

Becoming a Minor Child's Guardian

Note: Use these instructions and forms to become a minor child's guardian.

These instructions and forms may not be right for your case. They cannot take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

Do not change these forms. If you change the forms, you might lose language you need.

Who Can Use these Forms?

You can use these forms if:

- The child is under 18 years old and not married;
- The child's parents have died without naming a guardian in their wills, or the living parents' custody rights have been terminated, suspended, or limited by circumstances or court order;
- The child is not (1) an enrolled member of an Indian tribe, or (2) the biological child of a tribal member and eligible for enrollment; and
- Making you the child's guardian would be in the child's best interests.

Note: If the child is (1) an enrolled member of an Indian tribe, or (2) the biological child of a tribal member and eligible for enrollment, the Indian Child Welfare Act (ICWA) may apply. Talk to an attorney if this is your situation.

What Forms Will I Need to Become a Minor Child's Guardian?

You may need different forms, depending on what your court does with sensitive information under the Privacy Rules. Read the instructions below for more information on this. You must fill out a separate set of forms for each minor child, even if the children you want to be the guardian(s) of are brothers or sisters.

This packet contains the following forms:

- Motion to Keep Certain Information Confidential and Memorandum Supporting the Motion
- Order Regarding Request to Keep Certain Information Confidential
- Sensitive Data Sheet
- Notice of Filing
- Petition for Guardianship of a Minor Child
- Consent to Guardianship of a Minor Child (make a copy of the blank form if you are giving it to 2 parents)
- Nomination of Guardian(s) by Minor Child Age 14 or Older
- Order Setting Hearing
- Notice of Hearing on Guardianship of a Minor Child
- Order for Guardianship of a Minor Child
- Letters of Guardianship
- Affidavit of Inability to Pay (which you can get from the Clerk of Court and use only if you cannot afford filing fees)

The **Motion to Keep Certain Information Confidential and Memorandum Supporting the Motion, Order Regarding Request to Keep Certain Information Confidential**, and **Notice of Filing** are forms you will need to protect information not included in the Sensitive Data Sheet. For example, you will need these forms to protect the child's signature if the child fills out the Nomination of Guardian(s) by Minor Child Age 14 or Older. You may also need to protect information in papers you want to bring to your hearing as evidence.

The **Sensitive Data Sheet** will help keep certain information private. The Montana Supreme Court has adopted Privacy Rules that you need to follow. Read more about these rules below.

The **Petition** asks the court to make you the guardian of the minor child and schedule a hearing.

The **Consent to Guardianship of a Minor Child** tells the court that the parents who are living agree you should be appointed as the child's guardian. Each of the child's parents should fill out a consent form. You will need to make a copy of the consent form in this packet for the second parent.

The **Nomination of Guardian(s) by Minor Child Age 14 or Older** is a form you will only use if the child is 14 or older and wants you to be his or her guardian(s). The child will fill out the form.

The **Order Setting Hearing** will be filled out by the judge and will tell you when and where your hearing will be held.

The **Notice of Hearing on Guardianship of a Minor Child** will be filled out by the judge or the clerk of district court. This is what you must send to the child (only if the child is over 14 years old), the child's parents (only if still living), and

the person who has had care and custody of the child for the 60 days before you filed the action (only if this person is not you). If you do not know the names and addresses of the people who must get notice and have tried to find them, you may be allowed to publish the notice in a newspaper.

The **Order for Guardianship** will be filled out by the judge. The Order will legally make you the guardian of the minor child.

The **Letters of Guardianship** will be filled out by the clerk of district court. The Letters are proof that you have been appointed by the court as the guardian of the minor child. You will have to sign the Letters in front of the clerk after the judge issues an order at your hearing.

The **Affidavit of Inability to Pay** asks the court to waive filing fees in your case. If you cannot afford to pay the filing fees, ask your clerk of district court for an affidavit of inability to pay. This form may be called something else in your district.

What Words Do I Need to Know?



Minor Child- A minor child is a person who is under 18 years old.

Petitioner- A Petitioner is someone who files a petition in court. If you are asking the Court to make you the guardian of a minor child, you are the Petitioner.

What Do I Do with the Forms?

1 Fill out the Forms

- ☐ Fill out the judicial district, county, and caption on the Sensitive Data Sheet, Order Setting Hearing, Notice of Hearing, and Order for Guardianship. The caption looks like this:

Montana _____ Judicial District Court
(number of the judicial district where you are filing)

County
(name of the county where you are filing)

<p>In the Matter of the Guardianship of</p> <p>_____ (write "Child" or the child's initials)</p> <p>_____</p> <p>_____</p> <p>Petitioner(s) (your name or names)</p>	<p>Cause No.: _____ (filled out by Clerk of District Court)</p> <p>Name of form</p>
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☐ Fill out the sensitive data sheet. Find out if the court wants you to call the child "Child" in court papers, or if you should use the child's initials. Do not write the child's name in any court paper other than the sensitive data sheet.

- ☐ Check all the boxes and fill in all the blanks that apply to your case in the Petition for Guardianship of a Minor Child.
- ☐ Sign and date your Petition for Guardianship.
- ☐ If possible, have one or both of the child's living parents fill out and sign a Consent to Guardianship of a Minor Child. Make a copy of the blank form if you are giving it to both parents. If neither parent agrees that you should be the child's guardian, you will not need the Consent to Guardianship of a Minor Child form.
- ☐ If the child (1) is 14 or older, and (2) wants you to be his or her guardian(s), ask the child to fill out the Nomination of Guardian(s) by Minor Child Age 14 or Older. The child must sign the sheet in front of a notary public. The court will appoint the guardian nominated by a child 14 or older unless the court believes that guardian is not in the child's best interests.

- ☐ If the child has signed the Nomination of Guardian(s) by Minor Child Age 14 or Older, fill out the Motion to Keep Certain Information Confidential. Under section 2, write that you want the child's notarized signature sealed.

2 Make Copies

- ☐ Make a copy of each form after you have it filled out. Keep your copies in a safe place.

3 File Forms at the Courthouse

- ☐ Put the sensitive data sheet into an envelope. Take it to the Clerk of District Court's office in the courthouse of the county where the child lives. Ask the clerk to lodge (not file) the envelope. Ask the clerk to seal the sensitive data sheet.
- ☐ Also at the Clerk's office, file the original Petition for Guardianship of a Minor Child, Consent(s) to Guardianship of a Minor Child (if signed by parent/s), Nomination of Guardian(s) by Minor Child Age 14 or older (if the child is 14 or older and nominates you), Order Setting Hearing, and Notice of Hearing on Guardianship of a Minor Child.
- ☐ If you can't afford the filing fees, ask the Clerk of District Court for an Affidavit of Inability to Pay. This form may be called something different in your court. If the court agrees that you cannot afford the filing fees, the court will write an order saying you do not need to pay filing fees.
- ☐ Give the Clerk of Court a self-addressed stamped envelope. Ask the Clerk of Court to mail a conformed copy of the Order Setting Hearing to you after the judge signs it. If the court has not written an order saying that you don't have to pay filing fees, you may be charged a fee for these copies.



- ☐ Give your copies to the Clerk of District Court and ask her to stamp them as “Filed.” Keep the copies in a safe place.

4 Give Notice of the Hearing

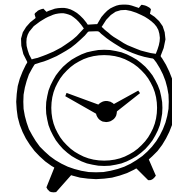
- ☐ When the judge sets a hearing date, you will get an Order Setting Hearing and Notice of Hearing filled out by the court. The Order Setting Hearing will tell you who must get a copy of the Notice of Hearing.
- ☐ Make copies of the Notice of Hearing to give to the people who must get a copy.
- ☐ If you know the names and addresses of the people who must get a copy of the Notice of Hearing, send your copies by mail or deliver them by hand. The copies must be mailed or hand-delivered at least 14 days before the scheduled hearing.
- ☐ If you do not know the names and addresses of the people who must get a copy of the Notice of Hearing and you cannot find them, the court may let you publish the Notice in a newspaper. The court will say this in the Order Setting Hearing.
- ☐ If the court tells you to publish the Notice, the newspaper will charge you for publishing it. You will need to pay the newspaper even if the court has written an order saying that you don’t need to pay filing fees to the court. Get a receipt or other proof that your Notice was published. Keep the receipt or proof with your other forms. You will need it for your hearing. You may need to ask the court to keep the proof that the notice was published private, if the proof includes the name of the child or the child’s parent. Use the Motion to Keep Certain Information Confidential and Memorandum Supporting the Motion to keep the proof of publishing private.

5 Fill Out Your Order for Guardianship of a Minor Child

- ☐ Fill in all the blanks that you can on the Order for Guardianship of a Minor Child. If the judge makes you the child's guardian, s/he will sign the Order after your hearing.
- ☐ Make one copy of the Order for Guardianship you have filled in and keep it with the rest of your forms.

6 Go to Your Hearing

- ☐ Bring your stamped copies of the documents you filed with the court. Also bring your original and copy of the Order for Guardianship. In some courts, you may need to give this order to the Clerk of Court before your hearing. Check with the Clerk of Court.
- ☐ Bring the minor child with you to the hearing. The judge may ask the child some questions. If the child is 14 or older, the judge will appoint the guardian the child wants, unless the judge decides that guardian would not be in the child's best interests.
- ☐ Arrive at the courthouse at least 15 minutes before your scheduled hearing. Dress like you are going to an important job interview.
- ☐ Check with the Clerk of Court's office to find the right courtroom for your hearing. Go to that courtroom and wait for the judge to call your name and case number. Remember to address the judge as "Your Honor."
- ☐ Be prepared to tell the judge why you think making you guardian would be in the child's best interests. Bring any important papers, photos, or things to the hearing with you. The judge will expect you to bring your evidence and witnesses to the hearing.
- ☐ **Important:** Immediately after your hearing, take your signed Order for Guardianship and Letters of Guardianship to the Clerk of District Court. You may want to ask the Clerk for several certified



copies of the order and letters.

7 If you become the child's guardian, be prepared to make reports on the child and his or her property

Some courts will require you to report on the condition of the child and any property you have had control over. You must report whenever the court orders you to, or as required by court rule. Montana Code Annotated § 72-5-231. Some courts will require you to report every year.

Note: Even if the court says you are the child's guardian, your guardianship may not be permanent. The court can end your guardianship by "removing" you from being guardian.

The guardianship may also end for other reasons. You can resign from being a guardian, effective when the court approves your resignation. The guardianship will automatically end if the child: (1) dies, (2) gets married, (3) is adopted, or (4) turns 18. If the guardianship ends, you will still be responsible for your acts during the guardianship. You will also need to account for the child's property or money that you controlled.

Where Can I Get More Information?

The laws of Montana are called the Montana Code Annotated or "MCA." The laws related to guardianship of a minor can be found in Title 72, Chapter 5, Part 2. An easier way to write one of these laws is § 72-5-222, MCA. The symbol ' means section. The MCA can be found at your local library or on the Montana State Law Library website at www.lawlibrary.mt.gov. Click on the "MCA" option near the top of the page.



Where Can I Get Legal Help?

These organizations may be able to help you:

- **Montana Legal Services Association (MLSA)** gives free legal help to low-income people. To find out if you qualify for MLSA, call the MLSA HelpLine at 1-800-666-6899.
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help. The referral is free. Call LRIS at 1-406-449-6577.
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at www.lawlibrary.mt.gov. Or you can contact a Reference Librarian at 1-406-444-3636 or by email at mtlawlibrary@mt.gov.

Please take a short survey about this form.

When you are done with the forms, please take our online survey at this address:

http://www.surveymonkey.com/s.aspx?sm=fCBbhbbJj4MdOWw_2fjsCjlg_3d_3d

Or you can access the survey on the “Forms” page of the State Law Library website, at www.lawlibrary.mt.gov. Your answers will help make the form better.

Thank you!

(Your name)

(Your mailing address)

(City) (State) (ZIP)

(Your phone number)

(Number) **Judicial District Court,** _____ **County**
(name of county)

State of Montana

In the Matter of the Guardianship of

(write "Child")

Petitioner(s) (your name or names)

Cause No. _____
(to be filled out by Clerk of Court)

**Motions to Keep
Certain Information
Private and
Memorandum in
Support**

Motions

Petitioner(s), _____ ,
(write your name(s) here)

have lodged (not filed) court papers in this guardianship proceeding, which contain sensitive information including the child's name. I (we) first move the Court to seal the entire record in this case, and direct that the previously-lodged papers be filed under seal.

Alternatively, I (we) move the Court to order that the previously-lodged papers be returned so I (we) can redact them by crossing the sensitive information out with a black marker. I (we) request 10 days from the date of the Court's order on these alternative motions to resubmit the previously-lodged court papers.

If the Court orders redaction rather than sealing, I (we) will also submit redacted copies of any school records, bank statements, and medical evaluations I (we) offer as evidence.

Whether the Court seals the record or orders redaction, I (we) ask that any letters of guardianship issued in this case name the child, do not become part of the court record, and are released to people who need to know if the Court has appointed me (us) as the child's guardian(s).

Memorandum in Support

It is the responsibility of the filing party to comply with the Privacy Rules to protect private information. Section 4.50(d) Montana Supreme Court Rules of Privacy and Public Access to Court Records in Montana, cause number AF 06-0377 (Privacy Rules). Title 72, Chapter 5, Part 2, MCA, does not require that a minor child's name be made public or accessible to the public in a guardianship proceeding. Because most of the court papers in this case name the child, I (we) ask that the record be sealed or, in the alternative, documents be redacted to comply with the Privacy Rules.

In addition to the child's name, this guardianship proceeding may also involve other types of sensitive information, such as account information, addresses, school records, and mental health evaluations. I (we) believe the Court should consider some sensitive information in making its decision, but the information should be kept private for the following reasons (*list any other*

*sensitive information that may come up in this case, and write why you believe each piece of information should be kept private):*_____

As a practical matter, certain people will need to know if the Court has ordered that I am (we are) the child's guardian(s). I (we) ask the Court to keep letters of guardianship naming the child out of the court record available to the public.

I (we) respectfully ask this Court to:

- Keep certain information confidential;
- Order any other relief the Court decides is just and proper.

Note: *You must sign and date this Motion. By signing, you are telling the Court that:*

- *You have read the Motion;*
- *The information in the Motion is true to the best of your knowledge;*
and
- *You are not using this Motion for an improper reason.*

Date: _____ Signature(s): _____
(mm/dd/yyyy)

Print name(s): _____

Montana _____ Judicial District Court

Number of the Judicial District where you are filing

_____ County

Name of the county where you are filing

In the Matter of the Guardianship of _____ <i>(write "Child" or the child's initials)</i> _____ _____ <i>Petitioner(s) (your name or names)</i>	Cause No. _____ <i>(to be filled out by Clerk of Court)</i> ORDER REGARDING MOTION TO KEEP CERTAIN INFORMATION CONFIDENTIAL
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This Court orders:

- ☐ The entire court record in this case is SEALED.
- ☐ All documents filed in this case are SEALED.
- ☐ The document named _____ is SEALED.
- ☐ The documents attached to the following cover sheet(s) are SEALED.
- ☐ Cover Sheet: Health Care Records and attached documents
- ☐ Cover Sheet: Financial Records and attached documents
- ☐ Cover Sheet: Confidential Reports and attached documents
- ☐ A portion of a document sealed. List the name of the document where the portion is found: _____

List the particular portion of the document sealed:

- ☐ The Clerk of Court is directed to file the appropriate documents under seal.
- ☐ A member of the public may file a Motion with the Court to request access to these records.
- ☐ The Motion to Keep Certain Information Confidential is DENIED. The party who asked that this information be kept confidential shall inform the Clerk of District Court whether the documents shall be filed with the Court, ☐ within 14 days of this order or ☐ by _____.
- ☐ Other:

Date: _____

DISTRICT COURT JUDGE

Your name

Your mailing address

City State Zip

Your phone number

Montana _____ **Judicial District Court**

Number of the judicial district where you are filing

_____ **County**

Name of the county where you are filing

In the Matter of the Guardianship of	Cause No.: <i>(to be filled out by Clerk of Court)</i>
_____ <i>(write "Child" or the child's initials)</i>	Sensitive Data Form Civil Case

Petitioner(s) <i>(your name or names)</i>	

Pursuant to the Privacy and Access Rules of the Montana Supreme Court (AF 06-0377) sensitive data should not be filed or included in a case record, except on this form. Sensitive data is defined as social security numbers, bank account numbers, credit card numbers, other financial account numbers, dates of birth and full names of minor children (unless required to be made public by law). The Clerk will secure this form separately from other case records and will prohibit access to this information except as provided by Section 4.60 (c) of the **Rules on Public Access to Court Records** (available @ www.courts.mt.gov).

Information about Plaintiff		
	<input type="checkbox"/> Full Date of Birth	
	<input type="checkbox"/> Social Security Number	
	<input type="checkbox"/> Financial Account Numbers	

Information about Defendant		
	<input type="checkbox"/> Full Date of Birth	
	<input type="checkbox"/> Social Security Number	
	<input type="checkbox"/> Financial Account Numbers	

Information about Children				
Name Used in Court Document	Full Legal Name	Date of Birth	Age	Social Security

Date: _____ Signature: _____
mm/dd/yyyy Sign here

Print name: _____

NOTE: The other party will have access to this sensitive data sheet.

Your name

Your mailing address

City State Zip

Your phone number

Montana _____ **Judicial District Court**

Number of the judicial district where you are filing

County
Name of the county where you are filing

In the Matter of the Guardianship of

(write "Child" or the child's initials)

Petitioner(s) (your name or names)

Cause No. _____
(to be filled out by Clerk of Court)

NOTICE OF FILING

On _____ day of _____, _____, I filed with the
(date) (month) (year)

Clerk of Court the following documents:

_____.

I previously sent these documents to you when you received a copy of the

Motion to Keep Certain Information Confidential.

Date: _____
(mm/dd/yyyy)

Signature: _____
(sign your name)

Printed Name: _____
(print your name)

State of Montana)
) : ss
Count of _____)

Signed and sworn to (or affirmed) before me on _____ day of
_____, 20____ by _____.

(SEAL)

Signature _____
Name (*printed*): _____
Notary Public for the State of _____
Residing at _____
My Commission Expires _____
mm-dd-yyyy

Your name(s)

Your mailing address

City State ZIP

Your phone number

Petitioner(s) pro se

Montana _____ **Judicial District Court**
(number of the judicial district where you are filing)

_____ **County**
(name of the county where you are filing)

In the Matter of the Guardianship of

(write "Child" or the child's initials)

Petitioner(s) (your name or names)

Cause No.: _____
(filled out by Clerk of District Court)

**Petition for
Guardianship of a
Minor Child**

I (we) would like this Court to make me (us) the guardian(s) of a minor child.

1 Information About Me (Us)

Name(s): _____

Age(s): _____

Address: _____

City: _____ State: _____ County: _____

Relation to the Child: _____

2 Information About the Minor Child

Name (write "Child" or child's initials): _____

Age: _____

Address: _____

City: _____ State: _____ County: _____

Does the child live with you? ☐ Yes / ☐ No

If yes, how long has the child lived with you? _____

Is the child married? ☐ Yes / ☐ No

Is the child (1) an enrolled member of an Indian tribe, or (2) the biological child of a tribal member and eligible for enrollment? ☐ Yes / ☐ No

Is the child 14 or older? ☐ Yes / ☐ No

If the child is 14 or older, does the child nominate you as his or her guardian(s)? ☐ Yes / ☐ No / ☐ the child is under 14

3 Information About the Child's Parents

Mother's Name: _____

Age (or deceased): _____

Address: _____

City: _____ State: _____ County: _____

The child's Mother (*check all that apply*):

- ☐ is no longer living.
- ☐ has had her custody rights to the child terminated.
- ☐ has had her custody rights to the child suspended or limited by circumstances.
- ☐ has had her custody rights to the child suspended or limited by court order.
- ☐ consents to this Guardianship.
- ☐ has been asked about this Guardianship and does not consent.

I ☐ can / ☐ cannot find the Mother to tell her about this petition. If I cannot find her, this is what I have done to try to locate her:

Father's Name: _____

Age (or deceased): _____

Address: _____

City: _____ State: _____ County: _____

The child's Father (*check all that apply*):

- ☐ is no longer living.
- ☐ has had his custody rights to the child terminated.
- ☐ has had his custody rights to the child suspended or limited by circumstances.
- ☐ has had his custody rights to the child suspended or limited by court order.
- ☐ consents to this Guardianship.
- ☐ has been asked about this Guardianship and does not consent.

I ☐ can / ☐ cannot find the Father to tell him about this petition. If I cannot find him, this is what I have done to try to locate him:

4 Child's Best Interests

It is in the minor child's best interests for the Court to appoint the
Petitioner(s) as the child's guardian(s). Montana Code Annotated § 72-5-

223. The Petitioner(s) is (are) capable and qualified to serve as the guardian(s) of the minor child.

5 Notice

The following people must be given notice of the time and date of the hearing on this Petition (*check all that apply and, if you cannot find the person's name or address, write "cannot find"*):

☐ The child (*only if the child is 14 or older, at address above*)

☐ The person who has had care and custody of the child for the 60 days before the Petition was filed (*only if this person is not a Petitioner in this case*):

Name: _____

Address: _____

☐ The child's natural mother (*only if still living*):

Name: _____

Address: _____

☐ The child's natural father (*only if still living*):

Name: _____

Address: _____

6 Minor Child's Property (*check one*):

☐ The minor child has no assets or property other than personal belongings.

☐ The minor child has the following assets and property (*list the property owned by the child*): _____

7 Other Guardianship Actions

No other guardian of the minor child has been appointed by court order.
There have been no other actions for appointment of a guardian filed in any other court.

I (we) respectfully ask this Court to:

1. Schedule a hearing to decide this matter;
2. Find the child named in this Petition to be a minor whose best interests would be served by having the Petitioner(s) appointed guardian(s);
3. Appoint me (us) as guardian(s) of the minor child;
4. Issue Letters of Guardianship to me (us); and
5. Order any other relief the Court decides is just and proper.

Note: *You must sign and date this Petition. By signing, you are stating that:*

- *You have read the Petition;*
- *The information in the Petition is true to the best of your knowledge; and*
- *You are not using this Petition for an improper reason.*

Date: _____
(mm/dd/yyyy)

Signature: _____
(sign your name)

Printed Name: _____
(print your name)

State of Montana)
) ss
County of _____)

Signed and sworn to (or affirmed) before me on ____ day of
_____, 20____ by _____.

(SEAL)

Signature _____
Name (printed): _____
Notary Public for the State of _____
Residing at _____
My Commission Expires _____
mm-dd-yyyy

Name(s) of Petitioner(s)

Petitioner's or Petitioners' mailing address

City State ZIP

Phone number

Petitioner pro se

Montana _____ **Judicial District Court**
(number of the judicial district where you are filing)

_____ **County**
(name of the county where you are filing)

In the Matter of the Guardianship of

(write "Child" or the child's initials)

Petitioner(s) (name or names of petitioners)

Cause No.: _____
(filled out by Clerk of District Court)

**Parent's Consent
to Appointment of
Guardian(s) for
Minor Child**

I am the minor child's parent. I declare, under penalty of perjury, that the following information is true and correct:

1. My full name is: _____.

2. I am the ☐ Mother / ☐ Father of _____.
(write "Child" or child's initials)
3. I agree that my parental rights have been terminated, suspended or limited by circumstances. I also agree that the Petitioner(s) in this case should be appointed guardian(s) of my minor child. I realize this means I will not have parental rights during the guardianship. The Petitioner(s) is (are) qualified and capable of serving as guardian of the minor child. Appointing the Petitioner(s) as guardian(s) of my minor child is in the child's best interests.
4. No other guardian for the minor child has been appointed by any court order. There are no other proceedings for appointment of a guardian filed in any other court.
5. The minor child (*check one*):
- ☐ has no assets or property other than personal belongings.
- ☐ has the following assets and property (*list the property owned by the child*): _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

6. I give my consent to the appointment of the Petitioner(s) as guardian(s) of my minor child. I ask the court to issue Letters of Guardianship to the Petitioner(s).

Date: _____
(mm/dd/yyyy)

Signature: _____
(sign your name)

Printed Name: _____
(print your name)

State of Montana)
) : ss
County of _____)

Signed and sworn to (or affirmed) before me on _____ day of
_____, 20____ by _____.

(SEAL)

Signature _____
Name (*printed*): _____
Notary Public for the State of _____
Residing at _____
My Commission Expires _____
mm-dd-yyyy

Name(s) of Petitioner(s)

Petitioner's or Petitioners' mailing address

City State ZIP

Phone number

Petitioner pro se

Montana _____ **Judicial District Court**
(number of the judicial district where you are filing)

_____ **County**
(name of the county where you are filing)

In the Matter of the Guardianship of

(write "Child" or child's initials)

Petitioner(s) (name or names of petitioners)

Cause No.: _____
(filled out by Clerk of District Court)

**Nomination of
Guardian(s) by
Minor Child Age
14 or Older**

I am the minor child in this case. I declare, under penalty of perjury, that the following information is true and correct:

1. My parents' parental rights have been terminated, suspended or limited by circumstances. I nominate the Petitioner(s) in this case to be appointed as my guardian(s).

2. I ask the court to issue Letters of Guardianship to the Petitioner(s).

Date: _____
(mm/dd/yyyy)

Signature: _____
(child's signature)

Printed Name: _____
(child's printed name)

State of Montana)
) : ss
County of _____)

Signed and sworn to (or affirmed) before me on _____ day of
_____, 20____ by _____.

(SEAL)

Signature _____
Name (printed): _____
Notary Public for the State of _____
Residing at _____
My Commission Expires _____
mm-dd-yyyy

Montana _____ Judicial District Court
(number of the judicial district where you are filing)

_____**County**
(name of the county where you are filing)

<p>In the Matter of the Guardianship of _____:</p> <p>(write "Child" or child's initials)</p> <p>_____</p> <p>_____</p> <p>Petitioner(s) (your name or names)</p>	<p>Cause No.: _____</p> <p>(filled out by Clerk of District Court)</p> <p>Order Setting Hearing</p>
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This Court orders:

Guardianship Hearing

The hearing on the Petition for Guardianship of a Minor Child filed in this case is set for:

- Date: _____
(mm/dd/yyyy)
- Time: _____ ☐ a.m. / ☐ p.m.
- Court: _____
(Court name)
- Place: _____
(Court address)

Notice of Hearing (*choose one option from the far left*):

- ☐ The Petitioner(s) must give notice of the hearing by mail or hand-delivery at least 14 days before the hearing to (*check all that apply*):

☐ The child (*only if the child is 14 or older, at address in petition*)

☐ The person who has had care and custody of the child for the 60 days before the Petition was filed (*only if this person is not a Petitioner*):

Name: _____

Address: _____

☐ The child's natural mother (*only if still living*):

Name: _____

Address: _____

☐ The child's natural father (*only if still living*):

Name: _____

Address: _____

- ☐ The Petitioner(s) must publish notice of this hearing in the (*name of newspaper*):_____.

The name of the child will be included in the published notice. If the paper is published once a week, the notice must be published for 3 weeks in a row. If the newspaper is published more than once a week, the notice must be published on at least 3 different days. There must be at least 10 days between the first and last day of publication.

Date: _____

DISTRICT COURT JUDGE

Your name(s)

Your mailing address

City State ZIP

Your phone number

Petitioner(s) Pro Se

Montana _____ **Judicial District Court**
(number of the judicial district where you are filing)

_____ **County**
(name of the county where you are filing)

In the Matter of the Guardianship of

: (write "Child" or child's initials)

Petitioner(s) (your name or names)

Cause No.: _____
(filled out by Clerk of District Court)

Notice of Hearing on Guardianship of Minor Child

This is notice that Petitioner(s) asked to become the guardian(s) of a minor child.

The hearing will be on (date) _____ at _____ ☐ a.m. / ☐ p.m.
(mm/dd/yyyy) (time)

The hearing will be at the Courthouse in _____ County.
(name of county)

Date: _____

Clerk of District Court

By: _____
Deputy Clerk of Court

Montana _____ Judicial District Court
(number of the judicial district where you are filing)

(name of the county where you are filing)

In the Matter of the Guardianship of _____ (write "Child" or child's initials) _____ _____ Petitioner(s) (your name or names)	Cause No.: _____ (filled out by Clerk of District Court) Order Appointing Guardian(s) of Minor Child
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A Petition for Guardianship of a Minor Child was filed in this case. A hearing was held on (date): _____. Based on the evidence, the Court finds:

Findings of Fact

1 Information about Petitioner(s)

Name(s): _____

Age(s): _____

Address: _____

City: _____ State: _____ County: _____

Relation to the Child: _____

2 Information about Minor Child

Name (write "Child" or child's initials): _____

Age: _____

Address: _____

City: _____ State: _____ County: _____

The child ☐ lives with / ☐ does not live with the Petitioner(s).

If the child lives with the Petitioner(s), the child has lived there for (*how long*): _____

The child is not married.

The child is not an enrolled member of an Indian tribe, or the biological child of a tribal member and eligible for enrollment.

If the child is 14 or older, the child ☐ does / ☐ does not want the Petitioner(s) to be his or her guardian(s).

3 Information about Child's Parents

Mother's Name: _____

Age (or deceased): _____

Address: _____

City: _____ State: _____ County: _____

The child's Mother (*check all that apply*):

- ☐ is no longer living.
- ☐ has had her custody rights to the child terminated.
- ☐ has had her custody rights to the child suspended or limited by circumstances.
- ☐ has had her custody rights to the child suspended or limited by court order.
- ☐ consents to this Guardianship.
- ☐ was asked about this Guardianship and did not consent.
- ☐ could not be located after reasonable efforts by the Petitioner(s).

Father's Name: _____

Age (or deceased): _____

Address: _____

City: _____ State: _____ County: _____

The child's Father (*check all that apply*):

- ☐ is no longer living.
- ☐ has had his custody rights to the child terminated.
- ☐ has had his custody rights to the child suspended or limited by circumstances.
- ☐ has had his custody rights to the child suspended or limited by court order.
- ☐ consents to this Guardianship.
- ☐ was asked about this Guardianship and did not consent.
- ☐ could not be located after reasonable efforts by the Petitioner(s).

5 Notice

The following people were given proper notice of the time and date of the hearing on this Petition (*check all that apply*):

- ☐ The child (*only if the child is 14 or older*)
- ☐ The person who has had care and custody of the child for the 60 days before the Petition was filed (*only if this person is not a Petitioner*):

Name: _____

Address: _____

- ☐ The child's natural mother (*only if still living*):
Name: _____
Address: _____
- ☐ The child's natural father (*only if still living*):
Name: _____
Address: _____

6 Minor Child's Property (*check one*)

- ☐ The minor child has no assets or property other than personal belongings.
- ☐ The minor child has the following assets and property (*list the property owned by the child*):

7 Other Guardianship Actions

No other guardian of the minor child has been appointed by court order.
There have been no other actions for appointment of a guardian filed in any other court.

Conclusions of Law

- 1** The Court has jurisdiction over the parties and the subject matter of this proceeding. The venue of this proceeding is proper because the child lives in this county. Montana Code Annotated § 72-5-221.
- 2** The Petitioner(s) is (are) capable and qualified to serve as the guardian of the minor child.

- 3** It is in the child's best interests for the Petitioner(s) to be appointed guardian(s) of the minor child. Montana Code Annotated § 72-5-223.

Order

This Court orders that:

1 Guardian Appointment

The Petitioner(s) is (are) appointed as the guardian(s) of the minor child.

2 Letters of Guardianship

The Court will issue Letters of Guardianship to the Petitioner(s). The Clerk is directed to fill out the Letters of Guardianship, including the name of the child in the caption. The Letters will be kept with the sensitive data sheet to comply with the Montana Supreme Court Privacy and Access Rules.

3 Notice

Copies of this order must be sent to the following (*check all that apply*):

- ☐ The person who has had care and custody of the child for the 60 days before the Petition was filed (*only if this person is not a Petitioner*):
Name: _____
Address: _____
- ☐ The child's natural mother (*only if still living*):
Name: _____
Address: _____
- ☐ The child's natural father (*only if still living*):
Name: _____
Address: _____

Date: _____

DISTRICT COURT JUDGE

Montana _____ Judicial District Court

_____ County

(Note: this entire form will be filled out by the Clerk of Court, and signed by
Petitioner(s) in front of a Notary)

In the Matter of the Guardianship of

(minor child's name—to be filled out
by Clerk of District Court)

Petitioner(s)

Cause No.: _____
(filled out by Clerk of District
Court)

**Letters of
Guardianship**

This Court appointed the Petitioner(s) as guardian(s) of the minor child on
(date): _____. These Letters of Guardianship are issued to
(name/s of petitioner/s) _____
as evidence of the appointment, qualifications, and authorities of guardianship.

Witness my signature and Seal of the Court on (date): _____.

(Court Seal)

Clerk of District Court

By: _____
Deputy Clerk of Court

I (we), _____, accept the duties as
(name/s of petitioner/s)
guardian(s) of the minor child named in this case. I (we) solemnly swear that I
(we) will perform the duties of this guardianship according to the law.

Signature(s) of Petitioner(s):

Date: _____
(mm/dd/yyyy)

Signature: _____
(Petitioner signature)

Printed Name: _____
(print Petitioner's name)

State of Montana)

): ss

County of _____)

Signed and sworn to (or affirmed) before me on _____ day of

_____, 20____ by _____.

(SEAL)

Signature _____

Name (printed): _____

Notary Public for the State of _____

Residing at _____

My Commission Expires _____

mm-dd-yyyy

Date: _____
(mm/dd/yyyy)

Signature: _____
(Petitioner's signature)

Printed Name: _____
(print Petitioner's name)

State of Montana)

): ss

County of _____)

Signed and sworn to (or affirmed) before me on _____ day of

_____, 20____ by _____.

(SEAL)

Signature _____

Name (printed): _____

Notary Public for the State of _____

Residing at _____

My Commission Expires _____

mm-dd-yyyy