



ADULT GUARDIANSHIP PACKET

MIAMI TRIBE OF OKLAHOMA DISTRICT COURT
3510 P ST NW MIAMI, OK 74354

The forms in this packet are to be used for your use as a guide or as the actual document you will file when seeking guardianship of an adult. Please read the instructions carefully before completing the forms.

Remember that the Court Clerks cannot accept petitions that do not conform to the instructions in this packet. Should you need assistance in preparing the petition, you must consult an attorney at your own expense or your local legal aid. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and in helping parties complete or prepare court documents. Court Clerks cannot advise you on how to proceed or what forms may be necessary in specific situations.

Read all the instructions before completing forms to ensure that you qualify to file for guardianship in the Miami Tribe of Oklahoma District Court. In order to file in the Miami Tribe of District Court, you, the Petitioner, must be an enrolled member of the Miami Tribe.

PACKET CONTAINS

- INSTRUCTION SHEET
- PETITION FOR APPOINTMENT OF A GUARDIAN
- CONSENT TO JURISDICTION
- ENTRY OF APPEARANCE AND WAIVER

Court Clerk's Office Hours:

8:00 AM – 4:30 pm (closed 12:00 pm – 1:00 pm) Monday – Thursday

8:00 AM – 3:00 pm (closed 12:00 pm – 1:00 pm) Friday

Closed on all Federal holidays

Court Clerk's Office Mailing Address:

P.O. Box 1326

Miami, Oklahoma 74355-0970

Court Clerk's Office Contact Information:

Michelle Lankford, Court Clerk

Email: mlankford@miamination.com

Phone: (918) 541-1456

Fax: (918) 542-2117



PETITION FOR APPOINTMENT OF A GUARDIAN

INSTRUCTION SHEET

These standard instructions are informational purposes only and do not constitute legal advice about your case. If you do not understand this information, please contact an attorney.

1. Petition for Appointment of a Guardian MUST be signed in front of the Court Clerk or a Notary Public when you are ready to file.

2. COMPLETE FORMS

- Petition for Appointment of a Guardian
- Consent to Jurisdiction (if Petitioner is not an enrolled member of the Miami Tribe of Oklahoma)
- Entry of Appearance and Waiver (if there are relatives who waive their guardianship rights)

NOTE: (All required fields MUST be filled in, if the field does not apply to you then insert 'N/A'. Blanks WILL NOT be accepted.)

3. OBTAIN COPIES OF REQUIRED DOCUMENTS. (This is the YOUR responsibility)

- Tribal Enrollment Verification(s)
- ID(s)
- Birth Certificate for adult incapacitated
- Medical documents that ID disability
- Formal medical documentation to substantiate the need for this adult guardianship

4. FILING FEE

A Filing Fee of \$35.00 MUST be paid at the time of filing your petition. Filing Fees MUST be made in the form of a Cashiers' Check or Money Order made payable to "Miami Tribe of Oklahoma District Court" or cash in the exact amount. The Court does not keep cash on hand to make change.

5. Submit original Petition for Appointment of a Guardian, other completed forms and all required documents for the Court file. The Court Clerk will provide you one copy of the petition for your own records.

6. If all forms, documents and filing fees are not submitted at the time of filing, it will be returned to you, until you obtain ALL required forms, documents and filing fees for filing.

MIAMI TRIBE OF OKLAHOMA DISTRICT COURT
CIVIL DIVISION
3510 P ST. NW MIAMI, OK 74354

IN THE MATTER OF THE GUARDIANSHIP OF:

CASE NO. PG-_____

An Adult.

PETITION FOR APPOINTMENT OF A GUARDIAN

Petitioner, Proposed Guardian(s) ("Petitioner"), petition this Court for the appointment as the guardian(s) of the person and estate of Proposed Ward. In support of the Petition, Petitioner shows the Court:

1. JURISDICTION

This Court has jurisdiction over this matter for the reasons set forth.

- a. The above-named adult is a member of or is eligible for enrollment in the Miami Tribe of Oklahoma. Enrollment number _____. (*proof of enrollment attached*)

2. INFORMATION ABOUT THE PETITIONER(S)

The Petitioner(s) are:

- There is only one Petitioner Reside as common law spouses
 Married to each other Are not married to each other
 Other: Describe Relationship: _____

Petitioner #1

Address: _____, _____, _____, _____
City State Zip

Date of Birth: ____ / ____ / ____

Relationship to Adult: _____

Tribal Affiliation: _____ Enrollment Number: _____ (*proof of enrollment attached*)

Petitioner #2

Address: _____, _____, _____, _____
City State Zip

Date of Birth: ____ / ____ / ____

Relationship to Adult: _____

Tribal Affiliation: _____ Enrollment Number: _____ (*proof of enrollment attached*)

3. INFORMATION ABOUT THE PROPOSED WARD

The Adult is:

Age: _____ Male Female Date of Birth: ____ / ____ / ____

Marital Status: Single Married Divorced Separated Widowed

Current Address: _____, _____, _____, _____
City State Zip

Currently residing with: _____

Relationship: _____ Duration: _____

a. The adult is in need of a guardian because he/she lacks sufficient understanding or capacity to make or communicate informed decisions concerning his/her person due to: *(medical document's attached)*

- Mental Illness
- Physical illness or disability
- Physical illness or disability
- Chronic intoxication
- Mental deficiency

Other: _____

b. The adult receives money from _____ in the amount of \$ _____ per month.

c. Following are specific facts about the adult's condition and specific examples of the adult's recent conduct that demonstrate the need for the appointment of a guardian:

4. RELATIVES

The following information relates to the adult’s closest blood relatives whom are entitled to notice of the filing of this Petition:

No other entitled relative(s)

	Name	Address	Relation
1.			
2.			
3.			
4.			
5.			
6.			

4. REAL PERSONAL PROPERTY (land, home or held in trust):

Adult does not own any real property.

Real Property Address	Tax Parcel Number	Present Value

Other (specify): _____

5. PERSONAL PROPERTY. (possessions, assets, or business interests of any kind) (check one):

Adult does not own any personal property

List Property (includes vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc.
Do not list more than the last four digits of any account number)

List Property	Present Value

Other (specify): _____

6. STATEMENT

Petitioner's statement of the reason that a relationship of legal guardianship be established between Petitioner and the adult:

THEREFORE, the Petitioner(s) respectfully requests an Order appointing Petitioner(s) as the Legal Guardian of the above-named adult.

I have read the Petition for Appointment of Guardian and the statements are true, accurate, and complete to the best of my knowledge and belief.

Dated this ____ day of _____, 20__.

Signature of Petitioner

Signature of Petitioner

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

Notary Public

**MIAMI TRIBE OF OKLAHOMA DISTRICT COURT
CIVIL DIVISION
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**IN THE MATTER OF THE
GUARDIANSHIP OF:**

CASE NO. PG-_____

An Adult.

CONSENT TO JURISDICTION

I, _____, the Petitioner for the appointment of guardianship of above-named adult hereby expressly recognizes that the benefit sought or presently enjoyed from the Miami Tribe of Oklahoma regarding the above-named matter is a privilege and a benefit to the undersigned and not a property interest or matter of right. In consideration of, and as a condition precedent to, the grant, issuance or continued enjoyment of this privilege and benefit, regardless of whether the undersigned is of Indian or non-Indian blood, descent or legal character, I hereby stipulate and agree that jurisdiction over all matters and disputes arising out of the exercise of such a benefit and privilege shall vest in the Miami Tribe of Oklahoma District Court. I further stipulate to be bound by all Miami Tribe of Oklahoma laws governing such benefits, privileges and activities. I further expressly waive all future rights to contest the jurisdiction of the Courts of Miami Tribe over the above-named matter.

Dated this _____ day of _____, 20____.
(Day) *(Month)* *(Year)*

Signature

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

Name: _____
Address: _____
City/State/Zip: _____
Telephone: _____

Notary Public

**MIAMI TRIBE OF OKLAHOMA DISTRICT COURT
CIVIL DIVISION
3510 P ST. NW MIAMI, OK 74354**

**IN THE MATTER OF THE
GUARDIANSHIP OF:**

CASE NO. PG-_____

An Adult.

ENTRY OF APPEARANCE AND WAIVER

I, the undersigned relative of the _____, being one of the persons having a right to the appointment of guardianship over the above-named adult, 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 the guardian over the above-named person and estate. Should I have objected 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____.

(Day) (Month) (Year)

Signature

Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Subscribed to and sworn to before me on this

_____ day of _____, 20____.

Notary Public