

APPENDIX 5

(continued)

GUARDIANSHIP FORMS

STATE OF INDIANA)
) SS:
COUNTY OF (County))

IN THE MATTER OF:)
)
THE GUARDIANSHIP OF:)
)
_____, A Minor.)

IN THE (County) (Name of Court)

CAUSE NO.

CONSENT TO THE APPOINTMENT OF A GUARDIAN BY A RELATIVE

(Father, or Mother), being duly sworn upon his or her oath, says that he or she is an adult and the natural father or mother of (child) and is familiar with the Petition of (Petitioners) for the appointment of a guardian over the person of (child) and consents to the appointment of (Petitioners) and hereby expressly waives service of summons and notice of hearing on said guardianship petition.

(name)

Sworn to me and subscribed in my presence, a Notary Public in and for the State of
Indiana, County of _____ this _____ day of _____, 200_.

Notary Public

STATE OF INDIANA)
) SS:
COUNTY OF (county))

IN THE _____ SUPERIOR COURT
PROBATE DIVISION
CAUSE NO. _____

IN THE MATTER OF:)
)
THE GUARDIANSHIP OF:)
)
_____, A Minor,)
(child's name)

**VERIFIED PETITION FOR APPOINTMENT OF TEMPORARY GUARDIANS
WITHOUT NOTICE AND HEARING**

Come now the petitioners, _____
(proposed guardian's names)

by counsel, _____, and respectfully petition the Court to appoint them as
temporary guardians of _____.
(child)

In support of this request, the petitioners would respectfully show the Court as follows:

1. _____ currently resides with the petitioners _____,
(child) (street address)
_____, Indiana.
(county)

2. _____ was born on _____ and is _____ years old
(child) (date of birth) (number)

and is incapacitated due to his/her minority.

3. _____ has no real property or personal property other than some clothing and
(child)
toys.

4. The petitioners have not been appointed guardians of any other person in any state.

5. The petitioners reside at _____, _____, Indiana and their
(street address) (county)

relationship to _____ is that of _____.
(child) (relationship)

6. The names and addresses as far as known or can reasonably be ascertained, of the persons most closely related by blood or marriage to _____ are:

(child)

a. _____ whose last know address was _____,
(mother's name) (street address) (county)
Indiana, but petitioners do not have a current address for the mother, and her

whereabouts are currently unknown to them.

b. _____ was born out of wedlock, and petitioners do not believe that a
(child's name)

paternity affidavit has been executed nor that paternity has been established by a judicial proceeding. The petitioners' last known address for the alleged

father _____, is _____,
(father's name) (street address) (county) (state).

c. The maternal grandmother of _____ is _____, who
(child) (grandmother's name)

resides at _____,
(street address) (county) (state).

7. The petitioners have had physical care and custody of _____ since _____
(child) (date)

when _____ was left with petitioners by _____.
(child) (mother)

8. The appointment of a temporary guardian is sought for the following reasons:

a. No guardian has been appointed for _____, an emergency exists, and
(child)

the welfare of _____, requires immediate action, and no other person
(child)

appears to have authority to act in the circumstances.

b. The nature of the emergency is _____.

c. The immediate action required on behalf of _____ is _____.
(child) (state facts)

The petitioners are able and willing to undertake said action if the Court grants their petition.

d. Immediate and irreparable injury to the person of _____ may result
(child)

unless the Court grants said temporary guardianship without notice and hearing.

9. The petitioners are requesting to be appointed temporary guardians because of _____
(list

_____, and the petitioners' interest in the appointment is
reasons)

_____.
(describe interest)

10. The name and business address of the attorney who is representing the petitioners is

_____.

11. Notice of this petition is being served on the persons listed in paragraph number six of the petition pursuant to IC 29-3-6.

12. That the filing fee in this action has been paid.

Wherefore, the petitioners respectfully request to be appointed temporary guardians of _____, pending notice and hearing. The petitioners further request that the
(child)

Court find that a guardian has not been appointed for _____, an emergency exists, the
(child)

_____ requires immediate action, no other person appears to have authority to act, and
(child)

irreparable injury to the person of _____ may result if said temporary guardianship is
(child)

not granted.

We solemnly swear or affirm, under penalty for perjury, that the foregoing facts and representations are true to the best of our knowledge and belief.

(proposed guardian)

(proposed guardian)

Attorney Name

Address

Telephone number

STATE OF INDIANA)
) SS:
COUNTY OF (county))

IN THE _____ SUPERIOR COURT
PROBATE DIVISION
CAUSE NO. _____

IN THE MATTER OF:)
)
THE GUARDIANSHIP OF:)
)
_____, A Minor,)
(child's name)

**ORDER GRANTING VERIFIED PETITION FOR APPOINTMENT OF TEMPORARY
GUARDIANS PENDING NOTICE AND HEARING**

Come now the petitioners, _____,
(proposed guardians' names)

by counsel, _____ and file their Verified Petition for Appointment of
Temporary Guardians Without Notice and Hearing. And the Court, having read and reviewed
said Petition, enters the following findings and orders:

1. That _____ is incapacitated due to her minority.
(child)
2. That _____ has no real property or personal property other than some clothing
(child)
and toys.
3. That the petitioners have not been appointed guardians of any other person in this state.
4. That _____ was born out of wedlock.
(child)
5. That the petitioners have had physical custody of _____, since _____
(child) (date)
when _____ was left with the petitioners by _____.
(child)
6. That no guardian has been appointed for _____, that an emergency
(child)
exists that the welfare of _____ requires immediate action concerning
(child)
_____.
(child)
7. That immediate and irreparable injury to the person of _____ may result unless
(child)
the Court grants temporary guardianship to petitioners without notice and hearing.

8. That the petitioners are suitable and willing to serve as temporary guardians of _____.
(child)
9. That said temporary guardianship is necessary and in _____ best interest.
(child's)
10. That a hearing on said guardianship shall be scheduled for the _____ day of _____, 200__, at _____-m., and that notice shall be given to the persons most closely related to _____, as listed in the petition, by the best means possible, pursuant to IC 29-3-6.
(child)
11. That _____ are hereby appointed temporary guardians of _____, without limitations on their duties, pending the hearing, and the Clerk shall issue Letters of Temporary Guardianship to the petitioners.
(petitioner's names)
(child)

Dated: _____

Judge, _____ Court,
Probate Division

DISTRIBUTION:

STATE OF INDIANA)
) SS:
COUNTY OF (county))
 CAUSE NO.

IN THE MATTER OF:)
)
THE GUARDIANSHIP OF:)
)
_____,)
A Minor.)

MOTION FOR GUARDIAN AD LITEM FEE

Come now _____ (agency), by counsel, _____, and
respectfully requests that the Court enter an Order requiring the guardians, _____ and
_____, to pay a Guardian ad Litem Fee in the amount of _____, the
mother, _____, to pay a Guardian ad Litem Fee in the amount of _____,
and the father, _____, to pay a Guardian ad Litem Fee in the amount
of _____. In support of this Motion, _____ (agency) would
respectfully show the Court as follows:

1. The Court entered an Order appointing _____ as Guardian ad Litem
for the child in the above cause on _____ (date).
2. _____ has assigned volunteer Guardian ad Litem,
_____, to this case.
3. Indiana law provides for parties in a guardianship case to pay a Guardian ad Litem user
fee. United State Bureau Family Life v. Fultz, 375 N.E.2d 601 (Ind. Ct. App. 1978).

Wherefore, _____ respectfully requests that the Court enter an Order for
a Guardian ad Litem fee in the amount of _____ to be paid by the parties as the court
deems fit, said fee shall be paid to _____
(agency address), within thirty (30) days.

Respectfully submitted,

Attorney
Agency
Address
Telephone number

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing has been sent to the parties in the above
named cause this _____ day of _____, 2000 ____.

Attorney

STATE OF INDIANA)	IN THE (County) COUNTY SUPERIOR COURT
) SS:	
COUNTY OF (county))	CAUSE NO.
IN THE MATTER OF:)	
)	
THE GUARDIANSHIP OF:)	
)	
_____)	
A Minor.)	

ORDER FOR GUARDIAN AD LITEM FEE

Comes now _____ (agency), by counsel, _____
 (name), and files its Motion for Guardian ad Litem Fee. And the Court, having read and
 reviewed said Motion, now grants same. It is therefore ordered that the Guardians,
 _____ and _____ shall pay a total Guardian ad Litem fee of
 \$_____, the mother _____, shall pay a total Guardian ad Litem fee of \$_____,
 and the father _____, shall pay a total Guardian ad Litem fee of \$_____. The fee
 should be mailed to _____ (agency) at _____ (address)
 within thirty (30) days.

Dated: _____

 Judge
 _____ Superior Court

DISTRIBUTION:
 All parties in the above named cause

STATE OF INDIANA)	IN THE (County) COUNTY SUPERIOR COURT
) SS:	
COUNTY OF (county))	CAUSE NO.
IN THE MATTER OF:)	
)	
THE GUARDIANSHIP OF:)	
)	
_____)	
A Minor.)	

**ORDER FOR APPOINTMENT OF PERMANENT GUARDIANS
OF THE PERSON OVER MINOR**

On (Date), this Court issue an Order Granting Emergency Petition for the Appointment of Temporary Guardians of the Person over minor whereby (temporary guardians' names) were made temporary guardians over (child's name), minor.

On (Date), a hearing was held to determine whether the temporary guardianship should be made permanent. Petitioners (Guardian/Petitioner Names) appeared with counsel, attorney (attorney's name); the natural mother appeared with counsel (attorney's name), (any other parties that appeared). After the evidence was presented and being duly advised in the premises, the Court now enters the following facts and conclusions and issues this Order Thereon:

1. That the Court has jurisdiction over the parties and the subject matter in this case.
2. That (child) is (age) years-old, being born on (DOB), and is incapacitated due to minority.
3. That the minor child does not possess any property, personal or real, for which to account.
4. That no other guardian has been appointed or is acting for the minor child in any
5. That the name and business address of the attorney who represents the guardians is (attorney's name and address.)
6. That the appointment of a guardian is necessary as a means of providing care and supervision of the physical person of the minor child, pursuant to IC 29-3-5-3.
7. that the mother, (mother's names), and the natural father of the minor child, (father's name), both consent and agree to the appointment of (guardians' names)

as guardians of (child).

8. That the weekly child support being paid by (Father or Mother) for the benefit of minor child (child's name) shall now be forwarded to the guardians (guardians' names) at their residence, which is (guardians' address), until further notice of this Court.

IT IS, THEREFORE, ORDERED that Petitioners (petitioners' names) are hereby appointed as legal guardians of (child's name), minor child, and that said guardians shall serve without bond, and that the clerk shall issue Letters of Guardianship without any limitations to said guardians upon their taking an oath. Said guardians are authorized to exercise all powers granted guardians of the person of a minor as set forth in IC 29-3-8-1 and IC 29-3-8-2.

SO ORDERED ON: THIS _____ DAY OF _____, 200__.

JUDGE
(County) COUNTY SUPERIOR COURT