**INSTRUCTIONS**

**PETITION FOR GUARDIANHSIP OF MINOR CHILD**

IMPORTANT INFORMATION-PLEASE READ

1. Petition for Guardianship must be typed double-spaced and on letter size paper.
2. Petition for Name Change must be signed in front of the Court Clerk or a notary public when you are ready to file.
3. Copies of your motion must be mailed to the interested party(ies). This is the responsibility of the party who is filing.
4. Filing fees, copies, etc., must be made in the form of a CASHIER’S CHECK or MONEY ORDER and made payable to “Absentee Shawnee Tribe”. Filing dee MUST be paid at the time of filing your motion. If you are unsure of the amount of filing fees, contact the Court Clerk.
5. Submit original Petition for Guardianship and Summons and a copy for each of the interested parties, who has NOT signed an Entry of Appearance and Waiver and you should retain a copy of the filed Petition for your records. If the Court Clerk makes your copies you will be charged a $1.00 PER PAGE.
6. Petition for Guardianship must have the FULL ADDRESSES (include city, state, and zip) of all interested parties. Obtaining this information is your responsibility.
7. The Petition for Name Change form is a guide to use in preparing the petition. DO NOT fill in the blanks and submit for filing. IT MUST BE RETYPED.

**Filing Fees-Motion FEE**

Petition for Guardianship………………… $50

 Summons………………………………….. $10

Office Hours: 8:00 am-12:00 pm and 1:00 pm- 5:00 pm, Monday-Friday.

Last filing of the day is taken at 4:30 pm.

Court Clerk’s Office Phone: 405-531-3524

Court Clerk’s Email: court@astribe.com

**IN THE DISTRICT COURT OF THE ABSENTEE**

 **SHAWNEE TRIBE**

IN THE MATTER OF: )

)

 ) CASE NO. PG-

 )

 ) Minor Indian children. )

**PETITION FOR APPOINTMENT OF A GUARDIAN**

**COMES NOW** the Petitioner , representing

her/him/themselves, and for this cause of action alleges and states:

1. **THAT** this Court has jurisdiction to hear and decide this matter pursuant to of the Absentee Shawnee Tribal Code.

2. **THAT** the Petitioner

*(Choose one of the following)*

 is a member of the Absentee Shawnee Tribe of Oklahoma,

 is a member of the \_\_\_\_\_\_\_\_\_\_Tribe;

 is a nonmember but eligible for membership with the Absentee Shawnee Tribe **OR**

 is a non-Indian, who voluntarily submits to the jurisdiction of the Court.

3. **THAT** the petitioner(s) is/are the: aunt uncle sister brother or

 other: to the child(ren).

4. **THAT** the Petitioner does \_\_\_\_\_ or does not\_\_\_\_\_ have a criminal record.

List all charges\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

5. **THAT** the Petitioner does \_\_\_\_\_ or does not\_\_\_\_\_ have criminal felonies.

List all felonies\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

6. **THAT** the Petitioner has\_\_\_\_\_ or has not\_\_\_\_\_ had any DHS findings.

7. **THAT** the Petitioner(s) seeks a guardianship at this time because:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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8. **THAT** the minor child(ren), who are the subject of this action, are members or eligible for membership with the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Tribe.(Please list Tribe)

9. THAT the minor child(ren):

 DOB: TRIBE:

 DOB: TRIBE:

 DOB: TRIBE:

currently reside with and have lived there since: .

10. THAT the minor child(ren) do not at the present time have a court appointed guardian and a guardian needs to be appointed to provide for his/her/their care and maintenance and to oversee his/her/their affairs.

11. That the names of the child(ren)’s closest blood relatives are:

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Mother |  | Tribe |  |
| Name of Father |  | Tribe |
| Name |  | Relationship |  | Tribe |
| Name |  | Relationship |  | Tribe |

12. THAT to the best of my knowledge, information and belief, the parents of the child(ren)

*(Choose appropriate response.)*

 are in agreement with the guardianship over the child(ren) being awarded to me.

 I do not know the opinion of the parents of the child(ren) because I have been unable to locate said parents.

13. THAT the child(ren):

*(Choose appropriate reponse)*

 do not possess any real or personal property and, therefore, no bond is required. **OR**

 the child(ren) possess the following property: list real property, if any, and any personal property (not including any personal clothing or toys), such as trust funds, bank accounts, Social

Security income, etc.

 valued at approximately $ .

14. THAT the Petitioner(s) are fit and proper person(s) to be appointed as guardian to

oversee the care and maintenance of

15. List any other open court cases regarding the children and yourself. Specify the court, the

nature of the case and any decisions/orders entered. If possible, attach copies of orders.

**WHEREFORE**, the Petitioner(s) pray

that this Court will make and issue an Order appointing him/her/them to be the guardian of said

children at a hearing be set on this matter as soon as the Court deems necessary.

Petitioner

**VERIFICATION**

I, , petitioner herein, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby state that I have prepared and read the attached petitioner and verify that all of the factual allegations contained in the petition are in fact true and correct to the best of my knowledge and belief, under penalty of perjury.

Petitioner

**ACKNOWLEDGMENT OF NEED TO CONSULT AN ATTORNEY, COURT RULES AND ABSENTEE SHAWNEE TRIBAL CODE OF LAWS.**

I, , petitioner herein, acknowledge that I am aware that an attorney should be consulted about procedure, legal rights, and advice in connection with this proceeding and my failure to hire an attorney to represent me in this case may result in the loss of or waiver of important legal rights that I may have. I understand that the Absentee Shawnee Tribe and the provisions of the Absentee Shawnee Tribe Code of Laws govern the procedures in the court and that I should review and consult the constitution and code of laws and become familiar with these provisions in order to properly handle my case.

Petitioner

**CERTIFICATION**

I, , Clerk of the District Court or notary public, certify that the petitioner, , personally appeared before me on , 20 , and being duly sworn, executed the above verification and acknowledgment in my presence.

Dated this day of , 20 .

Court Clerk or Deputy Court Clerk

**IN THE TRIBAL COURT OF**

**THE ABSENTEE SHAWNEE TRIBE OF OKLAHOMA**

**SHAWNEE, OKLAHOMA 74801**

IN THE MATTER OF THE )

GUARDIANSHIP OF: )

 )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ) Case No. PG-\_\_\_\_\_-\_\_\_\_\_\_\_

DOB: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; )

Tribal Minor Child; )

 )

**ENTRY OF APPEARANCE AND WAIVER**

I, undersigned relative of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, being one of the persons having a right to the appointment of guardianship over the person of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby waive my rights to said appointment in favor of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Petitioner herein, and I respectfully pray that the Court will appoint Petitioner, as guardian over the above listed person and estate. Should I object to said appointment of the Petitioner, I am aware that I had the right to file an answer to said petition and appear in Court to make my objections known and that I waive that right.

Dated this \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

**SHOULD YOU AGREE TO SIGN THIS WAIVER, PLEASE SIGN IN FRONT OF A NOTARY PUBLIC OR COURT CLERK AND RETURN TO THIS OFFICE EITHER BY MAIL OR IN PERSON.**

State of Oklahoma; )

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

Before me, the undersigned Notary Public, came \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, to me known to be the identical person who executed the above and foregoing Entry of Appearance and Waiver, and personally acknowledged to me that he/she has read, understood, and signed the same, and that he/she executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth. IN WITNESS THEREOF I have hereunto affixed my signature and official seal the date heretofore stated.

(SEAL) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.**

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 COURT CLERK/DEPUTY

**IN THE DISTRICT COURT OF THE ABSENTEE**

 **SHAWNEE TRIBE**

IN THE MATTER OF THE )

GUARDIANSHIP OF: )

 )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ) Case No. PG-\_\_\_\_\_-\_\_\_\_\_\_\_

DOB: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; )

Tribal Minor Child; )

 )

**SUMMONS**

TO: Interested Party Name

 Interested Party Address

 Interested Party City/State/Zip Code

 **YOU ARE HEREBY SUMMONED** in the above named action and directed to file a written Answer to the attached Petition with the Court Clerk of this Court, within thirty (30) days after service of this Summons, which is herewith served upon you.

 A copy of your Answer must also be delivered to the Petitioner or his/her attorney/advocate and proof of such service with your Answer must be filed in this Court.

 If you fail to Answer this Petition within the time stated, judgment by default can be rendered against you for the relief demanded by the Petitioner.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Court Clerk

Petitioner or Petitioner’s Attorney:

Petitioner Name

Petitioner Address

Petitioner Address

Petitioner City/State/Zip

**You may seek the advice of an attorney/advocate on any matter connected with this suit or your answer. Such attorney should be consulted immediately so that an answer may be filed within the time limit stated in this summons.**