

A HANDBOOK FOR GUARDIANS OF MINOR CHILDREN

Prepared by

**Oklahoma Bar Association
Estate Planning, Probate & Trusts Section
Guardianship Handbook Subcommittee***

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*Special Thanks to:

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I. GENERAL INFORMATION

This handbook is published by the Oklahoma Bar Association as an easy-to-read guide on guardianship and conservatorship laws in Oklahoma and the required duties and responsibilities required of guardians. These laws can be found at Title 30 of the Oklahoma Statutes.

This handbook includes a summary of the duties of guardians and conservators, legal notices, timelines, required court approvals, duty to account to the court, duty to the account to the ward, and penalties for failure to comply.

The Oklahoma Guardianship and Conservator Act is cited throughout this handbook. The Act is found at Title 30 of the Oklahoma Statutes. Oklahoma statutes are available online at oscn.net.

In this handbook, where you see the word “Section” or the symbol “§,” this is referring to the specific section of Title 30 or another title from the Oklahoma Statutes. For example, when you see “30 O.S. § 1-111,” this is a reference to Title 30, Section 1-111 of the Oklahoma Statutes.

The courts and judges (as well as their clerks and bailiffs) assigned to guardianship dockets cannot act as your attorney. They cannot advise pro se guardianship litigants (individuals not represented by an attorney) how to proceed, what forms to use, how to present the case, or what is legally necessary to obtain a guardianship over a minor. Knowing the court’s limitations up front will help to avoid frustration and confusion if you are trying to handle a minor guardianship on your own. This handbook will provide information that should be helpful in the event you want to represent yourself in the minor guardianship process.

Do You Need an Attorney?

Guardianship and conservatorship laws are tricky. Title 30 of the Oklahoma Statutes contains over 100 statutes and thousands of clauses. It was written by legislators and has been interpreted and reinterpreted by courts for generations. Perhaps most important, your case will have a judge assigned to it. Their interpretation of the statutes and appellate court opinions will have tremendous control over your case.

Lawyers went to law school and have spent a good portion of their adult lives working to understand what the statutes and cases mean. They have taken the time to understand how each judge works and what they may expect.

If you break your arm, you might set the broken bone on your own. Your best chance for a good recovery, though, is to go to the effort and expense of getting a doctor involved. Likewise, you might do your own guardianship, but your best chance at a problem-free experience is to involve professionals from the start.

Lastly, if your case is contested or objected to by any person, or if the child or children are enrolled or eligible for enrollment in a Native American Indian tribe, it is highly recommended that you seek legal counsel.

II. DEFINITIONS

1. Abandonment – A minor who has been abandoned. See 10A O.S. § 1-1-105. A child is considered abandoned if one or more of the child’s parents have done one of the following:
 - a. Not returned for the child,
 - b. Failed to communicate with a child, or
 - c. Failed to respond to notice of a deprived proceeding.
2. Abuse – The intentional infliction of physical pain, injury, or mental anguish, or the deprivation of food, clothing, shelter, or medical care to a minor by a guardian or other person responsible for providing these services. (30 O.S. § 1-111(A)(1)).
3. Background Investigation – The investigation and report which may be received by the court before making an appointment of a guardian for a minor. The court will balance the need for a home study to protect the best interests of the child with the ability of the prospective guardian to pay for the home study report and investigation. (30 O.S. § 2-101(B)(1)).
4. Child Support in Minor Guardianship – Any order appointing a guardian for a minor must provide for the payment of child support by each parent or other responsible party pursuant to the Oklahoma child support guidelines at Sections 118 or 119 of Title 43 of the Oklahoma Statutes. (30 O.S. § 2-108(B)).
5. Confidential Information – Medical records; physical, psychological or other evaluations of a ward or subject of the proceeding; initial and subsequent guardianship plans; and reports of guardians, limited guardians and conservators submitted to the court pursuant to the provisions of the Oklahoma Guardianship and Conservatorship Act. (30 O.S. § 1-111(A)(2)).
6. Court – A judge or proceedings in front of a judge.
7. Court Order – A direction issued by a court or a judge requiring a person to do or not do something.
8. Entry of Appearance or Entering an Appearance – A document filed to show a person is a party of record, meaning that you are a party to the case and entitled to notice of all court filings. You can enter an appearance by filing an Entry of Appearance or otherwise putting the court and all other parties on notice that you are an interested party and/or a party of record.
9. Estate – The real and personal property of the person subject to the guardianship proceeding. (30 O.S. § 1-111(A)(4)). See Item 33 for expanded definition of “property.”

Exploitation – An unjust or improper use of the resources owned by or a minor for the profit or advantage (financial, pecuniary, or otherwise) of a person other than then an incapacitated person,

a partially incapacitated person, or a minor through the use of “undue influence, coercion, harassment, duress, deception, false representation, or false pretense.” (30 O.S. § 1-111(A)(6)).

10. Guardian - A person appointed by the court to take care of the person and/or property of another. (30 O.S. § 1-105).

11. Guardian ad Litem – A person appointed by the court to assist the subject of the proceeding in making decisions with regard to the guardianship, or to make the decisions when the subject of the proceeding is completely incapable of making decisions even with assistance. (30 O.S. § 1-111(A)(8)). This person may also be referred to as a “GAL.”

Note: A guardian ad litem differs from a guardian. The guardian has specific rights and responsibilities to the ward, pursuant to law and court orders. A guardian ad litem is an attorney appointed by the court to advocate for the best interests of the child, even if that is different than what the child wants. (30 O.S. § 1-117).

Additionally, a guardian ad litem differs from an “attorney for the child.” A guardian ad litem must advocate for the child’s best interests, whereas an attorney for the child must advocate the child’s wishes, even if the child’s wishes may be different than the child’s best interests.

12. Guardian of a Minor – A guardian for a person under 18 years of age. (30 O.S. § 1-111(A)(19))

13. Guardianship Plan – The plan for the care and treatment of a ward or for the management of the ward’s financial resources, or both, including health, education, and welfare. (30 O.S. §§ 2-107, 108, 110, 111 and 116)

14. Guardianship Proceeding – A lawsuit filed to appoint a guardian or for other orders regarding the condition, care, or treatment of the person, or the management of financial resources, of a ward. (30 O.S. § 1-111(A)(10)).

Note: Guardianship proceedings for a minor must be based on the verified petition of a relative or other person on behalf of the minor. (30 O.S. § 2-101-103).

15. Guardianship Report – Any report required to be submitted by a guardian under the legal rules for incapacitated/partially incapacitated persons or guardianship about the person and/or property of the ward found in 30 O.S. §§ 4-305 and 4-306.

Note: A guardianship report will be due to the court every year after the appointment (30 O.S. § 2-109(B)(1) and periodically as determined by the court (30 O.S. § 2-109(B)(2)).

16. Guide – The guide to obtaining the required background checks for guardianship of a minor and submission of all the forms required for all adults who will be living in the home where the minor is placed, which can be found at the end of this handbook.

17. Immediate Court Action – In a minor guardianship, this means that nothing contained in this part of the law shall prevent a court from immediately taking custody of a minor, in accordance with the Oklahoma Children’s Code, and ordering whatever action may be necessary, including medical treatment, to protect the minor’s health or welfare. (30 O.S. § 1-111(B)(2)).
18. Legally Responsible – An order appointing a guardian of the minor who has a living parent or other person legally responsible for the child shall comply with the provisions of 30 O.S. § 2-108.
19. Letters (Letters of Guardianship) – A document signed by a judge after the appointment of a guardian. Letters of guardianship (letters) will indicate the name of the guardian and specify the authority and powers of the guardian.
20. Minor – A person under 18 years of age. (30 O.S. § 1-111(A)(19)).
21. Minor Estate Not Exceeding \$10,000 – The funds may, at the discretion of the court, be delivered to a custodian designated by the court under the Uniform Transfers to Minors Act. (30 O.S. § 2-116(A)(1)(a)).
22. Minor Estate Exceeding \$10,000 – The court may, in its discretion and without the appointment of a guardian, deliver the minor’s property to a custodian under the Uniform Transfers to Minors Act. (30 O.S. § 2-116 (A)(2)).
23. Neglect – A caregiver’s failure to do one of the following:
 - a. Provide protection for an incapacitated person, a partially incapacitated person, or a minor who is unable to protect their own interests;
 - b. Provide sufficient shelter or clothing; or
 - c. Harming or threatening to harm through action or inaction by either another individual or through the person’s own action or inaction because of a lack of awareness, incompetence, or incapacity, which has resulted or may result in physical or mental injury. (30 O.S. § 1-111(A)(20)).
24. Notice – Informing people other than yourself that you are asking for a court order that may affect them or their rights. The process of “giving notice” means giving copies of court papers to the parties entitled to notice as required by law. The court papers can **only** be delivered in a manner allowed by law, and proof of compliant delivery must be submitted to the court clerk for filing.

Note: In minor guardianships, court-ordered notice shall be mailed to each person entitled to notice as described below at that person’s last known address at least 10 days prior to the date set by the court for hearing on the petition. (30 O.S. § 2-101(E)).

Persons Entitled to Notice in Minor Guardianship:

- a. The living parents of the minor and any other person having custody of the minor, if such parent or person is not one of the persons filing for guardianship;
- b. If the minor has no living parent, one of the living grandparents who is not one of the persons filing for guardianship and who is not married to one of the persons filing for guardianship; and
- c. If there is no living grandparent or if there is no living grandparent whose address is known to the petitioner, an adult relative, if any, of the minor living in the county in which the petition was filed. (30 O.S. § 2-101(D)).

25. Notary Public (Notary or Public Notary) – A person legally allowed to perform certain legal formalities, such as confirming the authenticity of another person’s signature after verifying that person’s identity, particularly on legal documents and contracts. Having your signature notarized means having a notary verify your identity and witness your signature on documents, then sign the documents to confirm your signature and date both signatures. When a notary notarizes a document, they should write in the county in which you and the notary were physically present when the document was signed and notarized.

Common places to find a notary:

- a. City and town clerks’ offices
- b. Courts
- c. Local banks
- d. Real estate, insurance, or law offices
- e. Travel agencies
- f. Local drug stores or pharmacies
- g. Tag agencies

26. Party – Any persons that are involved, or should be involved, in the guardianship case. This can include but is not necessarily limited to the person seeking guardianship, a court-appointed guardian, guardian ad litem, court-appointed conservator, the ward or prospective ward, any party who has filed an objection, and anyone else who has entered an appearance.

27. Pauper’s Affidavit (“Pauperis” Affidavit) – Can be filed by very low-income individuals to avoid paying filing fees to the court. Usually, the judge will review the affidavit and decide whether you have to pay filing fees or not.

28. Permanent Care and Custody – Care and custody obligations held by a parent or the person that they are assigning care and custody to which will be held for more than 1 year as opposed to the 1-year transfer under 10 O.S. §§ 700-701.

29. Petition – A written application from a person or persons asking for relief in court. A formal application made to a court in writing that requests action on a certain matter, such as a petition for guardianship.

30. Property – Real property (such as land, house, or mineral rights, etc.), personal property (such as clothes, furniture, or dishes), income. Any interest in such real or personal property includes anything that may be the subject of ownership. (30 O.S. § 1-111(A)(25)).
31. Subject of the Proceeding – The minor child or children that the guardianship is for. Also referred to in this handbook as: ward, minor, adult, or subject. (30 O.S. § 1-111)
32. Surcharge – The assignment of personal liability ordered by the judge to a guardian if that guardian commits willful or negligent misconduct when handling a ward’s property or financial resources.
33. Transfer of Permanent Care – Any court order providing for the transfer of the permanent care and custody of a minor shall be reviewed by the court within 1 year after the transfer. This review shall include a review of any reports the court deems necessary for purposes of the review. (30 O.S. § 2-109(B)(1) and (2)).
34. Ward – A person over whom a guardian is appointed and/or a person over whose property a guardian or conservator is appointed. (30 O.S. § 1-107).

In this handbook, the term “ward” refers to a “minor,” “subject,” “physically incapacitated person,” “incapacitated person,” “partially incapacitated person,” or other person over whom a court has granted guardianship.

Additional definitions may be found at Title 30 of the Oklahoma Statutes, Section 1-111.

III. TYPES OF GUARDIANSHIP OVER A MINOR

General Guardianship – A guardian of the person, or of all the property of the ward within this state, or of both person and property. (30 O.S. § 1-109).

Limited Guardianship – A person authorized by the court to exercise limited powers over the person of the ward, or over the property of the ward within the state, or of both person and property. (30 O.S. § 1-109).

Emergency Guardianship – The court has the inherent power to grant emergency guardianship over a child to protect the child from irreparable harm. (43 O.S. § 110(B)(2), 43 O.S. § 107.4, and 30 O.S. § 2-101(B)(4)).

Special Guardianship – A special guardianship is a type of guardianship for incapacitated adults and does not apply to minors. (30 O.S. § 3-115). To obtain a special guardianship, you must file a Petition for General Guardianship and an Application for Special Guardianship and identify the specific reason it is needed.

Guardianship by Power of Attorney – This is a relatively new guardianship of limited duration with no court supervision. It is created by a very simple form, which can be found in the forms section of this handbook. (10 O.S. § 700).

IV. GUARDIANSHIP BY POWER OF ATTORNEY – A SIMPLE BUT LIMITED SOLUTION

Often, a child needs a short-term legal guardian for things like assurance of temporary safety, medical decision making, or school enrollment. In such circumstances, a regular guardianship may be overly complicated and excessive. Oklahoma has a very simple solution for these problems: guardianship by power of attorney. (10 O.S. § 700).

Using the proper form, a child’s natural parent can transfer custody to someone else for up to 1 year. The person to whom custody rights are transferred is called the attorney-in-fact. A fill-in-the-blank form is attached to this handbook. This very simple form can address the vast majority of needs that lead people to think they want guardianship.

From the parent’s perspective, this is a quick and simple short-term solution that gives the attorney-in-fact power to act on the child’s behalf without diminishing the natural parent’s legal and custody rights. The attorney in fact has authority in addition to the natural or biological parents. The power-of-attorney guardianship expires automatically after 1 year, but can be terminated by the natural parent at any time.

The power-of-attorney guardianship removes the expense and hassle of court filings, hearings, and court monitoring that is required in a formal guardianship.

V. WHO MAY BE APPOINTED AS GUARDIAN

1. The court may consider the people listed below when appointing a guardian, but it does not have to choose in the order listed. The court has final say and chooses the guardian based on what is in the ward’s best interests. Custody or guardianship of a child may be awarded to:
 - a. A parent or both parents jointly;
 - b. A grandparent;
 - c. A person who was indicated by the wishes of a deceased parent;
 - d. A relative of either parent;
 - e. The person in whose home the child has been living in a wholesome and stable environment including but not limited to a foster parent; or
 - f. Any other person deemed by the court to be suitable and able to provide adequate and proper care and guidance for the child.
2. A parent or guardian’s will or other written document may nominate or recommend a person to serve as guardian of a minor, which would be effective if the parent making the recommendation dies while the child or children are still minors. To determine which parent can make such a nomination consider the following:

- a. If the child is born during the marriage: by either parent or both parents.
 - b. If the child is born to unmarried parents:
 - i. By the mother or the natural father of the child, if said natural father has:
 - A. Acknowledged paternity in accordance with Section 55 of Title 10 of the Oklahoma Statutes, or
 - B. Has been determined by a court to be the father of the child at a paternity lawsuit in accordance with Section 70 of Title 10 of the Oklahoma Statutes; or
 - ii. By both such mother and father. (30 O.S. § 2-102 A).
3. Guardian's Fitness Inquiry (30 O.S. § 4-105): In determining whether a person is a good fit to serve as a guardian, the court shall inquire whether the person applying for guardianship:
- a. Is over the age of 18;
 - b. Is of sound mind (not incapacitated or partially incapacitated);
 - c. If a person who is seeking to be appointed as a guardian has one of the following:
 - i. Criminal conviction,
 - ii. Protective order,
 - iii. Pending criminal charges, or
 - iv. Other civil or criminal matter in state or federal court, after investigating such matters,

the court must investigate such matters but shall only appoint that person if they have a reasonable belief that:

 - i. The person who has asked to be appointed as guardian:
 - A. Will be faithful to the ward, and
 - B. Will not neglect the financial and care responsibilities of the guardian, and
 - ii. That the appointment is in the best interest of the ward;
 - d. The person seeking guardianship shall tell the court about any of their criminal history and complete the required background checks for any other adult household member, so the court can consider whether the criminal history affects the requested guardianship;
 - e. Is insolvent (or is unable to pay their debts with their current income) or has filed for bankruptcy in the 5 years before filing the guardianship petition;
 - f. Is under any financial obligation to the proposed ward;
 - g. Has a self-interest that may cause them to misuse their position by failing to properly care for the ward or their finances;
 - h. Is a citizen, a legal resident, or is otherwise legally present in the United States of America.
4. A nomination or recommendation of a guardian for a minor made by a parent who has voluntarily given away their parental rights in an adoption proceeding or whose parental rights

have been terminated by a district court shall not be binding on the court and does not have to be considered by the court. (30 O.S. § 2-102 B).

5. If a minor is under the age of 14, the court may name and appoint their guardian without regard to the minor's wishes. If the minor is 14 years or older, the minor may nominate their own guardian, who, if approved by the court, must be appointed accordingly. (30 O.S. § 2-103).
 - a. If a guardian has been appointed by the court for a minor under the age of 14, the minor, after reaching the age of 14, may nominate their own guardian. (30 O.S. § 2-104).
 - b. If a guardian nominated or recommended by a minor who has reached the age of 14 is not approved by the court, or if after being notified by the court, the minor fails to nominate a suitable person within 10 days, the court may name and appoint a guardian without consideration of the minor's wishes.
 - c. If the court determines that the person nominated is unable, unwilling, or unqualified to serve as guardian, the court must specifically find that the person is not appointed. Then, the court must appoint a guardian without consideration for the prior nomination but should take into account any alternative guardian named in the nomination. (30 O.S. § 3-105).

VI. STATUTORY NOTICES (30 OS. § 2-201)

A. WHO RECEIVES NOTICE OF A GUARDIANSHIP PETITION?

1. The minor if over the age of 14 (**a minor 14 years and older must also sign a consent to their guardianship**); and
2. The ward's living parent(s) and any other person having legal or actual custody of the minor, if such person is not the person who filed the guardianship petition;
3. If the minor has no living parent, then notice shall be given to one of the minor's living grandparents who has not asked to be appointed as guardian and is not married to someone who has applied to be appointed as guardian;
4. If there is no living grandparent, or if the person applying for guardianship does not know their address, then notice shall be given to an adult relative, if any, of the minor residing in the county in which the petition was filed;
5. The Oklahoma Department of Human Services (DHS), if public assistance money, child support services, or medical support has been provided through DHS to the parent(s) or current guardian for the minor child;
6. Any other person as directed by the court.

B. WHEN AND HOW IS NOTICE SERVED IN A GENERAL GUARDIANSHIP?

1. Notice **must** be mailed by regular U.S. mail, with proper postage, as follows:

- a. WHEN: At least 10 days before the hearing.
- b. WHAT MUST BE INCLUDED: Copies of the Notice of Hearing and the Petition for Guardianship.
- c. WHAT MAY BE INCLUDED: Copies of the Plan for the Care and Treatment of the Ward and Plan for the Management of the Property of the Ward.
- d. SERVED UPON: All other persons entitled to Notice of the Petition for Guardianship, listed in the “Who Receives Notice” section above.

VII. REQUIRED COURT APPROVALS

Once you have a guardianship in place, the guardian and the court work together to manage the care and finances of the ward. The guardian must provide the court with certain information, and the court must review the guardian’s actions and plans. At a minimum, the guardian must obtain the court’s approval to:

1. Appoint and remove guardians. (30 O.S. §§ 1-114(B)(1) and 2-101).
2. Relocate or change the residence of the ward, whether in or out of the county. (30 O.S. § 1-120(A)).
3. Use ward’s excess income to pay for education and maintenance of the ward. (30 O.S. § 2-108).
4. Transfer guardianship of a child (minor). (30 O.S. § 2-109(B)).
5. Invest the ward’s assets in life insurance. (30 O.S. § 2-110).
6. Pay any remaining balances owed between the guardian and ward upon the ward reaching 18 years of age. (30 O.S. § 2-114).
7. Waive the posting of a bond by the proposed guardian, or reduce a required bond. (30 O.S. § 4-201).
8. Guardian must provide an inventory of the ward’s property, which must be filed within 2 months of the guardian’s appointment. (30 O.S. § 4-301).
9. Guardian must provide a yearly accounting of the ward’s property and/or financial assets, which must be updated and filed with the court every year. The court may require accounting more often. (30 O.S. § 4-303).
10. Guardian must provide an annual report concerning the person of the person of the ward, that is, a report of the ward’s physical and mental condition. (30 O.S. §§ 4-303(D) and 3-305).

11. Specific form for report of the property of the ward may be found at 30 O.S. § 4-306(C).
12. Reimbursement for guardian's expenses. (30 O.S. § 4-401).
13. Payment of attorney fees for attorneys for the ward or guardian. (30 O.S. § 4-403).
14. Removal of a ward's property to another state. (30 O.S. § 4-606).
15. Investment of the ward's money in real estate or any other investment. (30 O.S. § 4-7-803).
16. Any lien, debt, or mortgage entered into by a guardian for getting funds for payment for the ward's primary residence. (30 O.S. § 4-709(C)(4)).
17. Sale of real property or personal property of the ward. (30 O.S. § 4-751).
18. Division of ownership of the ward's real property. (30 O.S. § 4-758).
19. Exchange of the ward's real property for other real property. (30 O.S. § 4-768).
20. Suspension of a guardian. (30 O.S. § 4-802).

VIII. THE GUARDIAN'S ACCOUNTABILITY TO THE COURT

GUARDIAN'S DUTIES

In carrying out the duties to the court, any guardian **must**:

1. Assure the court that the rights of their appointed ward are protected. (30 O.S. § 1-106).
2. Perform in good faith (that is, to best of their abilities) and diligently, with care and thoroughness, any specific duties and powers assigned by the court.
3. Comply with any court ordered investigation and report regarding the background and home of the prospective guardian, pursuant to the requirements of the Oklahoma Adoption Code. (30 O.S. § 2-101).
4. Comply with any home study required by the court. The court shall weigh the need for a home study to protect the best interests of the minor with the ability of the proposed guardian to pay for the home study. (30 O.S. § 2-101).
5. Comply with any order by the court regarding the conditions of the care, treatment, education, and welfare of the minor. (30 O.S. § 2-109).

6. Assure the court they are competent to be in charge of the education of the ward. (30 O.S. § 2-107).
7. Comply, if required by the court, with an order providing that the transfer of the permanent care and custody of a child is completed and:
 - a. Attend a placement review held within 1 year after transfer.
 - b. If required, submit any records or reports the court deems necessary for purposes of the review and any required regular reviews by the court after the first yearly review or between reviews as necessary to serve the best interests of the child. (30 O.S. § 2-109).
8. Assure the court that each parent or other responsible party has paid child support in accordance with the Oklahoma child support guidelines as set forth in 43 O.S. §§ 118 and 119. (30 O.S. § 2-108).
9. Tell the court if public assistance money or medical support has been provided through the Oklahoma Department of Human Services (DHS) for the benefit of each child, or if DHS is providing child support services pursuant to the state child support plan as provided in 56 O.S. § 237. (30 O.S. § 2-108).
10. Assure that DHS has been given notice of the guardianship filing, if the guardian is receiving public assistance money or medical support through DHS. (30 O.S. § 2-108).
11. If the guardian is legally holding funds or assets belonging to or for the benefit of a minor (with the approval of the court), they may invest funds or assets into a single premium life, single premium endowment, or single premium annuity contracts of legal reserve life insurance companies that are duly licensed and qualified to transact business within this state. (30 O.S. § 2-110).
12. Assure that their guardianship is not discharged until 1 year after the majority of the ward. The court can determine that the minor has earlier validly released said guardian after the guardian has filed their final accounting. (30 O.S. § 2-115).
13. Assure the court that the ward's property is safe and is being maintained according to the order and the guardianship plan for the management of the financial resources of the ward. (30 O.S. § 1-121).
14. Assure the court that the guardian is properly managing their own finances and affairs.
15. File with the court clerk a proposed Plan for the Care and Treatment of the Ward (care plan) and a proposed Plan for the Management of the Property of the Ward (financial plan).
 - a. The proposed Plan for the Care and Treatment of the Ward may be filed at the time of filing of the petition, time of hearing, or within 10 days of appointment as guardian. Any modification to the care plan must also be filed with the court. (30 O.S. § 3-120). This can be filed at the time of filing of the petition so that you do not have to do this after the guardianship is entered.

- b. The proposed Plan for the Management of the Property of the Ward must be filed within 2 months after appointment. To modify the plan, you must file the modified plan with the court. (30 O.S. § 3-122).
16. File with the court clerk an inventory of the estate of the ward within 2 months after their appointment (can be extended by the court by showing good reason to extend). The inventory shall include the guardian's estimation of the ward's estate. If any property is discovered or transferred to the ward's estate, the guardian must file a new inventory. Inventories may be required by the court at any time. The judge, the ward, or any interested person may request that the property be appraised. (30 O.S. § 4-301). (See form: Inventory of Estate).
17. A guardian may have to post a bond with the court before serving as a guardian. If the value of the ward's estate and the yearly income of the ward is not over \$40,000, and the guardian is a parent, brother, sister, grandparent, child, or grandchild of the ward, the bond may be waived. Only the court may waive a bond. (30 O.S. § 4-201).
18. At the conclusion of their first year of guardianship, and at least once a year thereafter, file a report on the ward and guardianship of the property. (30 O.S. § 4-303). This report must include an accounting of the following:
 - a. Any money received by the guardian for the ward,
 - b. Any payment(s) made for the ward by the guardian,
 - c. Any changes of property on the inventory, and
 - d. Any significant change in the physical or mental condition of the ward, or change in the ward's financial resources.

The report shall state the guardian's request for compensation and the guardian's request for compensation for the attorney. Additional reports may be required of guardians and limited guardians by the court appointing them. See form for Annual Accounting.
19. When it is no longer necessary and proper that the ward have a court-appointed guardian, the guardian or conservator should file a final accounting and make any requests for final compensation within 30 days after the guardianship is terminated. For example, a guardianship may not be necessary and proper if the ward is no longer disabled, if they die, when the minor turns 18, or if the guardian or conservator resigns or is removed. The court shall set the final account for hearing. Notice of the hearing shall be given at least 10 days before the hearing date by mailing a copy to those persons in the section of this handbook titled "Step-by-Step Checklist for Obtaining Guardianship of a Minor." (30 O.S. § 4-803).
20. Assure the court that you are paying all necessary expenses of the minor and holding, managing, and disposing of the property in the manner directed by the court and in accordance with Oklahoma law. (30 O.S. § 2-116).
21. If you have any questions or concerns about actions you need to take to act on behalf of the ward, you can file a motion (sometimes called an "application") with the court

requesting an order addressing the question or concern. (See Section VI. Statutory Notices and Section VII. Required Court Approvals.)

IX. ACCOUNTABILITY TO THE WARD

A. DUTIES OWED BY THE GUARDIAN TO THE WARD

1. To faithfully fulfill all the duties to the court listed in the previous section and obtain any special permissions as required by the court. (30 O.S. § 3-118).
2. To protect the ward's rights and to manage the ward's financial resources. (30 O.S. § 1-103).
3. To assist the ward, as much as possible, to develop or regain the ability to stay safe and healthy. (30 O.S. § 1-103).
4. To protect the ward, decide where the ward lives, and stay advised of the condition of the ward, and to make sure the ward has the proper food, clothing, shelter, medical care, and education. (30 O.S. §§ 1-120 and 4-706).
5. To take care of and maintain the property of the ward so that it does not decay or get destroyed. (30 O.S. § 1-121).
6. To inform the court, when a ward reaches the age of 14, if the ward wishes to nominate a guardian. (30 O.S. § 2-104).
7. To settle accounts or pay all amounts lawfully owed and turn over all property to the ward, when ordered by the court. (30 O.S. §§ 2-113, 2-114, and 2-115).
8. To pay the ward's debts in a timely manner. (30 O.S. § 4-701).
9. To demand payment and collect all debts owed to the ward. (30 O.S. § 4-702).
10. To settle claims or lawsuits as authorized by the court. (30 O.S. § 4-702).
11. To promptly deal with any legal matter, if served notice on behalf of the ward. (30 O.S. § 4-704).
12. To manage the property of the ward with due care.
13. The guardian may sell the ward's real property only with the court's specific permission. (30 O.S. § 4-705).
14. To only sell real estate and make investments when it is in the best interests of the ward and only with a court order. (30 O.S. §§ 4-708, 4-709, and 4-752).

15. If legal action is required, it is suggested that you file a motion to hire an attorney and let the court enter an order permitting it so that the fees and expenses are under the court's supervision.

B. WHAT THE GUARDIAN CANNOT DO

1. Use the ward's money for anything other than the ward's needs and maintenance.
2. Sell the ward's property without first obtaining a court order.
3. Move the ward's residence out of the county where the guardianship case was filed without prior court order.
4. Consent on behalf of the ward to withhold or withdraw life-support or life-sustaining procedures without court authorization or as authorized by an advance directive.
5. Consent on behalf of the ward to termination of the ward's parental rights.
6. Consent on behalf of the ward to an abortion, psychosurgery, removal of a bodily organ, or performance of any biomedical or behavioral procedure except in an emergency and as necessary to save the ward's life and with permission.
7. Prohibit marriage or divorce of the ward except with court approval.
8. Consent on behalf of the ward to placing the ward in a facility or institution absent formal commitment proceedings. (30 O.S. § 3-119).
9. Restrict or limit the ward more than necessary.
10. Have more than five wards at one time. (30 O.S. § 4-101).

X. CONFIDENTIALITY

Confidential information filed into the record or submitted with any case under the Oklahoma Guardianship and Conservatorship Act shall not be public record and shall be sealed by the court. Access to confidential information shall be strictly controlled.

1. Except upon court order, no confidential information shall be disclosed to persons other than:
 - a. The ward and the attorney.
 - b. The guardian ad litem.
 - c. If the subject of the confidential information is a ward, the guardian of the ward.
 - d. If the subject of the confidential information is the guardian, the ward and the attorney, and the attorney of such guardian.

- e. Abstractors licensed under the Oklahoma Abstractors Law, to have access to records regarding minors and determinations of persons as incapacitated or partially incapacitated persons under the Oklahoma Guardianship and Conservatorship Act. Abstractors shall maintain the confidentiality of this data, except for such parts as relate to the land title being researched.
 - f. An authorized representative of the U.S. Department of Veterans Affairs upon presentation of proper identification.
 - g. An authorized representative of the Oklahoma Department of Human Services upon presentation of proper identification.
2. The fact that a person has a court-appointed guardian over their person or their estate shall not be considered confidential information. (30 O.S. § 1-122).

XI. SANCTIONS/PENALTIES FOR NON-COMPLIANCE

A guardian must protect the minor ward(s) and their property. The guardian must also act in the ward's best interest. *This is called a fiduciary duty, which means you must place the needs of the ward in front of your needs.*

Guardians that fail to follow the court's orders, fail to timely file reports, or who waste, destroy, embezzle, or steal the ward's property may be subject to removal, fines, or even civil or criminal penalties. In addition, guardians may also be required to correct the problem that resulted from their action(s) or inaction(s) or face removal, fined, or penalized.

Guardians can also encounter problems when they fail to understand the requirements and limitations associated with their duties and responsibilities.

XII. THE INDIAN CHILD WELFARE ACT (ICWA)

(Title 25 United States Code, Chapter 21 § 1901)

A. **PROFESSIONAL LEGAL HELP RECOMMENDED.** If the minor to be placed in guardianship is enrolled or eligible for enrollment in any Native American Indian tribe, **it is strongly recommended that you seek help from a licensed attorney experienced with ICWA matters.**

B. DEFINITIONS

For the purposes of this handbook, except as may be specifically provided otherwise, the following definitions apply.

1. Child custody proceeding shall mean and include:
 - a. Foster care placement, meaning any action removing an Indian child from its parent or Indian custodian for temporary placement in a foster home or institution or the home

- of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated;
- b. Termination of parental rights, meaning any action resulting in the termination of the parent-child relationship;
 - c. Pre-adoptive placement, meaning the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or instead of adoptive placement; and
 - d. Adoptive placement, meaning the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.

The term “child custody proceeding” does not include child custody in divorce proceedings wherein child custody is awarded to a natural parent.

- 2. Extended family member shall be defined by the law or custom of the Indian child’s tribe. In the absence of such law or custom, a person who has reached 18 years of age and who is the Indian child’s grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent;
- 3. Indian means any person who is a member of an Indian tribe, or who is an Alaska Native and a member of a Regional Corporation as defined in Section 1606 of Title 43. (43 U.S.C. § 1606).
- 4. Indian child means any unmarried person who is under 18 years of age and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.
- 5. Indian child’s tribe means (a) the Indian tribe in which an Indian child is a member or eligible for membership or (b) in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.
- 6. Indian custodian means any Indian person who has legal custody of an Indian child under tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of such child.
- 7. Indian organization means any group, association, partnership, corporation, or other legal entity owned or controlled by Indians, or a majority of whose members are Indians.
- 8. Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in Section 1602(c) of Title 43. (43 U.S.C. § 1602(c)).
- 9. Parent means any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom.

It does not include the unwed father where paternity has not been acknowledged or established.

10. Reservation means Indian country as defined in Section 1151 of Title 18 and any lands, not covered under such section, title to which is either held by the United States in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation.
11. Secretary means the Secretary of the Interior.
12. Tribal court means a court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is equipped with authority over child custody proceedings.

C. APPLICABILITY OF ICWA TO GUARDIANSHIPS OF MINORS

Any person seeking guardianship of a child who is an “Indian child,” as defined by the Indian Child Welfare Act (ICWA), must give notice of the guardianship to the tribe and to the Bureau of Indian Affairs.

ICWA mandates that an Indian tribe has exclusive jurisdiction over any child custody proceeding involving an Indian child who resides in or whose primary residence is within a tribal reservation. Where an Indian child is a ward of a tribal court, the Indian tribe retains exclusive jurisdiction regardless of where the child resides.

A tribe has a right to remove any guardianship action involving an Indian child from state court to tribal court, when the child is not residing in a reservation. The tribal court has the right to decline to exercise jurisdiction once notified and may allow the district court to proceed with the guardianship action.

Notice to the tribe and the parent or Indian custodian, shall be by registered mail with return receipt requested, of the pending proceedings and of their right of intervention. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, such notice shall be given to the Secretary in like manner, who shall have 15 days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe.

In any case in which the court determines that a parent or Indian custodian shall have the right to court-appointed counsel in any removal, placement, or termination proceeding. The court may, in its discretion, appoint counsel for the child upon a finding that such appointment is in the best interest of the child. Where State law does not address appointment of counsel in guardianship actions/cases, the court shall promptly notify the Secretary upon appointment of counsel, and the Secretary, upon certification of the presiding judge, shall pay reasonable fees and expenses out of funds.

ICWA does not prevent an emergency removal or placement of an Indian child who is not on a reservation in order to prevent imminent physical damage or harm to the child. The State authority,

official, or agency involved shall ensure that the emergency removal or placement terminates immediately when such removal or placement is no longer necessary to prevent imminent physical damage or harm to the child and shall quickly initiate a “child custody proceeding” according to the provisions of this subchapter, transfer the child to the jurisdiction of the appropriate Indian tribe, or restore the child to the parent or Indian custodian, as may be appropriate.

D. NOTICES TO THE CHILD’S TRIBE(S) AND THE BUREAU OF INDIAN AFFAIRS (BIA) SHOULD BE MADE AS FOLLOWS:

Notice **must** be sent by certified mail (with return receipt requested) to:

1. The parents or to the Indian custodians of the minor, if any;
2. Any tribe that is or may be the tribe of the Indian child; and
3. The appropriate BIA area office.

The notice should include:

1. The name and tribal affiliation of the Indian child;
2. A copy of the petition by which the proceeding was initiated;
3. A statement of the rights of the biological parents or Indian custodians, and the Indian tribe:
 - a. To intervene in the proceeding,
 - b. To petition the court to transfer the proceeding to the tribal court of the Indian child, and
 - c. To request an additional 20 days from receipt of notice to prepare for the proceeding; further extensions of time may be granted with court approval;
4. A statement of the potential legal consequences of an adjudication on the future custodial rights of the parents or Indian custodians;
5. A statement that if the parents or Indian custodians are unable to afford counsel, counsel will be appointed to represent them; and
6. A statement that tribal officials should maintain confidentiality of the information contained in the notice.

NOTICE OF REVIEW HEARINGS:

Notice of review hearings shall be sent, **via regular first-class mail**, to the tribe of the Indian child **unless** the tribe is present at the time the review hearing is set and consents to the date of the review.

Proper notice shall be evidenced by filing a certificate of mailing into the court record (with the court clerk) prior to the review hearing.

See Oklahoma Statutes, Title 10, Chapter 1B § 40.4.

XIII. OTHER RESOURCES

OKLAHOMA RESOURCES

Court Appointed Special Advocates
(CASA)

www.oklahomacasa.org

Joint Oklahoma Information Network

www.join.ok.gov

Legal Aid Services of Oklahoma

www.legalaidok.org

Phone: 1-888-534-5243 or 918-428-4357

OASIS Information and Referral

<http://oasis.ouhsc.edu>

Oklahoma Bar Association

www.okbar.org

Guardianship forms:

<https://www.okbar.org/a2j/guardian/>

Oklahoma Department of Human Services
(OKDHS)

www.okdhs.org

Adoptions: (866) 612-2565

Child Abuse Hotline: (800) 522-3511

Child Care: (866) 411-1877

Child Support: (800) 522-2922

Client Advocacy: (800) 522-8014

Developmental Disabilities: (405) 521-6267

Foster Parent Hotline: (800) 376-9729

Grandparents Initiative: (405) 522-4510

SoonerCare Helpline: (800) 987-7767

Sooner Start: (405) 522-5167

Supplemental Nutrition Assistance Program
and Temporary Assistance for Needy

Families: (866) 411-1877

Oklahoma Department of Mental Health
and Substance Abuse Services

www.odmhsas.org

Oklahoma Developmental Disabilities
Council

www.okddc.ok.gov

Oklahoma Disability Law Center

www.oklahomadisabilitylaw.org

Oklahoma Indian Legal Services

www.oilsonline.org

Oklahoma State Courts Network (OSCN)

www.oscn.net

Oklahoma State Department of Health

www.ok.gov/health

NATIONAL RESOURCES

AARP Grandparent Information Center

www.aarp.org/relationships/grandparenting

American Bar Association Kinship Care
Legal Research Center

www.abanet.org/child/kinshipcare

Benefits Checkup

www.benefitscheckup.org

The Brookdale Foundation Group

www.brookdalefoundation.org

Generations United

www.gu.org

Grandfamilies State Law and Policy
Resource Center

www.grandfamilies.org

National Center on Grandparents Raising
Grandchildren

Georgia State University

www.chhs.gsu.edu/nationalcenter

Social Security Administration

www.ssa.gov

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

You have decided whether your guardianship is “**special**” (temporary, 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 Department of Human Services (DHS) is involved, or
- 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 INFORMATION SHEET. Fill out this sheet as best you can. This will not be filed, but the judge may want to see this sheet because it summarizes the family information and who is involved in the case.
- **STEP 2:** 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 **folder #2** ("Take to Have Notarized/Make Copies").
- **STEP 3:** Find the form OKLAHOMA SEX OFFENDERS REGISTRATION ACT - AFFIDAVIT (PETITIONER'S 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**.
- **STEP 4:** Find the form UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT_AFFIDAVIT (PETITIONER'S 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**.
- **STEP 5:** 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 6:** 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 7:** Take the documents in **folder #2** to a notary (a notary can be found at your local post office, tag agency, or bank; your local courthouse law library may also have a notary).
 - Sign in front of the notary and have the notary sign and notarize:
 1. PETITION FOR LETTERS OF GUARDIANSHIP,
 2. OKLAHOMA SEX OFFENDER REGISTRATION ACT AFFIDAVIT (PETITIONER’S EXHIBIT A), and
 3. UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT AFFIDAVIT (PETITIONER’S EXHIBIT B).
 - Put all notarized documents back into **folder #2**.
 - Take note that these documents are the originals. **Tip:** 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 8:** 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 the natural mother	1
■ One copy for the natural father	1
■ One copy for each grandparent	1
■ One copy for each adult sister of the child	(enter # needed) __
■ One copy for each adult brother of the child	(enter # needed) __
■ One copy for any person having custody of the child 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 # needed) __
■ Three copies of PLAN FOR THE CARE AND TREATMENT OF THE WARD	3
■ Three copies of PLAN FOR THE MANAGEMENT OF THE PROPERTY OF THE WARD	3

- Put all originals and copies in **folder #1** (“Take to Courthouse to File”).
- **STEP 9:** 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, or
 - 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).

Note: The court filing fee **may** be waived if you have no money (file a PAUPER’S AFFIDAVIT); if the child is receiving TANF, 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** and take them with you to the courthouse:
 - ORDER FOR HEARING PETITION FOR GUARDIANSHIP OF MINOR CHILD(REN),
 - NOTICE OF HEARING PETITION FOR GUARDIANSHIP OF MINOR CHILD(REN), and
 - AFFIDAVIT OF SERVICE.
 - 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.)
 - Hand the cashier the original PETITION and ask to file a new guardianship case for a minor child.
 - You will be assigned a judge and given a case number.
 - You will pay the required court filing fee, unless waived for any of the reasons addressed above.
 - Put the case number on each copy of the PETITION.
 - Find a court clerk in the clerk’s office who is free to help you.
 - Hand the clerk the original PETITION with PETITIONER’S EXHIBIT A and PETITIONER’S EXHIBIT B attached.
 - Hand the **copies** of the PETITION to the court clerk.
 - The court clerk will file stamp the original and all copies. The clerk will keep the original and return the copies to you.

- **STEP 10:** 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 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 11:** 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 12:** 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 13:** Prepare for mailing copies of the PETITION, ORDER FOR HEARING, 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 the child by mailing them copies of the PETITION, ORDER, and NOTICE OF HEARING.
 - Keep a list of the names and addresses of everyone entitled to notice about the guardianship; that is, every person you listed as needing copies of the PETITION (as listed in Step 8 above).
 - 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 on each envelope and add a stamp.
 - Put the addressed, stamped envelopes with the copies of the PETITION, ORDER, and NOTICE in the mail.
 - Find the form AFFIDAVIT OF SERVICE.
 - Fill in the names of everyone you sent documents to.
 - Sign in front of the notary and have your signature notarized.
 - Make a copy of the AFFIDAVIT OF SERVICE and put the original and the copy in **folder #1**.
- **STEP 14:** Prepare to go to the courthouse to file documents prior to the hearing.
 - **Folder #1** should contain:
 - The notarized AFFIDAVIT OF SERVICE 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 **folder #1** 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 back to you the file-stamped copy.
 - Put all file-stamped copies in **folder #3** (“Important Documents to Keep”).
- **STEP 15: 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 3 pages of this checklist for a “Guide to Obtaining Required Background Checks for Guardianship of a Minor,” and follow the steps there.
- **STEP 16:** Prepare to attend the hearing.
 - Put the following documents in **folder #1**:
 - DECREE AND ORDER APPOINTING GUARDIAN OF MINOR CHILD(REN),
 - LETTERS OF GUARDIANSHIP, and
 - ORDER APPROVING PLAN.

- Attend the hearing. Give the documents in **folder #1** to the judge to review and sign.
- **STEP 17:** 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.

INSTRUCTIONS FOR OPTIONAL FORMS

- **Document #12:** Guardian Ad Litem Data Sheet. If the judge orders that a guardian ad litem is to be appointed to advocate for the best interests of the minor child or children, you must fill this out and give the completed form to the guardian ad litem.
- **Document #14:** Nomination of Guardian by a Minor. If any of the proposed wards or minor children are to have a guardian appointed for them, they can nominate or recommend who they want to be their guardian. This form must be filed before the final hearing.
- **Document #16:** Waiver of Notice and/or Consent. If any of the persons requiring notice of the guardianship are willing to consent to you being appointed as guardian, they can fill out this form. It must be filed before the final hearing.
- **Document #17:** Petition for Custody by Abandonment. If you are filing for guardianship to obtain custody of the minor child or children because one or more of the parents abandoned them, then you must fill out this petition in addition to the Petition for Letters for Guardianship. See the definition of “abandonment” above to see if your situation applies.

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 18 years of age and older.

A. Oklahoma State Bureau of Investigation (OSBI) Name-Based Criminal History Background Check with Sex Offender Search

OSBI Search Option 1: Online Submission.

You may submit your request online at <https://chirp.osbi.ok.gov/>.

- Select “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 per person.
- Online submission results will be emailed to you.
- You must file the results with the court clerk. (If you search with your social security number, it would be wise to strike all but the last four digits off before filing with the court clerk.)

OSBI Search Option 2: In-Person Submission.

You can submit your request in-person and (typically) receive the results the same day.

- The OSBI is located at 6600 North Harvey Place, Oklahoma City, OK 73116.
- Select “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 per person.
- In-person submission results will be given to you, typically the same day or after a short wait.
- You must file the results with the court clerk. (If you search with your social security number, it would be wise to strike all but the last four digits off before filing with the court clerk.)

OSBI Search Option 3: Submission by U.S. Mail.

You can mail your request to: OSBI – Criminal History Record Information Request
6600 North Harvey Place
Oklahoma City, OK 73116

- Select “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 per person.
- You must include a return envelope, with your address and postage prepaid on the envelope with your request.
- The results will be mailed back to you.
- You must file the results with the court clerk. (If you search with your social security number, it would be wise to strike all but the last four digits off before filing with the court clerk.)

OSBI Search Option 4: Submission by Fax.

You can fax your completed form to 405-879-2503.

- Select “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 per person.
- 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.
- You must file the results with the court clerk. (If you search with your social security number, it would be wise to strike all but the last four digits off before filing with the court clerk.)

B. Oklahoma Department of Human Services (DHS) child abuse and neglect information System (CANIS) search

- Complete the Request for Child Abuse and Neglect Information System for Guardianship form and return submit it as noted on the form.
- Be sure you include the required documents along with the completed form.
- You can list all adults in your household on one form.
- DHS will file the results directly with the court clerk.

Note: It can take a long time to receive these results, so it is important to submit them as soon as you have filed your case and have the case number.

FORMS

The forms appear in **chronological order** according to the order presented in the **step-by-step checklist**.

1. Petition for Letters of Guardianship (Minor)
2. Petitioner's Exhibit "A," Petitioner's Exhibit "B"
3. Plan for the Care and Treatment of the Ward(s)
4. Plan for the Management of the Property of the Ward(s)
5. Order for Hearing Petition for Appointment of Guardian
6. Notice for Hearing Petition for Appointment of Guardian
7. Affidavit of Service
8. Background Check Forms
9. Decree and Order Appointing Guardian
10. Letters of Guardianship
11. Order Approving Plan
12. Inventory of Estate
13. Guardian Ad Litem Data Sheet
14. Information Sheet
15. Nomination of Guardian by a Minor Fourteen Years of Age or Above
16. Pauper's Affidavit
17. Waiver of Notice and/or Consent to the Appointment of Guardian
18. Petition for Custody by Abandonment

**IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA**

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

Case No.:

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: _____

**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 _____)
_____)
_____)
_____)
_____)
A Minor Child(ren)

Case No.:

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)

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:

authority to enroll in school and participate in school activities requiring a parent's approval

authority to determine the residence
of the ward(s)

authority to consent to medical and
psychological for the ward(s)

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 _____)
_____)
_____)
_____)
_____)

Case No.:

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 _____, 20____, 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 _____, 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.:

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 _____)
_____)
_____)
_____)
_____)

Case No.:

A Minor Child(ren)

AFFIDAVIT OF SERVICE BY PERSONAL SERVICE

Comes now, the petitioner(s), _____ and _____,
and, having heretofore filed their *petition for guardianship*, do allege and certify that they did send
a true and accurate copy to the following persons at the address listed below.

Name: _____

Name: _____

Address line 1

Address line 1

Address line 2

Address line 2

Email (optional)

Email (optional)

Respectfully Submitted,

SIGNATURE

PRINTED NAME

ADDRESS LINE 1

ADDRESS LINE 2

PHONE: _____
PETITIONER, PRO SE

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)

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 _____)
_____)
_____)
_____)
_____)

Case No.:

A Minor Child(ren)

ORDER APPROVING PROPOSED PLAN OF CARE

The Court, having been presented with the Guardians *Plan for the Care and Treatment of the Ward(s) and Plan for the Management of the Property of the Ward(s)* filed on _____, and being advised in the premises, does hereby approve and confirm said Plan.

Dated this ____ day of _____, 20__.

JUDGE OF THE DISTRICT COURT

Approved as to Form:

SIGNATURE

PRINTED NAME
PETITIONER, PRO SE

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

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

Case No.:

INVENTORY OF ESTATE

I/We, _____, General Guardians
herein, of the person and estate of the following child(ren), named below.

CHILD 1: _____
CHILD 2: _____
CHILD 3: _____
CHILD 4: _____
CHILD 5: _____

hereby submit an inventory of the estate of the child(ren) named herein. Describe the type of property owned by each child and its approximate value.

CHILD 1: _____
CHILD 2: _____
CHILD 3: _____
CHILD 4: _____
CHILD 5: _____

-OR-

THE PROPERTY OF THE CHILD(REN) DOES NOT EXCEED THREE HUNDRED DOLLARS.

Signed on this _____ day of _____, 20_____.

_____, Guardian
Address: _____
Phone: _____

_____, Guardian
Address: _____
Phone: _____

**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. NAME: _____
2. Address: _____
3. Please list any other names YOU have used (i.e. maiden name):

4. YOUR Date of Birth: _____ YOUR Social Security No: _____
5. Address where minor will live: _____
6. The name(s) of EACH AND EVERY PERSON (over the age of 18) currently living in or staying in your home. Include date of birth:

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

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

Petitioner 1:

Petitioner 2:

(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 A 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 been involved 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 of 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)

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

1. I, _____, a minor, _____ years of age, having been born on _____, 20____, in which Petitioner seeks the appointment of the Petitioner(s) as guardian of 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)

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)

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 _____)
_____)
_____)
_____)
_____)
A Minor Child(ren)

Case No.:

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

Phone Number

VERIFICATION

STATE OF OKLAHOMA)
) SS.
COUNTY OF _____)

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

Signature of Petitioner

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

Notary Public

My Commission Number is: _____

My Commission Expires: _____