

FOR TEMPORARY GUARDIANSHIP OF AN ADULT

I. DEFINITIONS

1. “Ward” – The person over whom you seek guardianship.
2. “Notice” – Informing others that you are asking for a court order that may affect them or their rights.

“Giving notice” means giving copies of court papers to the parties entitled to notice as required by law. Notice can **only** be delivered in a manner allowed by law, and proof of compliant delivery must be submitted to the court clerk for filing.
 - Court-ordered notice shall be mailed to each person entitled to notice, as listed below, at that person’s last known address, **at least 10 days before** the date set by the court for hearing on the petition. (30 O.S. § 2-101(E)).
3. “Notary” – A person legally allowed to confirm the authenticity of another person’s signature after verifying that person’s identity, particularly on legal documents and contracts. A notary will verify your identity and witness your signature on documents.

II. STEP-BY-STEP INSTRUCTIONS FOR COMPLETING FORMS

1. EMERGENCY APPLICATION FOR TEMPORARY ADULT GUARDIANSHIP

On the lines **below the bolded title of the document**, provide the following information.

LINES 1, 2: Write your name.

LINE 3: Write your relationship to the ward (e.g., “grandmother,” “nanny,” etc.).

LINE 4: Write the name of the ward.

LINE 5: Write the name of the city where the ward lives.

LINE 6: Write the name of the county where the ward lives.

LINE 7: Write the name and home address of the ward.

LINES 8, 9, 10: Write the name(s) and address(es) of any relatives of the ward who need notice, and their relationship to the ward (e.g., “father,” “grandmother,” etc.).

➤ The people who require notice include:

- The ward. *This must be personal service, meaning that you must give this person notice by handing them the form and explaining what you are doing.*
- The living spouses (legal and common law) of the ward.
- The ward’s attorney, if applicable.
- Any living adult children.

- If no living adult children, any living parents.
- If no living adult children or parents, **then** any living siblings, adult children of deceased siblings, **and** all adult grandchildren of the ward

Plus:

- If the applicant is not the person nominated, any person nominated prior to filing **by the ward** to serve as their guardian **if the nomination is known**.
- The person or facility currently caring for the ward.
- The Oklahoma Department of Human Services (DHS) or Department of Mental Health and Substance Abuse Services (DMHSAS), if either agency is providing services to the ward.

LINE 11: Briefly describe the state of the emergency posed to the ward (i.e., the risks or immediate harm the ward might face if emergency guardianship is not granted).

LINE 12: List any substantial assets of the ward (e.g., inheritances, trust funds, etc.).

LINE 13: Explain (if necessary) how the health and safety of the ward might be seriously harmed if the emergency guardianship order is not granted.

LINE 14: List any additional details that might verify an existing risk of foreseeable serious physical harm that require you to be appointed as guardian immediately.

LINE 15: Write your name.

LINE 16: Write the name of the ward.

LINE 17: Write your name, address, and telephone number in these spaces.

Verification

Take this page to a notary to be filled out. *Notaries can usually be found at local banks, tag agencies, city clerk’s offices, courts, pharmacies, and law offices.*

- Fill in **only** the **first two blanks** in this section with your name and signature. You must sign in front of a notary. Let the notary complete the rest of this section.

2. ORDER APPOINTING TEMPORARY GUARDIAN

On the lines **below the bolded title of the document**, provide the following information.

LINE 1: Write the name of the ward.

LINE 2: Describe in one to two sentences the reason for the emergency.

LINE 3: Write your relationship to the ward (e.g., “grandmother,” “aunt,” etc.).

LINE 4: Write the name of the ward.

LINE 5: Write your name.

LINE 6: Write the name of the ward.

LINE 7: Write the name and home address of the ward.

LINES 8, 9: Write the name(s) and address(es) of any relatives of the ward who need notice, and their relationship to the ward (e.g., “father,” “grandmother,” etc.).

➤ The people who require notice include:

- The ward. *This must be personal service, meaning that you must give this person notice by handing them the form and explaining what you are doing.*
- The living spouses (legal and common law) of the ward.
- The ward’s attorney, if applicable.
- Any living adult children.
- If no living adult children, any living parents.
- If no living adult children or parents, **then** any living siblings, adult children of deceased siblings, **and** all adult grandchildren of the ward.

Plus:

- If the applicant is not the person nominated, any person nominated prior to filing **by the ward** to serve as their guardian **if the nomination is known**.
- The person or facility currently caring for the ward.
- The Oklahoma Department of Human Services (DHS) or Department of Mental Health and Substance Abuse Services (DMHSAS), if either agency is providing services to the ward.

Leave the judge’s signature line blank.

LINE 9: Write your name, address, and telephone number in these spaces.

3. LETTERS OF TEMPORARY ADULT GUARDIANSHIP

On the lines **below the bolded title of the document**, provide the following information.

LINE 1: Write your name.

LINE 2: Write the name of the ward.

LINE 3: Write your name.

LINE 4: Write the name of the ward.

LINE 5: Sign your name in front of the judge.

LINE 6: Co-guardian or co-applicant signs here in front of the judge.

Leave the date and judge’s signature line blank.

LINES 7, 8: Write your name, address, and telephone number in these spaces.

III. STEP-BY-STEP INSTRUCTIONS FOR USING EMERGENCY FORMS

1. Complete the Application for Temporary Guardianship using the instructions provided above.
2. Sign the completed application in front of a notary.
3. Have copies made. To determine how many copies you will need, use the following checklist. Check all that apply.

The assigned judge _____

The ward _____

All persons requiring notice based on the list above. _____

DHS-CWS caseworker (if DHS is involved in the circumstances) _____

Total number of copies needed: _____

4. File the original copy when you file the general guardianship pleadings located in the Handbook for Adult Guardianships. Make sure to get all copies certified.
5. Take a copy of the Application for Temporary Guardianship and Petition for Letters of Guardianship to the assigned judge. Tell the judge's staff that you have filed for emergency guardianship of an adult. The judge's staff will give you instructions on how to speak to the judge about the emergency.