

Guardianship of Minor Child(ren) – Requirements

Prior to the hearing, the below requirements MUST be completed, and all required documents and proof must be provided to the Court on or before the day of your hearing.

1. **CANIS Form** – Oklahoma Department of Human Services child welfare history check.
2. **Criminal Background Check** – (name based and sex offender registry) for Petitioner’s state of residence.
 - a. Background check must be completed for Petitioner(s) and all other adults living in the home.
 - b. It is your responsibility to submit the form, obtain results, and provide them to the Court.
3. **Consent Forms**
 - a. If one or both parents agree to the guardianship, the consent form(s) can be completed and must be signed in front of a notary public. The original signed and notarized document must be provided to the Court.
 - b. If the minor is at least 14 years old, he/she is entitled to notice and can complete a consent form which must be signed in front of a notary public.
 - c. If you are unable to obtain the signed and notarized consent form(s), proof of service must be provided to the court.
4. **Proof of Service (10 days before the hearing)**
 - a. You must serve all individuals entitled to notice of your guardianship with a copy of the Petition, the Order Setting Hearing, and the Notice of Hearing. you must provide proof of service (if a consent is not notarized).
 - b. Three (3) options for service to any other party entitled to notice:
 - i. Private Process server (you must contact a company and cover the cost).
 - ii. Deputy Sheriff via the Sheriff’s Office in the County where the person can be served. (You must contact and pay for)
 - iii. Certified mail via USPS with return receipt requested. (you must provide the signed green card to the court)

Oklahoma Guardianship Materials



More information and forms will be provided by Judge Ortega’s secretary/bailiff.

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

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

Case No.: _____

A Minor Child(ren)

PETITION FOR LETTERS OF GUARDIANSHIP (MINOR)

COME(S) NOW, The Petitioner(s) _____,
of lawful age, respectfully state to the Court as follows:

(Child 1)

1. That _____, is a minor child, _____ years of age, having been born on _____, _____, in the City of _____, State of _____.
2. Said proposed ward currently resides at _____ and has resided at this location since _____.
3. That _____, is the natural mother who resides at: _____.
4. That _____, is the natural father who resides at: _____.

(Child 2 – If applicable)

5. That _____, is a minor child, _____ years of age, having been born on _____, _____, in the City of _____, State of _____.
6. Said proposed ward currently resides at _____ and has resided at this location since _____.
7. That _____, is the natural mother who resides at: _____.
8. That _____, is the natural father who resides at: _____.

(Child 3 – If applicable)

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

10. Said proposed ward currently resides at _____ and has resided at this location since _____.

11. That _____, is the natural mother who resides at: _____.

12. 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):

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

14. Has the Petitioner ever been convicted of a felony crime or a crime involving domestic violence?

a. ____ YES ____ NO (Check One)

15. 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.

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

17. 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".

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

19. The guardianship is out of: ____ necessity ____ convenience (Check One)

20. 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:

21. Is/Are the child(ren) in Petitioner(s)'s physical custody? ____ Yes ____ No (Check One)

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)

22. Has Petitioner(s) used any other name in an official capacity (i.e. maiden name) ____ Yes ____ No (Check One)

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

24. That I (am/am not) currently a Guardian over any other minor. The names of any other minor(s) that I am currently Guardian of are as follows: _____

25. That the children ____ARE ____ARE NOT (check 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/Court Clerk/Deputy Court Clerk

My Commission Number is: _____

My Commission Expires: _____

PETITIONER'S EXHIBIT "A"

IN THE DISTRICT COURT OF CLEVELAND 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 of Petitioner(s)

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

Notary Public/Court Clerk/Deputy Court Clerk

PETITIONER'S EXHIBIT "B"

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

In the matter of the Guardianship of

)
)
)
)
)

Case No.: _____

A Minor Child(ren)

UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT
AFFIDAVIT

I, _____, 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 persons 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 (Check One)

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 of Petitioner(s)

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

Notary Public/Court Clerk/Deputy Court Clerk

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

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

**EMERGENCY APPLICATION FOR TEMPORARY ORDER OF GUARDIANSHIP
EX PARTE, per 30 O.S. § 1-114(B)(7)**

COMES NOW, the Petitioner(s) _____ of lawful age, respectfully requests, pursuant to Okla. Stat. tit. 30, § 1-114(B)(7), that this Court enter a Temporary Order of Guardianship appointing Petitioner(s) as the temporary guardian(s) of the person and estate of the following minor(s):

1. Name: _____ DOB: _____
2. Name: _____ DOB: _____
3. Name: _____ DOB: _____
4. Name: _____ DOB: _____
5. Name: _____ DOB: _____

In support thereof, the Petitioner(s) attest to the following:

1. The proposed ward(s) identifying information, current residence, and the identity of the proposed ward(s) parents are all listed in the *Petition for Guardianship* filed herein.
2. That I/we are related to the minor(s) in the following manner: _____

3. Are there any other pending court cases involving the custody of the above listed minor child(ren) ___ yes ___ no (check one) If yes, list the county and case number:

4. A Temporary Order of Guardianship is necessary to be entered as an ex parte emergency order without prior notice to the parents or any person(s) who have legal custody for the for the reasons described or referenced below.
5. That I/we are not convicted felons(s)

6. That I/we are not obligated or indebted to the above listed minor(s).
7. That I/we have not declared bankruptcy within five (5) years prior to the filing of this Petition.
8. That said minor(s) are in need of care and supervision by an adult person(s).
9. That it is in the best interest of the minor(s) that I/we be appointed as Temporary Guardian(s) over the person of said minor(s) immediately and without notice to any other party for the following reasons: _____

10. If the minor(s) is/are not currently in your custody, you must attach a police report or an OKDHS report indicating the minor(s) is/are in surroundings which endanger the safety of the minor(s) and that if such conditions continue, the minor(s) would be most likely suffer irreparable harm. If there is not a report available, you must have personal knowledge (not something someone told you) or present a witness with personal knowledge of the facts and circumstances that endanger the safety of the child and that will result in irreparable harm.

a. Report Attached ___ Yes ___ No (check one)

WHEREFORE, premises considered, Petitioner(s) request that this court enter a Temporary Order of Guardianship of said minor(s) immediately and without notice to any other party, order the issuance of Letters of Guardianship to Petitioner(s) immediately upon the execution of the oath required by law, no bond being required, and enter an order setting this Petition for further hearing of this matter within twenty (20) days, with notice to all persons entitled to notice of these proceedings having been shown.

Signature of Petitioner(s)

VERIFICATION

STATE OF OKLAHOMA)
)
COUNTY OF CLEVELAND) ss

I/we, _____, do hereby swear or affirm under penalty of perjury of the law of the State of Oklahoma that the statements made herein are true and correct.

PETITIONER(S)

SUBSCRIBED AND SWORN to before the undersigned on this ____ day of _____, 20____.

Notary Public/Court Clerk/Deputy Court Clerk