

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* For 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: Order Appointing Permanent Guardianship**
- 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 needs to be sent.

- If you obtain the consents, you need to file:
 - Petition(**FORM A**)
 - Consents(**FORM C,D,E**)
 - Order(**FORM F**) with the Court along with the filing fee.

- If you are unable to obtain consents, you will be required to send Notice, you need to file:
 - Petition (**FORM A**)
 - Notice(s) (**FORM B**) to the Court along with the filing fee.
 - Once the time for objections are up, you may file the Order (**FORM F**) with the Court.
 - Proof of Service (**FORM G**).

The file is then sent to the Judge for the Order to be signed. The Clerk will send a copy of the signed order 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.

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 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 _____
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 this _____ day of _____, 20_____.

Signature of Petitioner

Signature of Co-petitioner

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

| | | |
|---------------------------------------|---|--|
| In the Matter of the Guardianship of, |) | |
| |) | Case Number: _____ |
| |) | |
| _____ , |) | CONSENT TO GUARDIANSHIP |
| A Minor. |) | 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 this _____ day of _____, 20_____.

 Minor's Signature

SUBSCRIBED and SWORN to before me this _____ day of _____, 20_____

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

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

| | | |
|---------------------------------------|---|----------------------|
| In the Matter of the Guardianship of, |) | |
| |) | Case Number: _____ |
| |) | |
| _____ |) | CONSENT BY FATHER TO |
| A Minor. |) | 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 this _____ day of _____, 20_____.

Signature of Father

SUBSCRIBED and SWORN to before me this _____ day of _____, 20_____

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

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

| | | |
|---------------------------------------|---|----------------------|
| In the Matter of the Guardianship of, |) | |
| |) | Case Number: _____ |
| |) | |
| _____ |) | CONSENT BY MOTHER TO |
| A Minor. |) | GUARDIANSHIP |

I, _____, the undersigned, being the natural father
(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 this _____ day of _____, 20_____.

Signature of Mother

SUBSCRIBED and SWORN to before me this _____ day of _____, 20_____

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

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

| | | |
|---------------------------------------|---|--------------------|
| In the Matter of the Guardianship of, |) | |
| |) | Case Number: _____ |
| |) | |
| _____ , |) | ORDER APPOINTING |
| A Minor. |) | 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 appointed and that
(Minor's name)
the that the proposed Guardian herein is competent and qualified to serve as such, now therefore,

IT IS HEREBY ORDERED that _____, is appointed as
(Guardian's name)
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 this _____ day of _____, 20_____.

Circuit Court Judge

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: _____ Father: _____
Date and Time of Personal Service: _____ 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, this _____ day of _____, 20____.

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

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

Address

City, State, Zip Code

Telephone Number

Mail this with appropriate fee to:

LINN COUNTY CIRCUIT COURT
PO BOX 1749
ALBANY, OR 97321

Confirm current filing fee by calling:
Probate Dept. (541) 967-3845

