

Petition for Guardianship for an Adult

Purpose: This petition is used to request *guardianship* of an adult.

Who may file: Any person may file the case for guardianship of an adult. There is a preference for certain people to be appointed as guardian of an incompetent person. Persons qualified to serve as guardian have preference to be appointed guardian as follows:

1. A person chosen by the proposed ward, IF at the time of the choice the Proposed Ward was competent and had the capacity to make a reasonably intelligent choice;
2. The spouse of the proposed ward;
3. A parent of the proposed ward;
4. An adult child of the proposed ward;
5. A relative living with the proposed ward;
6. A relative or friend of the proposed ward who has demonstrated a sincere interest in the welfare of the proposed ward;
7. Any other person whose appointment would be in the best interests of the proposed ward.

Before filing: You will need to provide something from the doctor/physician why this person is incompetent, you must pay the filing fee at the Tribal Finance Department and get a copy of the receipt, and you must provide the clerk with the addresses of every person who has an interest in the matter. * All parents' must be notified of the petition before the clerk can continue with a hearing. NO EXCEPTIONS.

Procedure: Once the Petitioner(s) file, the other party, the Respondent(s), will be *summoned* and will have 20 days to *answer* the petition. Once the 20 days is up, the clerk will set the time and place for the hearing.

The Respondent(s) can give *Consent* to the Petitioner. There is a form the Respondent(s) can fill out if they agree to the Guardianship. The form must be notarized or signed in front of a clerk. If the Respondent(s) agree to this, the judge can produce an order without a formal hearing. If not, a formal hearing must be set according to the court docket.

Petition: The Court will keep the original documents and will give the Petitioner(s) and Respondent(s) copies of everything that is filed.

Filing Fee: Elders (55+) do not have to pay any fees.

The cost of filing this petition is \$25.00. You may apply for a fee waiver but must still pay \$10 for the cost of service. The Fee Waiver Application can be turned in with the petition and the judge determines if you qualify. The \$10.00 is required for all petitions.

Note: The Court will not accept the Petition until the Petition is complete. Meaning, all of the documents and information needed are pro

**IN THE FAMILY COURT OF THE FORT BELKNAP INDIAN COMMUNITY
OF THE FORT BELKNAP INDIAN RESERVATION, MONTANA**

IN THE MATTER OF:	CASE NO:
	PETITION FOR GUARDIANSHIP OF ADULT
Adult in Need of Care	

APPEARING NOW, _____, Petitioner in this action and respectfully petitions this Court for an Order granting Guardianship of _____ to _____ and presents unto the above Court the following in support.

1. Pursuant to Title V, Part I, Sec. 2 & 2.1, this Court has exclusive and original jurisdiction.
2. _____ is an enrolled member to Fort Belknap Tribes, whose (Adult in Need of Care) , enrollment number is _____.
3. He/she is physically and/or mentally incapable of handling his/her own affairs.
4. That _____ currently resides at _____.
(Adult in Need of Care)
5. Currently he/she is without a Guardian to manage his/her affairs.
6. Pursuant to Title V, Part IX, sec. 1 & 1.2, Petitioner moves this Court to grant this petition and issue an Order appointing _____ Guardianship of _____ to handle all matters as they pertain to his/her best interest.

Petitioner Mailing Address: _____

Adult in Need of Care Mailing Address: _____

There are _____ other person(s) who have an interest in these proceedings, whose names and addresses are as follows:

*Attach Proof that the adult is incompetent (something from the doctor stating so)

Respectfully submitted this _____ day of _____, _____.

PETITIONER

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

Clerk of Court/Notary