
(Petitioner's name)

(Petitioner's street address)

(city, state, zip code)

(Petitioner's phone number)

MONTANA _____ JUDICIAL DISTRICT COURT,
(number of district in which your county is located)
_____ COUNTY
(name of your county)

In the Matter of the Guardianship of :) **Your Case No.**
)
)
_____,) **PETITION FOR APPOINTMENT OF**
) **GUARDIAN OF A MINOR**
)
a Minor,)
)
_____,)
)
Petitioner.)

COMES NOW, Petitioner, and respectfully states:

1. I am the _____ of the above-named minor. I reside at
Describe your relationship to the minor
_____.

I am genuinely interested in the physical, mental, moral, and emotional health needs of the minor. The welfare and best interests of the minor will be best served by my appointment as guardian of the minor.

2. The minor is _____ years of age. The minor's date of birth is _____.
Minor currently resides at _____
_____.

3. The person who has had the principal care and custody of the minor during the last 60 days is _____, who resides at _____.

4. Venue for this proceeding is proper in this county because

- the minor currently resides in this county.
- the minor currently is present in this county.

5. The minor is not emancipated and does not currently have a guardian by instrument or will. No previous court order has appointed a guardian for the minor. There are no currently pending guardianship proceedings involving this minor.

6. *Choose one:*

- The minor is under 14 years of age.
- The minor is 14 years of age or older and nominates me to be guardian. A copy of the minor's signed nomination is filed herewith.
- The minor is 14 years of age or older and has failed to nominate a guardian.

7. _____ is the minor's natural mother. The minor's mother currently resides at _____.

The custody rights of the minor's mother (*choose one*):

- have been terminated, suspended, or limited by prior court order. A copy of the pertinent court order is attached to this petition.
- have been terminated, suspended, or limited by the following circumstances:
 - The mother has waived her rights to custody and consented to my guardianship of the minor. A copy of the mother's waiver and consent is attached.
 - The mother is incarcerated. A copy of the appropriate sentencing order is attached.
 - The mother has disappeared. A copy of the missing person's police report regarding the mother is attached.
 - The mother does not have the ability to care for the minor because of a mental or physical disability. Appropriate documentation is attached.
 - The mother is deceased. A copy of the mother's death certificate is attached.

Other: *(explain in detail)*: _____

8. Choose one:

_____ is the minor's natural father. The minor's father currently resides at _____.

Paternity has not been established.

9. If paternity has been established, the custody rights of the minor's father (*choose one*):

have been terminated, suspended, or limited by prior court order. A copy of the pertinent court order is attached to this petition.

have been terminated, suspended, or limited by the following circumstances:

The father has waived his parental rights to custody and consented to my guardianship of the minor. A copy of the father's waiver and consent is attached.

The father is incarcerated. A copy of the appropriate sentencing order is attached.

The father has disappeared. A copy of the missing person's police report regarding the father is attached.

The father does not have the ability to care for the minor because of a mental or physical disability. Appropriate documentation is attached.

The father is deceased. A copy of the father's death certificate is attached.

Other: *(explain in detail)*: _____

10. Notice of the time and place of the hearing on this petition is required to be given pursuant to Mont. Code Ann. § 72-5-225 to the following persons (*mark the boxes that fit your circumstances*):

- the minor, _____, who is 14 years of age or older
- _____, the person who has had the principal care and custody of the minor during the last 60 days
- mother of the minor, if still living: _____
- father of the minor, if paternity is established and father is still living: _____

11. Due to the relationship between myself and the minor, I believe that the minor's interests will be adequately represented without the need for the appointment of an attorney from the Office of the State Public Defender to represent the minor.

WHEREFORE, Petitioner requests that:

1. The Court fix a date and time for hearing this Petition.
2. Notice be given as required by Mont. Code Ann. § 72-5-225.
3. The Court appoint Petitioner as guardian of the above-named minor, to serve without bond.
4. Letters of Guardianship be issued by the Court to Petitioner.
5. The Court enter other relief that it deems just and equitable.

DATED this ____ day of _____, _____.
(date) (month) (year)

(Your signature)

State of _____
 County of _____

SIGNED AND SWORN (OR AFFIRMED) to before me on _____, 20__
 by _____.

 Notary Public for the State of _____
 Printed name of notary _____
 Title or rank: _____
 Residing at _____
 My Commission Expires: _____

(your name)

(your street address)

(city, state, zip code)

(your phone number)

MONTANA _____ JUDICIAL DISTRICT COURT,
(number of district in which your county is located)
_____ COUNTY
(name of your county)

In the Matter of the Guardianship of :)
)
_____,)
)
a Minor,)
)
_____,)
)
Petitioner.)

Your Case No.
CONSENT OF PARENT TO
APPOINTMENT OF GUARDIAN OF A
MINOR AND WAIVER OF PARENTAL
RIGHTS

I, _____, swear (or affirm) under oath that:
(parent's name)

- 1. I am the natural
 mother of the above named minor.
 father of the above named minor.

2. I consent to the appointment of _____
(petitioner's name)
as guardian of the minor. I believe _____ to be an
adult who is a fit and suitable person to be appointed guardian of the minor child, and I believe
the welfare and best interests of the above-named minor would be best served by the
appointment of _____ as guardian.

3. I voluntarily waive all parental rights of custody to the above-named minor for the duration of this guardianship.

DATED this _____ day of _____, _____.
(date) (month) (year)

(Parent's signature)

State of _____
County of _____

SIGNED AND SWORN (OR AFFIRMED) to before me on _____,
20____
by _____.

Notary Public for the State of _____
Printed name of notary _____
Title or rank: _____
Residing at _____
My Commission Expires: _____

(petitioner's name)

(petitioner's street address)

(city, state, zip code)

(petitioner's phone number)

MONTANA _____ JUDICIAL DISTRICT COURT,
(number of district in which your county is located)
_____ COUNTY
(name of your county)

In the Matter of the Guardianship of:)
)
)
_____,)
)
a Minor,)
)
_____,)
)
Petitioner.)

Your Case No.

MINOR'S NOMINATION OF GUARDIAN

I, _____, swear (or affirm) under oath that:
(name of minor)

1. I am the above-named minor.
2. I am fourteen years of age or older.
3. I nominate _____ to be my guardian.
(petitioner's name)

DATED this ____ day of _____, _____.
(date) (month) (year)

(Minor's signature)

State of _____
County of _____

SIGNED AND SWORN (OR AFFIRMED) to before me on _____, 20____
by _____.

Notary Public for the State of _____
Printed name of notary _____
Title or rank: _____
Residing at _____
My Commission Expires: _____

(petitioner's name)

(petitioner's street address)

(city, state, zip code)

(petitioner's phone number)

MONTANA _____ JUDICIAL DISTRICT COURT,
(number of district in which your county is located)
_____ COUNTY
(name of your county)

In the Matter of the Guardianship of:

_____,

a Minor,

_____,

Petitioner.

)
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)

Your Case No.

REQUEST FOR HEARING

COMES NOW the Petitioner and respectfully requests that this Court schedule a hearing for the purpose of obtaining an Order Appointing Guardian of Minor in the above entitled cause. The Petitioner estimates that the hearing will only take _____ minutes.

Petitioner

(petitioner's name)

(petitioner's street address)

(city, state, zip code)

(petitioner's phone number)

MONTANA _____ JUDICIAL DISTRICT COURT,
(number of district in which your county is located)
_____ COUNTY
(name of your county)

In the Matter of the Guardianship of:

) **Your Case No.**

)

_____,

)

a Minor,

)

ORDER GRANTING HEARING

)

_____,

)

Petitioner.

)

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)

IT IS HEREBY ORDERED that the final hearing in this matter is scheduled for the ____
day of _____, 20____, at _____ o'clock ____m.

DATED this ____ day of _____, 20____.

DISTRICT COURT JUDGE

(petitioner's name)

(petitioner's street address)

(city, state, zip code)

(petitioner's phone number)

MONTANA _____ JUDICIAL DISTRICT COURT,
(number of district in which your county is located)
_____ COUNTY
(name of your county)

In the Matter of the Guardianship of:) **Your Case No.**
)
_____,)
)
a Minor,) **NOTICE OF HEARING**
)
_____,)
)
Petitioner.)

PLEASE TAKE NOTICE:

On _____, 20____, Petitioner, _____ filed a
Petition asking to be appointed guardian of the above-named minor child. The Petition has been
set for hearing in the _____ Judicial District Court, _____
County, Montana, located at _____
_____, Montana, on _____, 20____
at _____ o'clock __m. A copy of the Order Setting Hearing is attached hereto.
Further documents filed in this case can be reviewed upon request by contacting the Clerk of the
Court for _____ County at the address listed above.

DATED this _____ day of _____, _____.
(date) (month) (year)

Petitioner

(your name)

(your street address)

(city, state, zip code)

(your phone number)

MONTANA _____ JUDICIAL DISTRICT COURT,
(number of district in which your county is located)
_____ COUNTY
(name of your county)

In the Matter of the Guardianship of:)
)
)
_____,)
)
a Minor,)
)
_____,)
)
Petitioner.)

Your Case No.

**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER APPOINTING
GUARDIAN OF MINOR**

The above matter having come before this Court for hearing on _____, 20____
and upon that hearing, the Court makes the following specific Findings of Fact:

FINDINGS OF FACT

1. Petitioner, _____, has petitioned the Court to appoint a fit and proper person as guardian of the minor child, _____, in accordance with Mont. Code Ann. § 72-5-225.
2. _____, age _____, was born on _____ and is a minor child.

3. Pursuant to Mont. Code Ann. § 72-5-221, venue is proper in this Court because the above-named minor

currently resides here in _____ County, Montana.

currently is present here in _____ County, Montana.

4. Pursuant to Mont. Code Ann. § 72-5-225(1), the following persons are interested parties in this action:

the minor, who is 14 years of age or older

_____, the person who has had the principal care and custody of the minor during the last 60 days

_____, mother of the minor, if still living

_____, father of the minor, if paternity is established and he is still living

Notice of the Hearing for Guardianship of Minor was properly mailed to all of the above-named interested parties in accordance with § 72-5-225(1).

5. All previous parental rights of custody have been terminated, suspended, or limited by circumstances or prior court order. In particular, the custody rights of the minor's mother (*choose one*):

have been terminated, suspended, or limited by prior court order dated _____.

have been terminated, suspended, or limited by the following circumstances:

The mother has waived her rights to custody and consented to my guardianship of the minor.

The mother is incarcerated.

The mother has disappeared.

The mother does not have the ability to care for the minor because of a mental or physical disability.

The mother is deceased.

Other: (*explain in detail*): _____

The custody rights of the minor's father (*choose one*):

- have not been established as the minor's paternity has not been established.
 - have been terminated, suspended, or limited by prior court order dated _____.
 - have been terminated, suspended, or limited by the following circumstances:
 - The father has waived his parental rights to custody and consented to my guardianship of the minor.
 - The father is incarcerated.
 - The father has disappeared.
 - The father does not have the ability to care for the minor because of a mental or physical disability.
 - The father is deceased.
 - Other: (*explain in detail*): _____
-
-
-
-

6. *Choose one:*

- The minor is under 14 years of age.
- The minor is 14 years of age or older and nominates Petitioner to be his/her guardian.
- The minor is 14 years of age or older and has failed to nominate a guardian.

7. The minor is not emancipated and does not currently have a guardian by instrument or will. No previous court order has appointed a guardian for the minor. There are no currently pending guardianship proceedings involving this minor.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Court makes the following Conclusions of Law:

1. This Court has jurisdiction to appoint a guardian in this matter.
2. Venue is appropriate.

3. All previous parental rights of custody have been terminated, suspended, or limited by circumstances or prior court order.
4. Notice of the time and place of hearing was properly given in accordance with Mont. Code Ann. § 72-5-525.
5. Petitioner qualifies as a fit and proper person to serve as guardian of the minor child.
6. The welfare and best interests of the minor will be served by the requested appointment of guardianship.
7. Bond is not required in this case.
8. Minor's interests have been adequately represented by the parties to this matter and the appointment of an attorney from the Office of the State Public Defender to represent the minor is not necessary in this case.

ORDER

WHEREFORE, it is hereby ordered:

1. That Petitioner, _____, is appointed legal Guardian of _____.
2. That Petitioner will have all the rights and duties specified under Montana law.
3. That Petitioner shall act without bond.
4. That Letters of Guardianship shall issue to Petitioner/Guardian.

DATED this ____ day of _____, ____.

(date) (month) (year)

DISTRICT COURT JUDGE

(petitioner's name)

(petitioner's street address)

(city, state, zip code)

(petitioner's phone number)

MONTANA _____ JUDICIAL DISTRICT COURT,
(number of district in which your county is located)
_____ COUNTY
(name of your county)

In the Matter of the Guardianship of:) **Your Case No.**

)

)

)

_____,

)

a Minor,

)

)

_____,

)

Petitioner.

)

LETTERS OF GUARDIANSHIP

On the ____ day of _____, 20____, _____
was duly appointed and qualified as guardian of the above-named minor by the Honorable
_____, District Court Judge. These letters are
issued to evidence the appointment, qualification, and authority of the said guardian who was
given full and complete guardianship of the minor.

WITNESS my signature and the Seal of this Court,

DATED this ____ day of _____, _____.
(date) (month) (year)

Clerk of Court
BY: _____
Deputy Court Clerk

