

**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

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 \_\_\_\_\_,  
(child), pending notice and hearing. The petitioners further request that the

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.

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(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)                )  
  )  
IN THE MATTER OF:                    )  
  )  
THE GUARDIANSHIP OF:                )  
  )  
\_\_\_\_\_,                                        )  
A Minor.                                    )

IN THE (County) COUNTY SUPERIOR COURT  
CAUSE NO.

**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,

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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 \_\_\_\_.

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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\_\_.

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JUDGE  
(County) COUNTY SUPERIOR COURT