

LINN COUNTY CIRCUIT COURT GUARDIANSHIP OF A MINOR

When filing a Petition for Guardianship of a Minor, there is a filing fee payable at the time you file your documents. The filing fee is listed in the *Fee Schedule* or you may check with the cashier.

You will need to provide proof of identification, including your current name. This identification should also include your signature.

Oregon Statute (ORS 125.060) requires you to provide written notice to the following persons: parents; the minor child (only if the minor child is 14 years of age or older), the person or persons who have had the principal care and custody of the minor for the last 60 days preceding the date of this petition; the person or persons most closely related to the minor (if the parents are deceased); or any person living with the minor who has an interest in the affairs or welfare of the minor.

When you sign the Petition, you are stating that the contents are true.

This packet contains the following forms:

- FORM A: Petition for Appointment of Guardian**
- FORM B: Notice**
- FORM C: Consent to Guardianship by Minor over 14 years of age**
- FORM D: Consent by Father to Guardianship**
- FORM E: Consent by Mother to Guardianship**
- FORM F: Limited Judgment Appointing Guardian**
- FORM G: Proof of Service**
- FORM H: Objection to Petition for Guardianship**
- FORM I: Request for Notice**

Fill out the forms completely. Be sure all names are spelled correctly.

Once you have purchased this packet, you need to determine whether you will be able to obtain the consent of the persons mentioned above or if the Notice(s) needs to be sent.

- If you obtain the consents, you need to file the following documents with the Court:

Petition(**FORM A**) along with the filing fee.

Consents(**FORM D,E and if the child(ren) are 14 years of age or older FORM C.**)

Judgment(**FORM F**)

- If you are unable to obtain consents, you will be required to send Notice(s), you need to file the following documents with the Court:

Petition (**FORM A**) along with the filing fee.

Notice(s) (**FORM B**)

Proof of Service (**FORM G**)

Once the time for objections are up (or the required parties file consent(s) you may file the Judgment (**FORM F**)

The case is then sent to the Judge for the Judgment to be signed. The Clerk will send a copy of the signed Judgment along with a Letter of Guardianship to the Petitioner (the Letter of Guardianship is a Court generated document and is not in your packet). The guardianship will continue until the minor reaches 18 years of age or when the Petitioner requests the Court to terminate the Guardianship because the minor has returned to the person who has custody of him/her.

This packet contains a Notice (**FORM B**.) One copy of the Notice must be served on each parent or party(ies) entitled to Notice. When a parent or party is served, they receive a copy of the *Notice (FORM B)*, a copy of the *Petition for Appointment of Guardian (FORM A)* and a blank *Consent (FORM C,D or E)*, a blank *Objection to Petition for Guardianship (FORM H)* and a blank *Request for Notice (FORM I)*. An exact duplicate of the Notice with the Petition attached which was served must be returned to the Court with the Proof of Service (FORM G).

ORS 125.070 requires a copy of the Petition for Guardianship to accompany the Notice to each person notified; a statement of where objections may be filed and the deadline for filing those objections; and the name, address, telephone number, and the relationship of the petitioner to the minor.

It is your responsibility to make sure all copies are made and attached to the Notice(s). The documents may be served by the Sheriff, Process Server or any disinterested party. If the documents are served by a Process Server or other person, they must complete the *Proof of Service (FORM G)* and file this, along with the *Notice* and copy of the *Petition for Guardianship*, with the Linn County Circuit Court.

If an Objection is filed, the matter will be set for a hearing. The court will mail you and the party who is objecting a *Notice of Hearing* which will provide you with the date, time and place of the hearing. Your failure to appear may result in your Petition being denied.

Form A
**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN**

In the Matter of the Guardianship of,

Case Number: _____

minor child(ren)

**PETITION FOR APPOINTMENT
OF GUARDIAN**

_____ petitions for the appointment of guardian of the minor,
(Petitioner's name)

_____, the minor and respectfully represents to the Court as follows:
(Minor's name)

1.

THAT the name, address, and age of the minor is:

Name: _____

Current Address: _____

Age: _____ Birth Date: _____

2.

THAT the minor is a resident of _____ County, Oregon, and is also physically present in the State of Oregon.

3.

THAT the proposed guardian is a Linn County resident and is competent and qualified to serve as such. The proposed guardian's name and address is:

Name: _____ Birth Date: _____

Contact Address: _____

Phone # _____

4.

THAT the proposed guardian has has not been convicted of a crime. If the proposed guardian has been convicted of a crime, please explain: _____

5.

THAT the relationship of the proposed guardian to the minor is _____

The minor has been living with the petitioner since _____ and before that he/she was living with _____

6.

THAT it is necessary to establish a guardianship for the following reasons: _____

7.

THAT the minor's written consent (if the minor is over 14 years of age) is attached hereto marked "Exhibit A", and by this reference is incorporated herein.

8.

THAT the name and address of the natural parent(s) of the minor are:

Mother's Name _____ Father's Name _____
Date: of Birth: _____ Date of Birth: _____
Address _____ Address _____

9.

THAT the natural parent(s) written consent is attached hereto, marked "Exhibit B", and by this reference is incorporated herein.

10.

I understand that I must inform the court if I find out about another custody proceeding concerning this minor filed in this, or another state.

11.

I have have not been involved in any other court proceeding concerning custody of the minor (if so, list County, State, and case number).

County: _____ State: _____
Case Number: _____

12.

I know/do not know, of any person other than _____ who has physical custody of the minor or claims to have custody or visitation rights with minor.

(If so, list that person): _____.

13.

THAT the minor has lived with the following person(s) for the past five years:

| NAME OF PERSON | ADDRESS AT THAT TIME | CURRENT ADDRESS (if different) |
|----------------|----------------------|--------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

14.

THAT no other court in the State of Oregon has acquired jurisdiction of this matter, and no guardian has

been heretofore appointed for the minor.

15.

THAT the amount of the minor's assets are:

Savings Account: \$Trust Fund: \$ _____
Real Property : \$ _____ Other: \$ _____

WHEREFORE, Petitioner prays for his/her appointment as guardian of the minor

Dated _____

Signature of Petitioner

Print Name and Date of Birth

Contact Address

City/State/Zip Code

Contact Telephone

Form B
IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

In the Matter of the Guardianship of:

Case Number: _____

minor child(ren)

NOTICE OF PETITION TO APPOINT
GUARDIAN FOR A MINOR
ORS 125.065, ORS 125.070

NOTICE IS HEREBY GIVEN that on _____, 20____, the Petitioner,
_____ filed a petition for appointment of _____ as
GUARDIAN of the minor child(ren) listed above. A copy of that petition accompanies this notice.

The relationship of the petitioner to the child(ren) is _____. The
Petitioner's address and telephone number are listed below.

Any objection to the granting of this GUARDIANSHIP must be filed in the above court within 14 days from
the date of service. An objection and/or request for notice form is attached. Written objection may be made by
mailing or delivering the objection to: Linn County Circuit Court, PO Box 1749, Albany OR 97321. A copy should
also be sent to the Petitioner.

**FAILURE TO FILE AN OBJECTION MAY RESULT IN APPOINTMENT OF A GUARDIAN FOR THE
MINOR WITHOUT FURTHER HEARING.** Hearings are not scheduled unless a timely objection is filed.

Notice: If you wish to receive copies of future filings in this case, you must inform the Court and the person(s) named as
petitioner(s) in this notice. You must inform the Court by filing a request for notice and paying any applicable fee. Check with
the Probate Clerk to determine if fees are due. The request for notice must be in writing, must clearly indicate that you wish to
receive future filings in the proceedings, and must contain your name, address and telephone number and the case number listed in
the caption above. You must notify the person(s) named as petitioner(s) by mailing a copy of the request to the petitioner(s) at the
address listed below. Unless you take these steps, you will receive no further copies of filings in this case.

Further information about objections:

If you have objections to the petition for guardianship, you are strongly advised to use the enclosed written objection form and
mail it to the Court. Check with the Probate Clerk to determine if fees are due. Oral objections are allowed only in response to
the initial petition, but are not the recommended procedure. Oral objections are not allowed in response to a subsequent motion in
the case, pursuant to ORS 125.175(2). If necessary, oral objections to the petition may be made by personally appearing at the
Probate Department, Room 107 of the Linn County Courthouse, during public service hours.

Dated _____

Signature of Petitioner

Proposed Guardian:

Name: _____

Address: _____

Phone: _____

Submitted by Petitioner: (The following contact information is required by ORS 125.070:

Print Name

Address or Contact Address

City, State, Zip Code

Telephone or Contact #

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN**

In the Matter of the Guardianship of,

Case Number: _____

minor child(ren)

**CONSENT TO GUARDIANSHIP
BY MINOR (OVER 14 YEARS OF AGE)**

I, _____, the undersigned, being the above named minor, do
(minor's name
hereby consent to and request the appointment of _____ as my
(proposed guardian's name)
guardian. I hereby waive notice of hearing and notice of the time and place of hearing on
the petition of _____ for appointment of a guardian.
(petitioner's name)

Dated _____

Minor's Signature

SUBSCRIBED and SWORN to before me on _____, 20__

Notary Public of Oregon/Court Clerk
My Commission Expires: _____

Form D
**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN**

In the Matter of the Guardianship of,

Case Number: _____

minor child(ren)

**CONSENT BY FATHER TO
GUARDIANSHIP**

I, _____, the undersigned, being the natural father
(Father's name)

of _____, a minor of the age of _____ years, do hereby consent to and
(Minor's name)

request the appointment of _____ as guardian of my minor child. I
(Proposed Guardian)

hereby waive notice of hearing and notice of the time and place of hearing on the petition

of _____ for the appointment of a guardian for my minor child.
(Petitioner's Name)

Dated _____

Signature of Father

SUBSCRIBED and SWORN to before me on _____, 20__

Notary Public for Oregon/Court Clerk
My Commission Expires: _____

Form E
**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN**

In the Matter of the Guardianship of,

Case Number: _____

minor child(ren)

**CONSENT BY MOTHER TO
GUARDIANSHIP**

I, _____, the undersigned, being the natural mother
(Mother's name)

of _____, a minor of the age of _____ years, do hereby consent to and
(Minor's name)

request the appointment of _____ as guardian of my minor child. I
(proposed guardian's name)

hereby waive notice of hearing and notice of the time and place of hearing on the petition

of _____ for the appointment of a guardian for my minor child.
Petitioner's name

Dated _____

Signature of Mother

SUBSCRIBED and SWORN to before me on _____, 20__

Notary Public for Oregon/Court Clerk
My Commission Expires: _____

Form F
**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN**

In the Matter of the Guardianship of,

Case Number: _____

A Minor.

LIMITED JUDGMENT
APPOINTING GUARDIAN

THIS MATTER coming before this Court upon the Petition of _____
(Petitioner's name)
and the Court being satisfied that the allegations of the Petition are sufficient in law and that a
Guardian for _____, the minor, should be
(Minor's name)
appointed and that the proposed the proposed Guardian herein is competent and qualified to serve as such,
now therefore,

IT IS HEREBY ORDERED that _____, is
(Guardian's name)
appointed as Guardian of the above-named minor, and

IT IS FURTHER ORDERED that Letters of Guardianship issue from the above-named Court to
_____, the Guardian herein, and
(Guardian's name)

IT IS FURTHER ORDERED that Guardian be allowed to waive filing a bond in this matter.

Dated _____

Circuit Court Judge

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///

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///

Certificate of Readiness under UTCR 5.100

This proposed judgment is ready for judicial signature because *(check all that apply)*:

Service is not required under UTCR 5.100 (1)(c) because the other party has been found in **default** or an order of default is being requested with this proposed judgment; because this judgment is submitted **ex parte** as allowed by statute or rule; or this judgment is being submitted in **open court** with all parties present.

Each party affected by this judgment has **stipulated** to or **approved** the judgment, as shown by the signatures on the judgment, or by written confirmation sent to me.

I have **served** a copy of this judgment and the *Notice of Proposed Judgment or Order* on all parties entitled to service. **And:**

No objection has been served on me within the 7-day time frame.

I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.

After conferring about objections, the other party *(name)* agreed to file any remaining objection with the court.

Certificate of Service under UTCR 5.100 (if applicable)

I certify that on *(date)* _____: I placed a true and complete copy of this proposed *Judgment* in the United States mail to *(name)* _____ at *(address)* _____

Submitted by:

Name

Contact Address

City, State, Zip

Phone Number

Form G
**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN**

In the Matter of the Guardianship of:

Case Number: _____

minor child(ren)

**PROOF OF SERVICE OF
NOTICE OF PETITION TO APPOINT
GUARDIAN FOR A MINOR
ORS 125.065
(Complete after Personal Service on Parent(s) of
Minor) and Minor (if over 14 years of age)**

STATE OF OREGON)
) ss.
County of Linn)

I, _____, being first duly sworn, under oath, say:

I am a competent person, 18 years of age or older. I am not a party in this proceeding, nor am I an attorney in this proceeding. I am not an officer, director or employee of a party in this proceeding.

I am a resident of Oregon (or the state in which personal service occurred.) Specifically, I reside in the County of: _____, State of _____.

I served a true copy of the following documents:

- “Notice of Petition to Appoint Guardian for a Minor and Time for Filing Objection to Guardianship”
- “Petition for Guardianship of a Minor”
- “Objection to Petition for Guardianship” and Request for Notice” Forms.

by delivering them to the following person(s) at the address(es) listed below, on the date(s) and time(s) listed:

| | |
|--|--|
| Mother: _____ _____ _____ Date and Time of Personal Service: _____ | Father: _____ _____ _____ Date and Time of Personal Service: _____ |
|--|--|

I served a true copy of the following documents: (*only if minor is 14 years of age or older*)

- “Notice to Respondent of Petition to Appoint Guardian for a Minor and Time for Filing Objection to Guardianship”
- “Petition for Guardianship of a Minor”
- “Objection to Petition for Guardianship” and Request for Notice” Forms.

by delivering them to the following person(s) at the address(es) listed below, on the date(s) and time(s) listed:

Minor Child : _____

Date and Time of Personal Service: _____

The original Petition had already been filed with the Court at that time. The copy served was identical to the one on file with the Court.

Signature of Server (Affiant)
Signed and Sworn to before me on _____, 20____.
Notary Public for _____/Court Clerk
My Commission Expires: _____

Form H
IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

In the Matter of the Guardianship of:

Case Number: _____

minor child(ren)/Respondent

OBJECTION TO PETITION OF
GUARDIANSHIP

I, _____, object to the petition for guardianship for the following reasons:

Note: A minor child (over 14 years of age) or a respondent who files an objection to guardianship incurs no filing fee. Others pay a filing fee for Objection.

Respectfully submitted by:

Signature

Print Name

Contact Address

City, State, Zip Code

Contact Telephone

*****CERTIFICATE OF SERVICE*****

I certify that on _____, 20____, I placed a true and exact copy of this
Objection to Petition of Guardianship in the United States Postal Service mail addressed to:

Name _____ Address _____

Signed: _____ print name: _____

Mail this form with the appropriate filing fee to:
LINN COUNTY CIRCUIT COURT
PO BOX 1749
ALBANY, OR 97321

Confirm current filing fee by calling: (541) 967-3845, Dept. #3 (Civil Records)

Form I
IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

In the Matter of the Guardianship of:

Case Number: _____

Minor child(ren)/Respondent

REQUEST FOR NOTICE

I, _____, request to be provided with copies of all future filings in this proceeding and to receive notice of any hearing scheduled in this case. I have mailed a copy of this request to the petitioner in this proceeding. I have submitted the applicable fee to the Court unless I am the protected Minor or the respondent in this case.

If a Visitor is appointed in this case and prepares a report, this is also a request for copies of that report.

Note: A minor child (over 14 years of age) or a respondent is entitled to notice of any hearing and to be served with documents by Petitioner, without the need for filing a "Request for Notice". All others who file a Request for Notice shall pay the required filing fee. For the current filing fee, please call Linn County Records at (541) 967-3845.

Respectfully submitted by:

Signature

Print Name

Contact Address

City, State, Zip Code

Contact Telephone Number

Mail this form with appropriate filing fee to:
LINN COUNTY CIRCUIT COURT
PO BOX 1749
ALBANY, OR 97321

Confirm current filing fee by calling:
(541) 967-3845, Dept. #3 (Civil Records)