

# GUARDIANSHIP OF ADULT PACKET



## IN THE DISTRICT COURT OF WYANDOTTE NATION

**Wyandotte Nation Courts**  
**64700 E Hwy 60**  
**Wyandotte, Ok 74370**

**Court Clerk Phone: 918-678-6342**  
**Court Administrator Phone: 918-678-6394**  
**Fax: 918-676-7002**

The forms in this packet are to be used as a template, if you are seeking a Guardianship of Adult. Please read the instructions carefully before completing the forms. The Court Clerk CANNOT accept a Petition that is not filled out completely.

Should you need assistance in preparing the Petition, you must consult with an Attorney at your own expense. This court does not have Legal Aid. The Court Clerk is prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or type court documents. Different situations may require special procedures and the Court Clerk CANNOT advise you on how to proceed or what forms may be necessary in specific situations.

Packet contains:

1. Instructions
2. Flow Chart
3. Petition
4. Entry Of Appearance & Waiver



IN THE DISTRICT COURT OF WYANDOTTE NATION

**INSTRUCTIONS**

**PETITION FOR GUARDIANSHIP OF ADULT**

**IMPORTANT INFORMATION-PLEASE READ!**

1. Petition for Guardianship of Adult must be filled out completely to the best of your knowledge and ability.
2. Petition for Guardianship of Adult must be signed in front of the Court Clerk or a Notary Public when you are ready to file.
3. Filing fees, copy fees, etc., must be made in the form of **CASH, CASHIER’S CHECK, MONEY ORDER, DEBIT/CREDIT CARD OR E-CHECK (there is a processing fee when using a debit/credit card or e-check)** and must be payable to **“Wyandotte Nation Courts”**. Filing fees **MUST** be paid at the time of filing your Petition. If you are unsure of the amount of filing fees, contact the Court Clerk.
4. Submit original Petition for Guardianship of Adult and a copy for each of the interested parties, who has NOT signed an Entry of Appearance and Waiver and a copy for you, if you want a copy of the Petition for Guardianship of Adult for your records. If the Court Clerk makes any copies, you will be charged \$1.00 for the first page and \$.50 for each additional page.

**FILING FEES-GUARDIANSHIP OF ADULT**

**FEE**

Petition for Guardianship of Adult (Relative).....	\$40.00
Petition for Guardianship of Adult (Non Relative).....	\$60.00
Service (Certified Mail) .....	\$ Per USPS
Service (Tribal PD) .....	\$30.00
Service (Process Server) .....	\$Actual Cost

**NOTE-THERE IS NO SERVICE FEE ON THE INTERESTED PARTY (IES) THAT AGREE TO SIGN AN ENTRY OF APPEARANCE AND WAIVER**

**OFFICE HOURS: 8:00AM-12:00PM and 1:00PM-4:30PM, MONDAY-THURSDAY  
8:00AM-12:00PM and 1:00PM-3:30PM FRIDAY**

Mailing Address: Wyandotte Nation Courts  
64700 E Hwy 60  
Wyandotte, Ok 74370

Physical Address: 64700 E Hwy 60  
Wyandotte, Ok 74370

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# GUARDIANSHIP FLOW CHART: Guardianship Process

**"PETITION FOR GUARDIANSHIP"** - The petitioner prepares and files the petition with the Court Clerk. This is the document filed by the petitioner to start the guardianship action.

*If Entry of Appearance & Waiver(s) is NOT filed with the Petition for Guardianship.*



**"SUMMONS"** - The Court Clerk will prepare *summons* to all interested parties advising him/her that they have 30 days to answer to the petition.

**"SERVICE OF PROCESS"** - Serve all interested parties with a copy of petition and summons sent by certified mail, served by Tribal PD or Process Server.

**"ANSWER"** - Respondent must respond to the petition within 30 days. The *answer* states whether or not the respondent agrees with the petition. If the respondent doesn't file an answer, the Court assumes that the respondent agrees to the terms in the petition.

**"NOTICE OF HEARING"** - The petitioner and all interested parties will receive a *notice of hearing* advising the parties of the schedule guardianship hearing date and time.

**"GUARDIANSHIP HEARING"** - The Judge will review the case file and ask a few basic factual questions to the petitioner and interested parties. The Judge will rule on matters of the case and will act in the best interest of the incompetent adult in determining guardianship.

**"GUARDIANSHIP ORDER"** - The petitioner will receive a certified guardianship order in the mail 2 weeks after the hearing. The guardianship order is an official document of the decision of the Judge.

**"ANNUAL GUARDIANSHIP REVIEW"** - Annually you will receive notice of hearing advising the parties of the scheduled review hearing date and time to review the guardianship case.

*If Entry of Appearance & Waiver(s) (for ALL interested parties) is filed with the Petition for Guardianship*



**"NOTICE OF HEARING"** - The Court Clerk will fill out and give you a hearing date for the next available hearing.





WYANDOTTE NATION DISTRICT COURT

IN THE MATTER OF THE )  
GUARDIANSHIP OF: )

\_\_\_\_\_, )  
DOB: \_\_\_\_\_; )  
ADULT WARD )

CASE NO: \_\_\_\_\_

PETITION FOR GUARDIANSHIP OF ADULT

COMES NOW, \_\_\_\_\_, Petitioner herein *pro se*, and for this cause of action the Petitioner alleges and states the following:

1. That the adult ward \_\_\_\_\_, (full name)
  - IS an enrolled citizen of the Wyandotte Nation.
  - IS NOT an enrolled citizen of the Wyandotte Nation.
2. That the adult ward is \_\_\_\_\_ years old and was born on \_\_\_\_\_, \_\_\_\_\_ and is a  male  female (check one)
3. That the adult ward resides at \_\_\_\_\_ (address, city, state, & zip) and has lived at this address for \_\_\_\_\_ (months/years).
  - The adult ward IS a resident of the Wyandotte Nation Reservation. (check if applies)
4. That the Petitioner \_\_\_\_\_, (full name) is:
  - an enrolled citizen of the Wyandotte Nation
  - an enrolled citizen of the \_\_\_\_\_ Tribe.
  - is non-Indian.
5. That the Petitioner resides at \_\_\_\_\_ (address, city, state, & zip) and has lived at this address for \_\_\_\_\_ (months/years).
  - The Petitioner IS a resident of the Wyandotte Nation Reservation. (check if applies)





12. That a copy of the results of any physical, psychological or other appropriate professional evaluations of the conditions of the adult ward of the proceeding, which has been completed within sixty (60) days of the filing of the petition:

is attached    is not attached (check one)

13. That a guardianship plan or plans, as appropriate, may be attached to the petition at the time it is filed or may be submitted at the time of the hearing:  is attached    is not attached (check one)

Title 25 Section 6 (i) "**Guardianship plan**" means the plan for the care and treatment of the ward, the plan for the management of the estate of the ward, or both.

Title 25 Section 114-**Guardianship Plan:**

(a) A plan for the care and treatment of the ward and/or plan for the management of the financial resources of a ward shall be filed by the guardian at the initial review hearing and an updated plan shall be filed at each subsequent review hearing.

(b) The proposed guardianship plan and any subsequent guardianship plans for the care and treatment of the ward shall state:

(1) the services which are necessary to meet the essential requirements for the physical health or safety of the ward taking into account the contents and recommendations of any evaluation report made with respect to the ward, and the means for obtaining those services;

(2) the manner in which the guardian or limited guardian, the ward, and the guardian of the property of the ward, will exercise and share decision-making authority; and

(3) such other services necessary to assist in fulfilling the needs of the ward.

14. That the Petitioner is capable and willing to assume the responsibility of being the guardian of the adult ward named in the Petition.

15. That the Petitioner is a fit and proper person to be appointed guardian of the adult ward named in the Petition.

16. That the Petitioner requests to be appointed over the adult ward named in the petition as:

guardian of the person    guardian of the estate (check all that apply)

Title 25 Section 6 (f) A "**guardian of the person**" means an individual who has been appointed by the Court to serve as the guardian of an incapacitated person to assure that the essential requirements for the health and safety of the person are met.

Title 25 Section 6 (g) A "**guardian of the estate**" means an individual who has been appointed by the Court to serve as guardian of the incapacitated person's estate or financial resources.

**WHEREFORE**, the Petitioner prays that the Court will issue an Order appointing the Petitioner guardian of said adult ward as stated in the Petition and that a hearing be set on this matter as soon as the Court deems necessary.

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Petitioner (Signature)

Petitioners Address: \_\_\_\_\_

Petitioner City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

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Petitioner email (if available)

VERIFICATION ATTACHED THERETO



**VERIFICATION**

I, \_\_\_\_\_, being first 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 foregoing Petition for Guardianship of Adult and verify that all of the factual allegations contained in this Petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY.**

\_\_\_\_\_  
Petitioner

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

\_\_\_\_\_  
**Court Clerk/Deputy or Notary Public**

*SEAL*

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



WYANDOTTE NATION DISTRICT COURT

IN THE MATTER OF THE )
GUARDIANSHIP OF: )

DOB: )
ADULT WARD )

CASE NO: \_\_\_\_\_

ENTRY OF APPEARANCE AND WAIVER

I, the undersigned \_\_\_\_\_, 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/or 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

Please print your name & address:

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

Telephone: \_\_\_\_\_

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