



GUARDIANSHIP OF MINOR CHILD PACKET

MIAMI TRIBE OF OKLAHOMA DISTRICT COURT

The forms in this packet are prepared for your use as a guide or as the actual document you will file when seeking guardianship of a minor child/children. 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 a petition 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
- CONTACT INFORMATION SHEET
- PETITION FOR GUARDIANSHIP
- CONSENT TO APPOINTMENTS OF GUARDIANS
- CONSENT TO JURISDICTION

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

Court Clerk's Office Contact Information:

Email: mlankford@miamination.com

Phone: (918) 541-1456

Fax: (918) 512-7929

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.

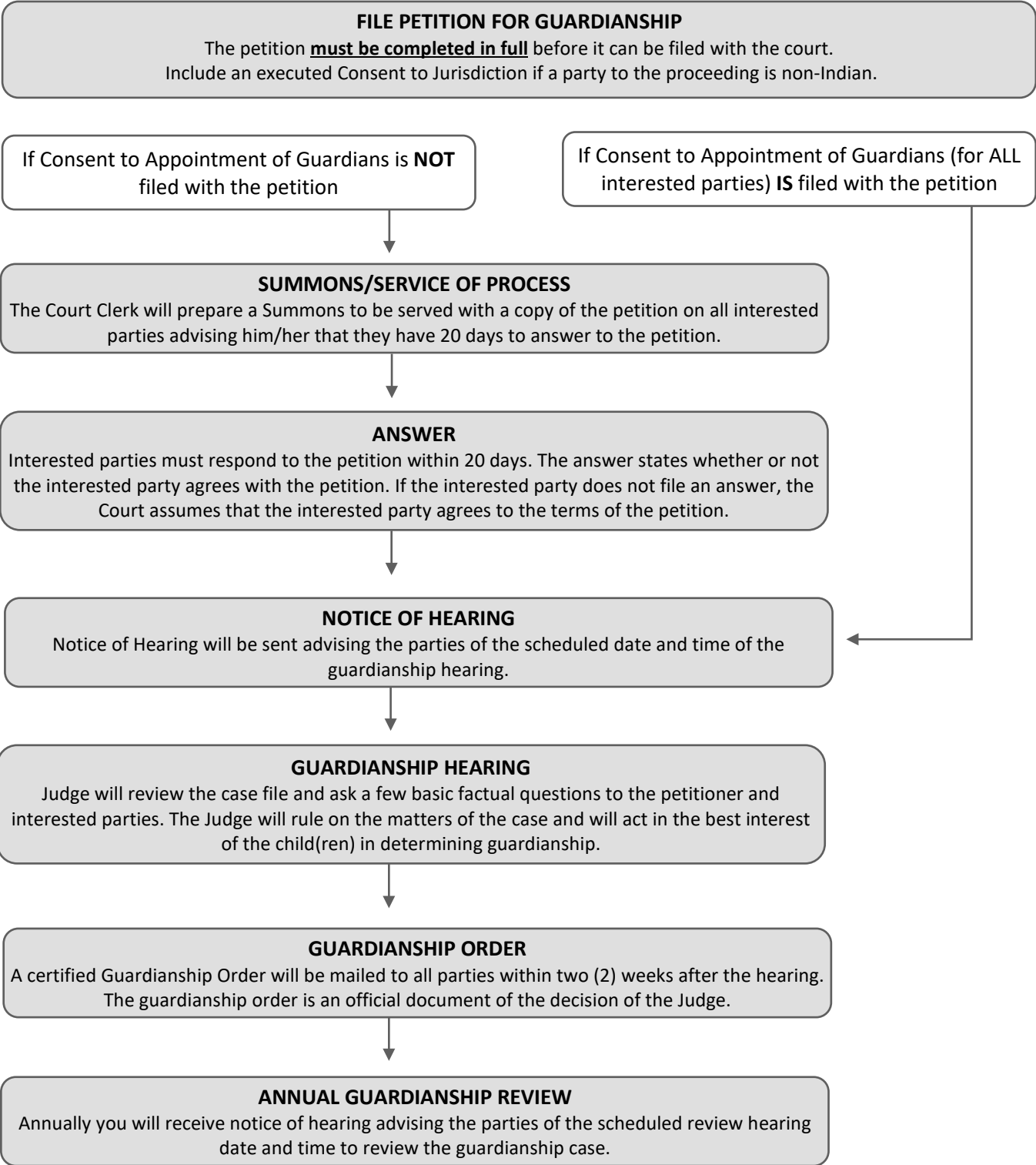
1. Petition for Guardianship MUST be signed in front of the Court Clerk or a Notary Public when you are ready to file.
2. COMPLETE FORMS
 - Petition for Guardianship
 - Consent to Appointment of Guardians and Waiver
 - Consent to Jurisdiction (if a party is non-Indian)
 - Contact Information Sheet

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 minor child/children
4. FILING FEE

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.

MINOR GUARDIANSHIP PROCESS FLOW CHART



CONTACT INFORMATION SHEET

To ensure that the Miami Tribe of Oklahoma has the most current contact information on file, please complete this form and return it with your Petition. Please keep our office updated on any changes that may occur to this information sheet.

PETITIONER'S INFORMATION

Name: Last: _____ First: _____ Middle: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Contact Number: _____ Alternate Number: _____
Email: _____
Tribal Affiliation: _____

ATTORNEY

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact Number: _____ Email: _____

MOTHER'S INFORMATION

Name: Last: _____ First: _____ Middle: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Contact Number: _____ Alternate Number: _____
Email: _____
Tribal Affiliation: _____

ATTORNEY

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact Number: _____ Email: _____

FATHER'S INFORMATION

Name: Last: _____ First: _____ Middle: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Contact Number: _____ Alternate Number: _____
Email: _____
Tribal Affiliation: _____

ATTORNEY

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact Number: _____ Email: _____

IN THE DISTRICT COURT OF THE MIAMI TRIBE OF OKLAHOMA

IN THE MATTER OF: _____ _____ _____ _____ Minor Indian Child(ren).	DOB: _____ DOB: _____ DOB: _____ DOB: _____	Case No.: PG- _____
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PETITION FOR GUARDIANSHIP

COME NOW the Petitioner(s), _____, and presents to this Court that the above-named minor child(ren) are in need of this petitioned Guardianship, alleged and state as follows:

1. This matter falls within the jurisdiction of the Tribal Court for the reasons set forth:
 - a. The child(ren) are enrolled members of the Miami Tribe of Oklahoma and **proof of enrollment is attached.**
 - b. The child(ren) are eligible for enrollment with the Miami Tribe of Oklahoma and **proof of my eligibility is attached.**

2. The minor child(ren) are currently residing at _____
(Address, City, State, Zip)
and has lived at this address for _____.
(Months or Years)

3. The minor child(ren) needs a guardian appointed to provide for her/his care and maintenance and to oversee her/his affairs, both medically and financially

4. The Petitioner is the _____ of the minor child(ren) and;
(Relationship to child(ren))
 - a. Petitioner is an enrolled member of the Miami Tribe of Oklahoma and **proof of enrollment is attached** or,
 - b. Petitioner is not an enrolled member of the Miami Tribe of Oklahoma and has willingly signed the Consent to Jurisdiction to participate in the proceedings and is affirmatively willingly submitting to the jurisdiction of the Miami Tribe of Oklahoma District Court.
 - c. Petitioner has not filed bankruptcy within the past seven (7) years.
 - d. Petitioner has not committed a felony and is not under any Order to register as a Sex Offender.

5. That the natural mother's full name is _____;
mailing address _____.
(Address, City, State, Zip)

6. That the natural father's full name is _____;
mailing address _____.
(Address, City, State, Zip)

7. The following adults (18 years or older) reside in the home, or will frequently stay in the residence:

Full Legal Name	DOB	Sex	Last four #'s of SSN
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	

8. To the best of my knowledge, information and belief, neither the Miami Tribe of Oklahoma nor any other state including the State of Oklahoma or tribe have an open investigation concerning the welfare of the child(ren).

OR

There is an open investigation by _____ involving the child(ren).

9. To the best of my knowledge, information and belief, there is no other custody proceeding pending in any state or other jurisdiction concerning a child subject to this petition.

OR

There is a current pending custody matter in the Court of _____, Case Number: _____ of what type? _____.

10. That the Petitioner is capable and willing to assume the responsibility of being the guardian of the minor child(ren).

11. That the Petitioner is a fit and proper person to be appointed guardian to oversee the care and maintenance of the minor child(ren).

12. That according to the Petitioner's knowledge, the minor child(ren), does not have a Court appointed guardian, and a guardian needs to be appointed for the reason that:

13. It is the best interests of the child(ren) that this Court appoint the Petitioner(s) as Guardian.

I declare under penalty of perjury under the laws of The Miami Tribe of Oklahoma and the State of Oklahoma that the foregoing is true and correct.

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

**IN THE DISTRICT COURT OF
THE MIAMI TRIBE OF OKLAHOMA**

IN THE MATTER OF:

DOB: _____

DOB: _____

DOB: _____

DOB: _____

Case No.: PG- _____

Minor Indian Child(ren).

CONSENT TO APPOINTMENTS OF GUARDIANS AND WAIVER

COMES NOW, _____, the undersigned relative of the above-named child(ren) and enters a voluntary appearance in this cause and submits to the jurisdiction of the Miami Tribe of Oklahoma, do hereby waive my rights to said appointment in favor of _____, Petitioner herein, and I respectfully pray that the Court will appoint Petitioner, as guardian over the above listed 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 _____, 20__.

Signature

Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Email: _____

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

My Commission Expires: _____

Notary Public

Court Clerk

**IN THE DISTRICT COURT OF
THE MIAMI TRIBE OF OKLAHOMA**

IN THE MATTER OF:

Case No.: _____

CONSENT TO JURISDICTION

I, _____, 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.

Signed this ____ day of _____, 20__.

Signature

Printed Name

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

Notary Public

My Commission Expires: _____

Court Clerk