's staff 2
- One copy for natural mother 1
- One copy for natural father 1
- One copy for each grandparent 1
- One copy for each adult sister of child _____ (enter # needed)
- One copy for each adult brother of child _____ (enter # needed)
- One copy for any person having custody of or with whom the child resides _____ (enter # needed)
- One copy for all persons known to you who claims any rights to custody or visitation with child _____ (enter # needed)

- Total number of copies of **PETITION** with Exhibit A and Exhibit B _____ (enter total # needed)

Total number of copies of **PLAN FOR CARE AND TREATMENT OF THE WARD** 3

Total number of copies of **MANAGEMENT OF PROPERTY OF THE WARD** 3

-Put all originals and copies in **folder #1** named Take to Courthouse to file.

- **STEP 8-** Prepare for your first trip to the county courthouse

-You will need to file the Guardianship Petition in one of the following counties:

- The County in which the child resides;
- The County in which you live if you are a member of the child's family;

-There is a filing fee to file the Guardianship Petition. You will need to bring cash or a personal check with you when you file the Petition. There are some circumstances when the filing fee may be waived, see below:

*The court filing fee MAY be waived if you have no money (file a PAUPER'S AFFIDAVIT), if the child is receiving TANIF, SoonerCare, or social security benefits, or if you are a relative of the child and the child's natural parents have abandoned the child.

-Take all the documents in **folder #1** with you to the appropriate county courthouse.
-Put the following documents into **folder #2**: ORDER FOR HEARING PETITION FOR GUARDIANSHIP OF MINOR CHILD(REN), NOTICE OF HEARING PETITION FOR GUARDIANSHIP OF MINOR CHILD(REN), AFFIDAVIT OF SERVICE. Take these with you to the courthouse.

- A. Find the Cashier window in the Court Clerk's office. (Depending on the County in which you are filing your case and the size of the courthouse, there may not be a separate cashier's office, and the court clerk may be able to handle your case filing and payment.)
 1. Hand the cashier the original PETITION and ask to file a new guardianship case for a minor child.
 2. You will be assigned a Judge and given a case number.
 3. You will pay the required court filing fee, unless waived for any of the reasons addressed above.
 4. Put the case number on each copy of the PETITION.
- B. Find a court clerk in the clerk's office who is free to help you.
 1. Hand the clerk the original PETITION with Exhibit A and Exhibit B attached, **PLUS**:
 2. Hand the copies of the PETITION to the court clerk.
 3. The court clerk will file stamp the original and all copies. The clerk will keep the original and return the copies to you.
- STEP 9-** Schedule the Court Hearing on the Guardianship
 - Find the name of the Judge who is assigned to your case. Look up their name on the courthouse directory to find the Judge's office.
 - Go to the Judge's office. The Judge's assistant will help you. Tell the assistant that you need to schedule a minor guardianship hearing and hand the assistant a copy of the file-stamped PETITION.
 - Schedule the hearing at least 2 weeks from the day you contact the Judge's assistant. You will need to allow time to mail notices to the appropriate persons at least ten (10) days prior to the hearing date.
 - Write down the date and time of the hearing on the Order for Hearing and Notice of Hearing
- STEP 10-** Find the form ORDER FOR HEARING PETITION FOR GUARDIANSHIP OF MINOR in **folder #1**.
 - Fill out the information
 - Make one copy of the original.
 - Hand the original and the copy to the Court Clerk
 - The Clerk will stamp the Judge's name and file stamp both the original and copy. You will get the copy back and the clerk will keep the original.
 - Put the copy in **folder #2**.

□ **STEP 11-** Find the form NOTICE OF HEARING PETITION FOR GUARDIANSHIP OF MINOR CHILD

- Fill in the date and time of the hearing you scheduled.
- Make at least one copy of the original.
- Hand the original and the copy to the Court Clerk
- The Clerk will stamp the Judge's name and file stamp both the original and copy. You will get the copy back and the clerk will keep the original.
- Put the copy in **folder #2**.

□ **STEP 12-** Prepare for mailing copies of the PETITION, copies of the ORDER and NOTICE OF HEARING (contents of **folder #2**) to make copies and get notarized.

- You are required by law to notify all persons who claim any right to child by mailing them copies of the PETITION, ORDER, and NOTICE OF HEARING.
- Keep a list of the name and addresses of everyone entitled to notice about the guardianship- every person you listed as needing copies of the PETITION (on page 3).
- Make enough copies of the ORDER and NOTICE so that each person on your list gets one.
- You will need business size envelopes. Put the name and address of on each envelope and add stamp.
- Put the addressed, stamped envelopes with the copies of the PETITION, ORDER, and NOTICE of the hearing in the mail.
- Find the form AFFIDAVIT OF SERVICE
- Fill in the names of everyone you sent documents to.
- Sign in front of notary and have your signature notarized.
- Make a copy and put original and copy in **folder #1**.

□ **STEP 13:** Prepare to go to courthouse to file documents prior to hearing.

-**Folder #1** should contain the notarized AFFIDAVIT plus at least one copy, the PLAN FOR THE CARE AND TREATMENT OF THE WARD plus at least one copy, and the MANAGEMENT OF THE PROPERTY OF THE WARD plus at least one copy.

- Take to the Court Clerk's office.
- Find a clerk who is free to help you.
- Hand the clerk both the original and the copy of each document.
- The clerk will file stamp both documents, keep the original and hand you back the file-stamped copy.
- Put all file-stamped copies in **folder #3**.

□ **STEP 14- BACKGROUND CHECKS**

The State wants to be sure that your home is safe for a child. To do this, you must follow the steps below to have the necessary background checks done for yourself and each person over the age of 18 who lives in the home with the child for whom you seek guardianship. The State will want checks from different agencies. You must provide the completed background check results to the Court. Please refer to the last three (3) pages of this checklist for a "**GUIDE TO OBTAINING**

REQUIRED BACKGROUND CHECKS FOR GUARDIANSHIP OF A MINOR”, and follow the steps there.

STEP 15-Prepare to attend the hearing

-Put the following documents in **folder #1**:

- ORDER APPOINTING GUARDIAN OF MINOR CHILD(REN)
- LETTERS OF GUARDIANSHIP
- ORDER APPROVING PLAN

-Attend the hearing. Give the documents in **folder #1** to the Judge to review and sign.

STEP 16-Make **5** copies of each document the Judge signed.

-Hand the originals and copies to the clerk. Ask the court clerk to file the Orders and Letters signed by the Judge and get certified copies.

**GUIDE TO OBTAINING REQUIRED BACKGROUND CHECKS
FOR GUARDIANSHIP OF A MINOR**

Pursuant to 30 O.S. § 2-101, you must complete the following background checks prior to obtaining guardianship of a minor child. NOTE: The Court may grant emergency guardianship pending completion of these requirements, but in order to obtain ongoing guardianship, you must fulfill these requirements as to the prospective guardian(s) and **all** other household members eighteen (18) years of age and older.

You must complete one of the options in Step 1, AND Steps 2 and 3 **completely**.

- STEP 1: A review of a national fingerprint-based criminal background check or an Oklahoma State Bureau of Investigation (“OSBI”) name-based criminal history background check.**

HOW TO COMPLETE STEP 1:

STEP 1, OPTION 1:

Complete the OKLAHOMA STATE BUREAU OF INVESTIGATION - Criminal History Record Information Request form included here for **ALL** guardians, co-guardians, and any person living in your home who is eighteen (18) years of age or older. You should mark “Name Based” and “Sex Offender” in the “Type of Search Requested” box. Where it asks the purpose of your request, choose “Personal Review”.

You must complete a separate form for each person. You must pay a separate fee for each request. Each search with these selections should cost \$17.00.

You can mail or turn in in-person the completed form, with payment, to OSBI – Criminal History Record Information Request, 6600 North Harvey Place, Oklahoma City, OK

73116. If you submit the form by mail, you must include a return envelope, with your address and postage prepaid on the envelope so the results will be mailed back to you.

You can fax the form to 405-879-2503. If you submit the form by fax, you must be able to receive your results by return fax and you **MUST** include credit card payment information on the form.

If you choose Option 1 for Step 1 and select “Name Based” **and** “Sex Offender” in the “Type of Search Requested” box, this will fulfill the requirements of Step 1 and Step 2. (Step 2 is outlined on the next page.)

Form for Step 1, Option 1: OKLAHOMA STATE BUREAU OF INVESTIGATION
Criminal History Record Information Request (Attached)

STEP 1, OPTION 2:

You can visit <https://www.fbi.gov/services/cjis/identity-history-summary-checks> for information on how to complete an **Identity History Summary Checks** online, through the Federal Bureau of Investigation (FBI). This is a “national fingerprint-based criminal background check,” as described in the laws related to guardianships of minor children.

If you choose Option 2, you will also need to complete Step 2, outlined on the next page.

- STEP 2: A search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act.**

HOW TO COMPLETE STEP 2:

Complete this requirement by checking “Sex Offender” in the “Type of Search Requested” box on the OKLAHOMA STATE BUREAU OF INVESTIGATION - Criminal History Record Information Request completed in *Step 1, Option 1*. This will add \$2 to the fee for submitting this form (for a total of \$17.00 as noted above).

If you completed an Identity History Summary Checks through the Federal Bureau of Investigation (FBI) website (Step 1, Option 2) then you can fulfill Step 3 by completing the form **OKLAHOMA STATE BUREAU OF INVESTIGATION - Criminal History Record Information Request** form included here. You will only need to select “Sex Offender” in the “Type of Search Requested” box. Where it asks the purpose of your request, choose “Personal Review”.

The results will be mailed directly to you. Upon receipt, you will need to submit the full and complete results to the Court by filing the original with the Court Clerk in the county where you filed your guardianship request.

- **STEP 3: Search of the child abuse and neglect information system maintained for review by authorized entities by the Department of Human Services (also known as a “DSH CANIS search”).**

HOW TO COMPLETE STEP 3:

Complete the **Request for Child Abuse and Neglect Information System (CANIS) for Guardianship** form included here. Turn-in the completed form along with a copy of your file-stamped, certified Petition (the documents you filed to request the Court grant your guardianship). If you have a hearing upcoming, it is a good idea to note that in your completed request. You can list all adults in your household on one form. The results of your request will go directly to the Judge you list as hearing your case. **This request can take a few weeks to a few months to complete.**

You can submit the form for Step 3 in one of three ways:

1. By emailing the completed form to canisguardianship@okdhs.org;
2. By faxing the completed form to fax # 405-521-4373;
3. By mailing the completed form to:
Oklahoma Department of Human Services
Child Welfare Services
Child Abuse and Neglect Information System
PO Box 25352
Oklahoma City, OK 73125

DHS may charge a fee, but not more than Thirty-five Dollars (\$35.00) for each search.

If you have questions about your request, contact DHS CANIS Guardianship at 405-521-3777

You can find the mailing address for you Judge by selecting your county at <https://www.oscn.net/courts/>. Or, you can call the Court Clerk for the county where you filed your guardianship to ask.

Form for Step 3: Request for Child Abuse and Neglect Information System for Guardianship (Attached).

FORMS

The forms appear in **ALPHABETICAL ORDER** on the following pages.

- BACKGROUND CHECK FORMS
- DECREE AND ORDER APPOINTING GUARDIAN
- GUARDIAN AD LITEM DATA SHEET
- INFORMATION SHEET
- LETTERS OF GUARDIANSHIP
- NOMINATION OF GUARDIAN BY A MINOR FOURTEEN YEARS OF AGE OR ABOVE
- NOTICE FOR HEARING PETITION FOR APPOINTMENT OF GUARDIAN
- ORDER FOR HEARING PETITION FOR APPOINTMENT OF GUARDIAN
- PAUPER'S AFFIDAVIT
- PETITION FOR LETTERS OF GUARDIANSHIP (MINOR)
- PETITION EXHIBIT "A"
- PETITION EXHIBIT "B"
- PETITION FOR CUSTODY BY ABANDONMENT
- PLAN FOR THE CARE AND TREATMENT OF THE WARD(S)
- PLAN FOR THE MANAGEMENT OF THE PROPERTY OF THE WARD(S)
- WAIVER OF NOTICE AND/OR CONSENT TO THE APPOINTMENT OF GUARDIAN

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____) Case No.:
_____)
_____)
A Minor Child(ren)

DECREE AND ORDER APPOINTING GUARDIAN

Now on this ____ day of _____, 20____, this cause coming on to be heard upon the Petition of _____ to be appointed as guardian(s) of the person and/or estate of said minor child(ren). Petition(s) appearing in person 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 hereby is 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 indicate)

(If applicable) The Court finds that bond in the amount of _____ (\$_____) 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 education needs of the minor child(ren). Annual reporting IS REQUIRED. The first review will be a placement review.

JUDGE OF THE DISTRICT COURT

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____)
_____)
_____)

Case No.:

A Minor Child(ren)

GUARDIAN AD LITEM DATA SHEET

1. YOUR Name and address:

(First) (Middle) (Last)

2. Please list any other names YOU have used (i.e. maiden name):

3. YOUR Date of Birth: _____ YOUR Social Security No: _____

4. Address where minor will live: _____

5. The name(s) of EACH AND EVERY PERSON (over the age of 18) currently living or stays in your home. Include date of birth:

Name	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

6. Has this child ever had involvement with DHS, or has DHS spoken with you in regard to the child(ren)? Yes No If yes, please explain:

(Signature) (Signature)

(Address) (Address)

(City, State, Zip Code) (City, State, Zip Code)
IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____) Case No.:
_____)
_____)
A Minor Child(ren)

INFORMATION SHEET

TO: ALL APPLICANTS FOR GUARDIANSHIP OF MINOR

THE COURT REQUIRES THAT THE FOLLOWING INFORMATION BE PROVIDED PRIOR TO THE COURT CONSIDERING YOUR APPLICATION FOR A GUARDIANSHIP:

1. The name(s) of the child(ren) that you seek guardianship of and date of birth:

Name	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

2. The name(s) of EACH AND EVERY PERSON (including yourself and the child(ren) subject to the guardianship) currently living or stays in your home. Include date of birth:

Name	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

3. If you currently do not have physical custody of the minor child(ren) subject to this case and are seeking physical custody, please explain (1) who currently has custody of the child(ren); and (2) why does the Court need to remove the child from their care?

4. If either parent is living in your home with the child(ren), please explain why you believe a guardianship is necessary if you are allowing the child(ren) and the child(ren)'s parent to live in the same house:

5. When was the last time the child(ren) saw their natural mother? _____
Where did they see her? Address? Was it her residence? _____.

6. When was the last time the child(ren) saw their natural father? _____
Where did they see him? Address? Was it his residence? _____.

7. Has this child ever had involvement with DHS, or has DHS spoken with you in regard to the child(ren)? Yes No If yes, please explain:

8. Has there been a guardianship on this child(ren) or a sibling of this child(ren)? Yes No If yes, please explain: _____

9. Have you or anyone living in your home, ever been charged and/or arrested with a felony crime, or a crime involving domestic violence? Yes No If Yes, provide name and case no.

WHEREFORE, Petitioner(s), being duly sworn upon oath, states that he/she has read the above and reports his/her answers to be true and correct.

(Signature)

(Print Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____)
_____)
_____)

Case No.:

A Minor Child(ren)

LETTERS OF GUARDIANSHIP

_____ is/are 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(S)

I/We _____ do solemnly swear that I/We 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/our ability.

Guardian Signature

Guardian Signature

Subscribed and sworn to before me this ____ day of _____, 20 ____.

JUDGE OF THE DISTRICT COURT

(Print Name)

(Address)

(City, State, Zip Code)

(Telephone No.)

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____)
_____)
_____)
A Minor Child(ren)

Case No.:

**NOMINATION OF GUARDIAN BY A MINOR FOURTEEN
YEARS OF AGE OR ABOVE**

1. I, _____, a minor, _____ years of age, having been born on _____, 20____, which Petition seeks the appointment of the Petitioner(s) as guardian of of my person of my person of my property (check all that apply);

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 of my person of my property (check all that apply) if the Court determines that my nominees qualify under the law.

Signature of Minor

Subscribed and sworn to before me this _____ day of _____, 20____.

Court Clerk/Notary/Judge

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____)
_____)
_____)

Case No.:

A minor child(ren)

NOTICE FOR HEARING 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(s),

_____ and that said Petition will be heard in the courtroom of Judge _____,
Room _____ in the _____ County Courthouse located at
_____, on the ____ day of
_____, 20____, at ____ o'clock am pm 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 _____, 20____.

JUDGE OF THE DISTRICT COURT

(Print Name)

(Address)

(City, State, Zip Code)

(Telephone No.)

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____)
_____)
_____)
A Minor Child(ren)

Case No.:

ORDER FOR HEARING PETITION FOR APPOINTMENT OF GUARDIAN

Whereas, the Petition of _____ having been filed in this Court on the _____ day of _____, 20____, and it appearing that thi 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 _____, 20____, at _____ o'clock am pm in the courtroom of Judge _____ of the District Court, Courtroom No. _____.

Notice hereof shall be given by first class mail, with postage prepaid, sent to the last known address of each of the following no 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 claims any rights to custody or visitation with the minor.

The Petitioner(s) is/are required to prove to the Court his/her compliance with these notice requirements. Witness my hand and seal of said Court this _____ day of _____, 20____.

JUDGE OF THE DISTRICT COURT

(Print Name)

(Address)

(City, State, Zip Code)

(Telephone No.)

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF THE GUARDIANSHIP)
)
OF _____,) Case No. PG
)
An incapacitated person)

PAUPER'S AFFIDAVIT

Name: _____ Social Security No.: xxx-xx-_____ (last 4)

Address: _____

1. Are you employed? ___ Yes ___ No. If so, who is your employer?

Salary or rate per hour? _____ How long have you worked there? _____

2. Do you rent or own your residence?

a. How much is your rent or mortgage payment? \$_____ per month.

b. List the names of the persons living with you and their relationship to you:

3. Financial Resources: List the following items:

a. Bank Accounts: \$_____

b. Cash on Hand: \$_____

c. Securities, Stocks, Bonds: \$_____

d. Are you due a tax refund? ___ Yes ___ No. If so, how much? \$_____

e. Life Insurance Cash Value: \$_____

f. Does anyone owe you money? ___ Yes ___ No. If so, how much? \$_____

g. Do you have any pending Lawsuits for the recovery of money? If so, List:

h. If you own any of the following, state the value:

- i. Home: \$ _____
- ii. Jewelry: \$ _____
- iii. Appliances: \$ _____
- iv. Car: \$ _____
- v. Furniture: \$ _____
- vi. Equipment: \$ _____
- vii. Boat: \$ _____
- viii. Tools: \$ _____

4. Expenses:

a. List the Debts you owe:

Creditor	Balance	Monthly Payment
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____

b. What are your average monthly utility bills?

Electricity	\$ _____
Water/Trash	\$ _____
Phone	\$ _____
Gas	\$ _____

5. Have you transferred or sold any property since this case was filed?

a. If so, describe the buyer, the property, and the amount you received.

6. Do you have an attorney in this or any pending civil or criminal case?

a. If so, what is the attorney name and how much have you paid the attorney?

7. Do you have any friends and/or relatives who are able and willing to assist you in an attorney and/or paying the costs of this case? ___ Yes ___ No

a. If so, have those persons been asked for help? ___ Yes ___ No

I swear (or affirm under penalty of perjury) that I am without funds or other sources of income to pay an attorney and/or to pay the associated with this case. I have READ and UNDERSTAND the above sworn statement and understand that if it is knowingly false, a charge of PERJURY could be filed against me.

Sign Your Name

Print Your Name

SUBSCRIBED AND SWORN to before me on this _____ day of _____, 20____, by _____.

NOTARY PUBLIC

My Commission Expires

My Commission Number

ORDER RELATING TO COURT COSTS

It is ORDERED that the costs in this case shall be \$ _____ at this time, and shall be:
reconsidered at final hearing; assessed before the final order is entered; waived in full.

Dated: _____

JUDGE OF THE DISTRICT COURT

Print Your Name

Print Your Address

City, State, Zip Code

Print Your Phone Number

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____)
_____)
_____)

Case No.:

A Minor Child(ren)

PETITION FOR LETTERS OF GUARDIANSHIP (MINOR)

COME(S) NOW, THE Petitioner(s) _____,

of lawful age, respectfully state to the Court as follows:

(Child 1)

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

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

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

(Child 2 - If applicable)

4. That _____, is a minor child, _____ years of age, having been born on _____, _____, in the City of _____, State of _____.

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

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

(Child 3- If applicable)

7. That _____, is a minor child, _____ years of age, having been born on _____, _____, in the City of _____, State of _____.

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

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

Add further child(ren) information here (For each Additional Child: Name; DOB; Age; Name/Address Natural Mother; Name/Address Natural Father):

10. The Petitioner's relationship with the child(ren) is:

11. Has the Petitioner ever been convicted of a felony crime or a crime involving domestic violence? YES NO (**Check One**)

12. Petitioner is not insolvent; has not declared bankruptcy during the five (5) years prior to the filing of this Petition; is not obligated or indebted to said child(ren); that said minor is in need of care and supervision by an adult person; that it is in the best interests of said minor that Petitioner(s) be appointed as guardian of the person and the estate of said minor.

13. The child(ren)'s assets do not exceed the value of \$ _____.

14. That Petitioner(s) is not a person subject to registration under the Oklahoma Sex Offender Registration Act and has read and approved the attached "Exhibit A".

15. That Petitioner(s) has read and approved the attached "Exhibit B" Uniform Child Custody Jurisdiction and Enforcement Act.

16. The guardianship is out of: necessity convenience (**Check One**)

17. 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(s) that prevents the parents from providing proper care:

18. Is/Are the child(ren) in Petitioner(s)'s physical custody? Yes No

If yes, explain how the child(ren) came to be in Petitioner(s) physical custody:

If no, is Petitioner(s) seeking physical custody of the child(ren)? Yes No (**Check One**)

19. Has Petitioner(s) used any other name in an official capacity (i.e. maiden name)

20. Has a DHS representative contacted Petitioner(s) in regard to filing of a Guardianship on behalf of the child(ren)? If yes, explain:

21. That the children ARE ARE NOT (circle one) Indian children as defined by the Federal and State Indian Child Welfare Act.

If Applicable

Name of Child	Member of Tribe	Eligible for Membership & Parent is Member
---------------	-----------------	--

WHEREFORE, Petitioner(s), 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(ren).

(Signature)

(Address)

(City, State, Zip Code)

(Telephone Number)

Subscribed and sworn to before me this ____ day of _____ 20____.

(Notary Public)

My Commission Number is: _____

My Commission Expires: _____

PETITION EXHIBIT "A"

IN THE DISTRICT COURT OF _____ 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 child(ren) 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.

(Signature)

(Address)

(City, State, Zip Code)

(Telephone Number)

Subscribed and sworn to before me this _____ day of _____ 20____.

(Notary Public)
PETITION EXHIBIT "B"

IN THE DISTRICT COURT OF _____ 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 child(ren)

Presently resides at _____
(Address/City/State/Zip Code)

2. The child(ren) has resided at the following address during the last five (5) years:
(Address/City/State/Zip Code/Dates)

3. The names and present addresses of all person(s) with whom the child(ren) has resided during the last five (5) years are: (Name/Address/City/State/Zip Code)

4. Have you participated as a party, witness or otherwise been involved in a legal proceeding concerning the custody of, or visitation with, said minor (to include previous guardianship cases, if any): Yes No

If Yes, identify the court, case number, and date of participation:

5. I have knowledge of the following proceedings pertaining to the divorce of the minor's parents, custody proceedings of the child(ren), proceedings involving domestic violence or abuse, issuance of protective orders, termination of parental rights, adoption, or Department of Human Services (DHS) involvement or other court proceedings involving the child(ren):
(Court/Case Number/Dates)

6. I have knowledge that the following name persons claim a right to custody or a right to visitation with said child(ren): (Name/Address/City/State/Zip Code)

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)

(Address)

(City, State, Zip Code)

(Telephone Number)

Subscribed and sworn to before me this _____ day of _____ 20____.

(Notary Public)

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____) Case No.:
_____)
_____)
A Minor Child(ren)

PETITION FOR CUSTODY BY ABANDONMENT

COME(S) NOW the Petitioner(s), _____, and inform(s) the Court as follows:

1. That I am now a resident in good faith of _____ County, and the State of Oklahoma for at least six (6) months prior to the filing of this petition.
2. That my home address is _____.
3. That my date of birth is _____.
4. That my Oklahoma driver license or other identification card number is _____.
5. That _____ is/are minor child(ren) _____ years of age, respectively, having the following date(s) of birth: _____.
6. That I am related to the child(ren) as his/her/their _____.
7. That the child(ren) has/have been living in my home since the _____ day of _____, 20_____. Prior to this date, the child(ren) resided at the following address and in the following county and state: _____.
8. That the Court has jurisdiction in this action to make a child custody determination pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, Sections 551-101 through 551-402 of Title 43 of the Oklahoma Statutes in that Oklahoma is the home state of the minor child(ren). A Uniform Child Custody Jurisdiction and Enforcement Act Affidavit is attached to this petition.
9. That the minor child(ren) is/are not Indian children within the meaning of the Federal or State Indian Child Welfare Acts.
10. That (check one)
 - I am unable to contact or locate either parent of the child(ren) or other person(s) having legal custody of the child(ren) at this time.

I made a written request to the child(ren)'s parent(s) or other person(s) having legal custody of the child(ren) on the ____ day of _____, 20____, to regain physical custody of the child(ren), and said custodian has failed to regain custody or such request has been refused.

11. That, at this time, I do/do not (choose one) intend to seek child support from the child(ren)'s parent(s) or legal guardian(s).

12. That granting Petitioner care and custody by abandonment is necessary to provide for the general welfare of the child(ren) and to allow Petitioner to authorize medical, dental, educational, child care and/or other services for the child(ren).

13. That I hereby accept care and custody of the child(ren). I will exercise continuing general supervision of the child(ren).

14. That I am qualified to be granted care and custody by abandonment. I further inform the Court that I am not a minor, incapacitated person or partially incapacitated person. Attached to this petition is a completed Oklahoma Sex Offenders Registration Act Affidavit. 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 Petitioner care and custody by abandonment and issue Letters of Custody by Abandonment upon the taking of the oath.

Signature of Attorney or Pro Se Petitioner

Print Your Name

Print Your Address

City, State, Zip Code

Print Your Phone Number

IN THE DISTRICT COURT OF _____ 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/We _____ (print name(s)),
the guardian(s) of the person and/or estate of the minor child(ren):

_____ ward's name(s)

_____ ward's address, city, state, zip code

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 and how you will obtain those services)

2. 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.

3. I believe 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:

- | | |
|--|--|
| <input type="checkbox"/> authority to enroll in school | <input type="checkbox"/> authority to determine the residence of the ward(s) |
| <input type="checkbox"/> authority to consent to medical and psychological for the ward(s) | <input type="checkbox"/> Other: _____ |

(Signature) _____
(Address) _____
(City/State/Zip) _____
(Telephone) _____

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____)
_____)
_____)

Case No.:

A Minor Child(ren)

PLAN FOR THE MANAGEMENT OF THE PROPERTY OF THE WARD(S)

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

_____ ward's name(s)

_____ ward's address, city, state, zip code

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 (include how you will obtain and/or provide these services): _____.

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 the following services will assist in fulfilling the needs of the ward(s) and in implementing the terms of the Orders of this Court: _____.

Signed this _____ day of _____, 20_____.

(Signature) _____
(Address) _____
(City/State/Zip) _____
(Telephone) _____

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____)
_____)
_____)
A Minor Child(ren)

Case No.:

WAIVER OF NOTICE AND/OR CONSENT TO THE APPOINTMENT OF GUARDIAN

I, _____,
of _____,
(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 child(ren)
- the father of the above-named minor child(ren)
- the maternal grandparent of the above-named minor child(ren)
- the paternal grandparent of the above-named minor child(ren)
- an adult sibling of the above-named minor child(ren)
- a person currently having custody of or with whom the above-named minor child(ren) currently reside
- a person who claims a right to custody of the above-named child(ren)
- a person who claims a right to visitation with the above-named minor child(ren)

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

Signed this _____ day of _____, 20_____.

Signature

Subscribed and sworn to before me this _____ day of _____, 20_____.

JUDGE/Notary Public

My Commission Number is: _____

My Commission Expires: _____

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____)
_____) Case No.:
_____)
A minor child(ren) _____)

APPLICATION FOR SPECIAL GUARDIANSHIP

COMES NOW (Applicant) _____,
and in support of the Application for Special Guardianship allege(s) and state(s) to the Court as follows:

1. THAT (Applicant) _____ is the (relationship) _____ of the minor child(ren), and is/are concerned about the welfare of (Ward) _____, a resident of (city) _____, _____ County, Oklahoma, and is/are entitled to Petition this Court for appointment of Guardian over the child(ren)'s person and estate.

2. That notice of this Application should be given to the following individuals:

NAME/ADDRESS	RELATIONSHIP
_____	Ward

_____	Ward's _____

_____	Ward's _____

_____	Ward's _____

3. That the proposed Ward(s) are subject to immediate and irreparable harm as detailed below: _____

4. That Applicant knows of no person or organization that has been nominated in writing to serve as Guardian of the prospective Ward(s).

5. That Applicant is not aware of the identity of any attorney representing the prospective Ward(s).

6. That Applicant(s) is/are a suitable person qualified to serve as Special Guardian as required by 30 Oklahoma Statutes §4-105 and is/are willing to assume the duties and responsibilities of Guardian upon appointment of this Honorable Court.

7. That the assets of the Ward consist primarily of: _____

9. That it would be in the best interest of the Ward and his estate that Applicant be appointed Special Guardian, to serve without bond.

10. That Applicant is a relative of said Ward within the fourth degree of consanguinity and that the Guardianship Estate is not subject to the provisions of the Uniform Veterans Guardianship Act (72 USC § 126.1, et seq.), and that it is in the best interest of the Guardianship Estate and the Ward, that pursuant to 30 Okla. Stat. § 4-303(B)(3), the Court waive the requirement for filing of an annual accounting and annual Guardianship Plan for the property herein, subject to further Order of the Court.

11. That there is imminent danger that the health and safety of Ward will be seriously impaired unless immediate action is taken. Further explanation: _____

12. That an immediate or reasonably foreseeable serious physical harm to Ward will result from a delay. Further explanation: _____

WHEREFORE, Applicant prays that the Court enter its Order judicially determining (Applicant) _____ to be an incapacitated person; for an Order appointing Applicant Special Guardian of the person and estate of _____ (Ward) _____, to serve without bond; and for such other and further relief which this Honorable Court deems just, equitable and proper.

Name _____
Address _____
Tel: _____
Applicant Applicant

ORIGINAL VERIFIED

VERIFICATION

STATE OF OKLAHOMA)
) ss
COUNTY OF OKLAHOMA)

I, _____, of legal age and being first duly sworn upon oath, depose and state that I am the Applicant above named, that I have read and understand the above and foregoing Application and that the contents contained therein are true and correct to the best of my knowledge, information and belief.

APPLICANT

SUBSCRIBED AND SWORN to before me on this _____ day of _____,
20____, by _____.

NOTARY PUBLIC

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of _____)
_____)
_____)
_____) Case No.:
_____)
A minor child(ren) _____)

ORDER APPOINTING SPECIAL GUARDIAN

THIS MATTER comes on for hearing this ____ day of _____, 20____, upon Petitioner(s) request for appointment as Special Guardian of the person and estate of _____. Petitioner(s) appear(s) in person and the Ward does not appear in person. The Court, having reviewed the file and evidence presented herein, hearing testimony of witnesses duly sworn, and being fully advised in the premises, FINDS:

THE COURT FURTHER FINDS that the proposed Ward is in need of emergency protection by reason of _____.

THE COURT FURTHER FINDS that there is imminent danger that the health or safety of the Ward will be seriously impaired unless immediate action is taken.

THE COURT FURTHER FINDS that an immediate or reasonably foreseeable serious physical harm to the Ward will result from a delay.

THE COURT FURTHER FINDS that no other person appears to have authority to act in the circumstances.

THE COURT FURTHER FINDS that Petitioner(s) herein, is the (relationship) _____ of the Ward and is/are a fit and proper person(s) and entitled under law to be appointed Special Guardian(s) of the proposed Ward and should be appointed Special Guardian(s) of the person and estate of the Ward.

THE COURT FURTHER FINDS that the Guardian (s) should not be required to post a personal bond.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that (name of Ward) _____ is hereby judicially determined to be an incapacitated person, incapable of handling his/her own personal, financial and business affairs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that _____ is/are hereby appointed Special Guardian(s) of the person of _____ and that Letters of Special Guardianship be issued until a general Guardian is appointed pursuant to Title 30, Oklahoma Statutes § 1-112, or for thirty (30) days, whichever is less and (s)he shall serve without bond.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that notice hereof shall be provided to the following:

NAME/ADDRESS

RELATIONSHIP

Ward

Ward's _____

Ward's _____

WITNESS MY HAND and seal the day and year first above written.

JUDGE OF THE DISTRICT COURT

Name _____
Address _____
Tel. _____
Guardian(s)