

GUARDIANSHIP PROCEEDING

A proceeding for the appointment of a guardian or for other orders regarding the condition, care or treatment of or the management of the financial resources of a ward. (30 O.S. §1-111)

§30-1-115. VENUE AND JURISDICTION

- A. The **venue** for a guardianship proceeding is in:
 - 1. The district court of the county where the minor or the incapacitated or partially incapacitated person resides;
 - 2. The district court of the county where the proposed guardian resides if the proposed guardian is a member of the minor's or incapacitated person's family;
- B. If a proceeding pursuant to the provisions of the Oklahoma Guardianship and Conservatorship Act could be maintained in more than one place in this state, the court in which the proceeding is first commenced has the exclusive right to exercise **jurisdiction** over the proceeding and proceed with the action.

§30-1-116.

- A. The power conferred upon the court in relation to guardians and wards may be exercised **in chambers** or elsewhere in the discretion of the judge.

LEGAL REPRESENTATION

The person who is the subject of the proceeding may hire an attorney or the court may appoint a lawyer for the person who is the subject of the petition. (30 O.S. §3-107)

INCAPACITY

An incapacitated person is defined by the statutes as “a person eighteen (18) years of age or older:

- a. who is impaired by reason of:
 - 1. mental illness as defined by Section 1-103 of Title 43A of the Oklahoma Statutes; and
- b. whose ability to receive and evaluate information effectively or to make and to communicate responsible decisions is impaired to such an extent that said person:
 - 1. lacks the capacity to meet essential requirements for his physical health or safety, or
 - 2. unable to manage his financial resources.

General Guardian – A guardian of the person or of all the property of the ward within this state or of both person and property. (30 O.S. §1-109)

MULTIPLE GUARDIANS

Multiple guardians appointed for one ward are liable as if they are sole guardians. They must each post bond unless waived. (30 O.S. §4-501) One may give another co-guardian written authority to act for both. If a ward has more than two guardians, the act of a majority is valid. (30 O.S. §4-502) If one guardian dies, the power continues in the survivor until further appointment is made. (30 O.S. §4-503) When an account is rendered by two or more joint guardians, the judge of the district court may allow the same upon oath of any of them. (30 O.S. §4-304)

Limited Guardian – A person authorized by the court to exercise limited powers over the person of the ward, or over the property of the ward within the state or of both person and property. (30 O.S. §1-109)

SPECIFIC LIMITATIONS ON THE LEGAL ACTIVITIES OF WARD

The court may establish specific limitations on the legal activities of a ward, including, but not limited to, determining whether the ward retains sufficient capacity to vote, to serve as a juror, to drive, to be licensed or continue to practice any profession, to make personal medical decisions, to appoint an agent, to enter into contracts, to grant conveyances, or to make gifts of property. (30 O.S. §3-113)

Special Guardian – A guardian appointed for an emergency purpose, generally not to exceed thirty (30) days. (30 O.S. §3-115)


Estate – The property of the person subject to the guardianship proceeding. (30 O.S. §1-111)

Guardianship Plan – The plan for the care and treatment of a ward or for the management of the ward's financial resources, or both. (30 O.S. §1-111)

BOND AND WAIVER BY COURT

A guardian will usually be required to post a bond with the court before serving as a guardian. If the value of the ward's estate and the yearly income of the ward is not more than Forty Thousand Dollars (\$40,000), and the guardian is a parent, spouse, brother, sister, grandparent, child or grandchild of the ward, bond may be waived. The court alone may waive a bond. (30 O.S. §4-201)

Oklahoma Statutes Citationized

 Title 30. Guardian and Ward

 Oklahoma Guardianship and Conservatorship Act

 Appointment of Guardian

 Article Article III - Adults

 Section 3-113 - Contents of Order Appointing Guardian - Specific Determinations Regarding Capacity - Guardianship Plan

Cite as: O.S. §, __ __

A. The order appointing a guardian, based upon evidence adduced, shall set forth:

1. The determinations made by the court at the hearing;
2. The name and address of the individual, if any, appointed to serve as the limited guardian or guardian;
3. The specific limitations imposed upon the ward, if the ward is a partially incapacitated person;
4. Any authority granted a guardian of the person of the ward to change the place of abode of the ward outside of the state or county without the prior permission of the court; and
5. Whenever the court determines a review hearing is necessary or desirable, the date of the review hearing.

B. In establishing the specific limitations on the legal activities of a ward for whom a limited guardian of the person is appointed, the court shall make specific determinations regarding the capacity of the subject of the proceeding, including but not limited to determining whether the ward retains sufficient capacity:

1. To vote;
2. To serve as a juror;
3. To operate a motor vehicle;
4. To be licensed or continue to practice any profession of the ward; and
5. To make personal medical decisions including but not limited to decisions to withhold or withdraw life-sustaining procedures, to donate organs, to undergo elective surgery, or to consent to routine or necessary medical or other professional care, treatment or advice.

C. In establishing the specific limitations on the legal abilities of a ward for whom a limited guardian of the property is appointed, the court shall make specific determinations regarding the capacity of the subject of the proceeding, including but not limited to determining whether the ward retains sufficient capacity to:

1. Appoint an agent to act on his behalf;
2. Enter into contracts;
3. Grant conveyances; or
4. Make gifts of property.

D. If not submitted with the petition or at the hearing, the guardian or limited guardian shall submit a guardianship plan as required by Section 3-120 or 3-122 of this title, or both, as appropriate and a copy of

said plan shall be mailed to those persons entitled to notice pursuant to paragraphs 1, 2, 3 and 7 of subsection A of Section 3-110 of this title. The guardianship plan as approved by the court shall be made a part of the order of the court. Said plan may be modified as provided by this act.

E. The court may, in its discretion, make such further orders as the court deems necessary for the best interest of the ward for care of the ward and maintenance or management of the ward's property, including but not limited to:

1. Order the guardian of the property of the ward to provide the ward from such property with specified amounts of money, monthly, or from time to time, which the ward may dispose of as the ward shall determine and for which, other than a showing of the amounts paid to the ward, the guardian will not be required to account. Such order may be modified upon application of the guardian or any interested person, and a hearing conducted thereon, with notice of the hearing on such application to be given to those persons entitled to notice pursuant to paragraphs 1, 2, 3 and 7 of subsection A of Section 3-110 of this title and shall be given as provided in Section 3-110 of this title; and
2. The amount of the bond as required by Section 4-201 of this title.

A HANDBOOK FOR RELATIVE GUARDIANSHIP

This Handbook applies only to cases where a blood relative is seeking the guardianship of a minor child/ward. It is not required by law that a person who wants to do this be represented by a lawyer. However, if you are a lawyer, you will be required by the court to follow the law and the rules of procedure as if you were an attorney.

The judge, the judge's staff and the personnel of the Court Clerk's office cannot provide you with legal advice or help you in filling out the required forms and providing notice of court proceedings. The judge and the judge's staff cannot speak with any party to a guardianship unless all involved parties are present.

The following is a very general list of steps that must be taken:

1. A petition for guardianship is filed in the county where the ward lives. A hearing date is set.
2. Notice of the hearing and the proceeding must be given by personal service or first class mail to a statutory group of persons. All persons must receive notice at least ten (10) days prior to the hearing.

If the court decides that a guardianship is necessary, a guardian is appointed. The guardian is required to, at the least, annually report to the court about the ward and the ward's finances.

The forms given here are general. Certain counties, such as Oklahoma and Tulsa have their own forms. The court clerk's office in the county will have specific forms and will be able to tell you how much the relative guardianship filing fees will be.

**IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA**

IN THE MATTER OF)
THE GUARDIANSHIP OF) **PG - _____**
_____)
_____)

(a) minor child(ren).

**PETITION FOR THE APPOINTMENT OF GUARDIAN
OF MINOR CHILDREN**

Comes Now the Petitioner, _____, and informs the Court as follows:

1. That I am now a resident in good faith of _____ County, and the State of Oklahoma for six (6) months prior to the filing of this petition.
2. That _____ (is a/are) minor child(ren) _____ years of age, respectively, having the following date(s) of birth: _____

3. That the mother of the minor child(ren) is _____. Her present address is:
_____.
4. That the father of the minor child(ren) is _____. His present address is:
_____.
5. That I am related to the child(ren) in the following manner: _____
_____.
6. That the Court has jurisdiction in this action to make a child custody determination pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, 43 O.S. §551-101, et seq., in that Oklahoma is the home state of the minor child. Attached hereto as Exhibit A is my affidavit setting forth the information required by the Act.
7. The minor child(ren) (is/are) not Indian children within the meaning of the Federal or State Indian Child Welfare Acts.
8. The child has asset(s) (real or personal property) in the value of \$ _____. The anticipated annual income of the minor child(ren) for one (1) year plus the value of the child(ren)'s personal property is \$ _____. If more than one child, list all other children and assets below:

9. Appointment of (check one):

- A guardian of the person(s) of the minor(s)
- A guardian of the estate(s) of said minor(s)
- A guardian of both the person of the minor(s) and the estate/property of the minor(s)

is necessary to provide for the general welfare of the child(ren) and to allow me (the Petitioner) to authorize medical and education services for the child(ren).

10. The parents are unable to care for the child(ren) at this time because: _____
_____.

11. It is in the best interests of the child(ren) that I be appointed:

- A guardian of the person(s) of the minor(s).
- A guardian of the estate(s) of said minor(s).
- A guardian of both the person of the minor(s) and the estate/property of the minor(s).

12. I am qualified to serve as guardian of the _____ of the minor child(ren). I further inform the Court as follows:

- a. no judge of the district court is under any financial obligation to me;
- b. I am not a minor, incapacitated or partially incapacitated;
- c. I have never been convicted of a felony;
- d. I am not a person subject to registration under the Oklahoma Sex Offender Registration Act and attached hereto as Exhibit B is an affidavit in regard thereto.
- e. I am not insolvent and I have not declared bankruptcy during the five (5) years prior to the filing of this petition.
- f. I am under no obligation to the minor child(ren); and
- g. there are no conflicts of interest that would preclude or be substantially detrimental to my ability to act in the best interest(s) of the minor child(ren).

WHEREFORE, the Petitioner prays the Court to grant the following relief:

A. Appoint me as the:

- A guardian of the person(s) of the minor(s).
- A guardian of the estate(s) of said minor(s).
- A guardian of both the person of the minor(s) and the estate/property of the minor(s).

B. Set bond in the amount of \$ _____.

- Waive bond

C. Grant all other just and appropriate relief.

Signature
Name
Address

**IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA**

IN THE MATTER OF)
THE GUARDIANSHIP OF) **PG - _____**
_____))
_____))
(a) minor child(ren).

**UNIFORM CHILD CUSTODY
JURISDICTION AND ENFORCEMENT ACT**

AFFIDAVIT

STATE OF OKLAHOMA)
) **SS**
COUNTY OF _____)

_____, of lawful age, am the Petitioner in the above-styled and numbered guardianship proceeding, being first duly sworn upon oath, deposes and states:

1. The minor(s), _____, _____, presently live at _____ (city), _____ (state), _____ (zip).
2. The minor(s) has/have lived at the following address during the last five (5) years:

Name	Address	City	State	Zip	Date
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

4. I have/have not participated as a party, witness or otherwise been involved in a legal proceeding concerning the custody of, or visitation with, said minor(s).

If you have, list the Court, the case number(s) and the date(s) of participation:

Court	Case Number	Dates
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. I have knowledge of the following proceeding pertaining to a divorce of the minor's(s') parents, custody proceeding(s) concerning this/these minor(s) proceedings concerning domestic violence or abuse, protective orders, termination of parental rights, adoptions or Department of Human Services or other proceedings.

Court	Case Number	Dates
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. I have knowledge that the following named persons claim a right to custody or a right to visitation with said minor.

Name	Address	City	State	Zip	Date
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

7. I acknowledge the I have a continuing duty under the law to inform the Court, in writing, of any additional information acquired by me after executing this "Affidavit".

Signature: _____

Print Name: _____

Petitioner

Subscribed and sworn to before me this _____ day of _____, _____.

Court Clerk / Notary Public

My Commission Number: _____

My Commission Expires: _____

EXHIBIT A

**IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA**

IN THE MATTER OF)
THE GUARDIANSHIP OF) **PG - _____**
_____))
_____))
(a) minor child(ren).

AFFIDAVIT OF MAILING

STATE OF OKLAHOMA)
) **SS**
COUNTY OF _____)

I, _____, AFTER FIRST BEING DULY SWORN UNDER OATH, STATE AS FOLLOWS:

That I mailed a true and correct copy of the Petition for Appointment of Guardian of a Minor Child and Order and Notice for Hearing for Appointment as Guardian to _____, natural parents of _____, on the _____ day of _____, by certified mail, postage thereon fully prepaid and green card verifying receipt is hereby attached.

FURTHER AFFIANT SAYETH NOT

Dated this _____ day of _____

Affiant's Name

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

My Commission Number: _____

My Commission Expires: _____

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF)
THE GUARDIANSHIP OF) **PG - _____**
_____)
_____)
(a) minor child(ren).

WAIVER OF NOTICE
AND/OR
CONSENT TO THE APPOINTMENT OF GUARDIAN

I, _____, of _____, being _____ years of age, state under oath that I am:

- the above-named minor
- one of the above-named minor children
- the mother of the above-named minor children
- the father of the above-named minor children
- a maternal grandparent of the above-named minor children
- a paternal grandparent of the above-named minor children
- an adult brother of the above-named minor children
- an adult sister of the above-named minor children
- a person currently having custody of or with whom the above-named minor children currently reside
- a person who claims a right to custody of the above-named minor children
- a person who claims a right to visitation with the above-named minor children;

and that I do hereby consent to the appointment of the Petitioner as guardian of the person of the above-named minor child(ren).

Executed this _____ day of _____.

Signature

Subscribed and sworn to before me this _____ day of _____, _____.

Court Clerk / Notary Public

My Commission Number:

My Commission Expires:

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF)
THE GUARDIANSHIP OF) **PG - _____**
_____)
_____)

(a) minor child(ren).

NOMINATION OF GUARDIAN BY A MINOR
FOURTEEN YEARS OF AGE OR ABOVE

_____, a minor, _____ years of age, having been born on _____, _____, respectfully states:

1. I have received a copy of the Petition for Appointment of Guardian filed herein by _____, which Petition seeks the appointment of the Petitioner(s) as guardian of of my person and/or of my estate;
2. I am aware of my right to nominate a guardian to be appointed for me, and that the Court will appoint the person(s) I nominate if the Court approves that Petition, and
3. I hereby nominate: _____
_____ (print full names of persons nominated) as guardian(s) of my person and/or my estate if the Court determines that my nominees qualify under the law.

(Signature of Minor)

Subscribed and sworn to before me this _____ day of _____, _____.

Court Clerk / Notary Public

My Commission Number: _____

My Commission Expires: _____

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF)
THE GUARDIANSHIP OF) **PG - _____**
_____)
_____)
(a) minor child(ren).

ORDER AND NOTICE FOR HEARING FOR
APPOINTMENT AS GUARDIAN

Notice is hereby given that _____ has filed a petition in this court to be appointed guardian of

- the person and/or
- the estate

of the above-named minor(s), _____

The court will hear the petition on the _____ day of _____, _____, at _____ o'clock ____ m., in courtroom _____ of the _____ County Courthouse. At that time, you or any other interested person may appear and show cause why the Court should not grant the petition and make the requested appointment.

Dated this ____ day of _____, _____.

Judge of the District Court

Name _____, Pro Se

Address _____

Phone _____

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF OKLAHOMA

IN THE MATTER OF)
THE GUARDIANSHIP OF) **PG - _____**
_____)
_____)

(a) minor child(ren).

**OKLAHOMA SEX OFFENDERS REGISTRATION ACT
AFFIDAVIT**

I am not a person subject to registration under the Oklahoma Sex Offenders Registration Act. I am not married to or living with such a person, or a person who has been convicted of, or has charges pending for, a felony or any relevant misdemeanor, nor is anyone living with me or frequently present in my home previously been convicted of, or has charges pending for, a felony or any relevant misdemeanor.

That as guardian of the above minor child(ren) under no circumstances shall I permit the child to be left in the custody of a person who is known to me to be subject to registration under the Oklahoma Sex Offenders Registration Act. Nor shall I permit the children to be left in the custody of a person married or living with such a person, or with any individual who has been convicted of any crime involving domestic abuse. Nor shall these children be placed in the custody of a person who has previously been convicted of, or has charges pending for, a felony or any relevant misdemeanor.

Petitioner

Subscribed and sworn to before me on this _____ day of _____.

Court Clerk or Notary Public

My Commission Number: _____

My Commission Expires: _____

Exhibit _____ to Petition for Guardianship

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF OKLAHOMA

IN THE MATTER OF)
THE GUARDIANSHIP OF) PG - _____
_____))
_____))

(a) minor child(ren).

PLAN FOR THE CARE AND TREATMENT
OF THE WARD(S)

I, _____ (print name), the guardian of the person of the minor
child(ren):

_____ (print ward's name(s))
_____ (print ward's address)
_____ (print city, state, zip)

hereby submit this:

initial annual (check one)

Guardianship Plan for the Care and Treatment of the above-listed ward(s).

1. I believe the services necessary for the physical health and safety of the ward(s) are as follows:

_____ (This list should include food, clothing, shelter, education and medical
care.)

2. These services will be obtained and/or provided as follows:

_____.

3. A separate guardian of the property of the ward(s)

has has not (check one)

been appointed. If a separate guardian of the property has been appointed, I will share with the guardian of the property all decisions as to the care and treatment of the ward. If a separate guardian of the property has not been appointed, I will make all such decisions consistent with the Orders of the Court.

4. I believe that the following services will assist in fulfilling the needs of the ward(s) and in implementing the terms of the most recent dispositional order:

- authority to enroll the ward(s) in school
- authority to consent to medical and psychological treatment for the ward(s)
- authority to determine the residence of the ward(s)
- other _____

Please check all that apply.

(Signature of Guardian)

(Address)

(City, State, Zip)

(Phone)

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF OKLAHOMA

IN THE MATTER OF)
THE GUARDIANSHIP OF) PG - _____
_____))
_____))

(a) minor child(ren).

**PLAN FOR THE MANAGEMENT OF
THE PROPERTY OF THE WARD(S)**

I, _____ (print name), the guardian of the person of the minor
child(ren):

_____ (print ward's name(s))
_____ (print ward's address)
_____ (print city, state, zip)

hereby submit this:

initial annual (check one)

Guardianship Plan for the Management of the Property of the above-listed ward(s).

1. I believe the services necessary for the management of the property of the ward(s) are as follows:

2. These services will be obtained and/or provided as follows:

_____.

3. The decisions as to the management of the property of the ward will be shared with the Guardian of the Person, if a separate Guardian of the Person has been appointed, otherwise I will make all such decisions consistent with the Orders of this Court.

4. I believe that the following services will assist in fulfilling the needs of the ward(s) and in implementing the terms of the Orders of this Court.

Executed this _____ day of _____, _____.

(Signature of Guardian)

(Address)

(City, State, Zip)

(Phone)

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF OKLAHOMA

IN THE MATTER OF)
THE GUARDIANSHIP OF) **PG - _____**
_____)
_____)

(a) minor child(ren).

LETTERS OF GUARDIANSHIP

_____ is hereby appointed general guardian of the person of _____.

WITNESS the undersigned Judge of the District Court of _____ County, State of Oklahoma, this _____ day of _____.

Judge of the District Court

OATH OF GUARDIAN

I, _____, do solemnly swear that i will discharge all and singular the duties of General Guardian of the person of _____ according to law, and to the best of my ability.

Guardian

Subscribed and sworn to before me this _____ day of _____, _____.

Judge of the District Court

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF OKLAHOMA

IN THE MATTER OF)
THE GUARDIANSHIP OF) **PG - _____**
_____)
_____)

(a) minor child(ren).

**ORDER FOR HEARING PETITION FOR
APPOINTMENT OF GUARDIAN**

Whereas, the Petition of _____ having been filed in this Court on the _____ day of _____, and it appearing that this Court has jurisdiction and is the proper venue for the matters alleged therein, the Court hereby Orders and Directs that said Petition be set for hearing on the ____ day of _____ at _____ o'clock __.M. in the court room of Judge _____ of the District Court.

Notice hereof shall be given by first class mail with postage prepaid, sent to the last known address of each of the following not less than ten (10 days prior to the hearing date:

1. the minor, if fourteen (14) years of age or older,
2. both parents of the minor,
3. all grandparents of the minor,
4. all adult brothers and sisters of the minor;
5. any person currently having custody or with whom the minor resides; and
6. all persons known to Petitioner who claim any rights to custody or visitation with the minor.

WITNESS my hand and seal of said Court this _____ day of _____.

Judge of the District Court

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF)
THE GUARDIANSHIP OF) **PG - _____**
_____)
_____)
(a) minor child(ren).

**NOTICE OF PETITION FOR
APPOINTMENT OF GUARDIAN**

You are hereby notified that _____ has petitioned this Court to be appointed guardian of the person and/or estate of the above-named minor _____ and that said Petition will be heard in the court room of Judge _____ in the _____ County Courthouse at _____ on the _____ day of _____, at _____ o'clock __.M. at which time you may appear and show cause if any, why said Petition should not be granted.

WITNESS my hand and seal of said Court this _____ day of _____.

Judge of the District Court

A Handbook for Guardians

Prepared by

Administrative Office of the Courts
Oklahoma City, Oklahoma

A Handbook for Guardians

Index

Introduction to Guardianship..... 2

Types of Guardianships..... 2

**Who Is Governed By the Oklahoma
Guardianship and Conservatorship Act..... 4**

Incapacity..... 4

Guardianship Proceedings 5

Who May Be Appointed As a Guardian 6

A HANDBOOK FOR GUARDIANS

This handbook is published pursuant to the guardianship laws of Oklahoma. It is designed to provide information about the laws and procedures concerning guardianship and conservatorships.

It includes a summary of the duties of guardians and conservators, such as legal notices, time tables, and required court approvals.

Penalties may be assessed against a guardian or conservator for failure to comply with the requirements of the law or orders of the court. Accountability is important not only to the court, but also to the ward.

This handbook has been provided as a reference guide only. It is not intended to answer all questions on guardianship. The handbook is not designed to substitute for the advice of the guardian's own attorney concerning the responsibilities, duties, authority or liabilities of service as a guardian. A guardian may seek the advice of an attorney at his or her own expense. If a guardian cannot afford an attorney the guardian may contact Legal Aid of Eastern or Western Oklahoma.

The Court and its staff, as well as the Court Clerk's office and its staff are elected public servants. However, the rules and laws governing the contact of these individuals prohibit them from providing legal advice or a specific case. They cannot provide legal advice on how the court procedures should be applied in a specific case. It is improper for the judge or his/her staff to speak with the guardian about a specific case without all interested parties being present.

INTRODUCTION TO GUARDIANSHIP

Appointment as a guardian brings with it many responsibilities and duties. The precise nature of a guardian's duties will be determined by the judge and by the law. A guardian will perform duties under the direction and supervision of the court and will be required to account to the court for any action taken as a guardian. A guardian will be directed by the court to take certain actions as guardian and to prepare reports for the court.

The Oklahoma Legislature enacted the Guardianship and Conservatorship Act to protect the welfare of all citizens of the state and to protect the financial resources and the physical well-being of minors, partially incapacitated and incapacitated persons.

The legislature has created different types of guardianships. Statutes governing guardianships may be found beginning at Title 30 of the Oklahoma Statutes thereafter referred to as “O.S.”, Section 1-101. Relative Guardianship of Minors has certain special requirements and these will be covered in a separate handbook. All statutes mentioned in the Handbook may be found at.

A guardianship may be general, limited, or special. A general guardian may be a guardian of the person of the ward, a guardian of the property of the ward, or both. A limited guardian is a person authorized by the court to exercise limited powers over the person of the ward, the Oklahoma property of the ward, or both. A special guardian may be appointed to meet the emergency needs of a ward.

TYPES OF GUARDIANSHIPS

A guardianship is a person appointed by the court to take care of the person or property of another. (30 O.S. §1-105)

Other useful terms are:

Guardian - A person appointed as general or limited guardian of the person, and/or general or limited guardian of property, or as a special guardian. It does not include “guardian ad litem.” (30 O.S. §1-106)

Ward - A person over whom a guardian is appointed and a person over whose property a guardian or conservator is appointed.

General Guardian - A guardian of the person or of all the property of the ward within this state or of both person and property. (30 O.S. §1-109)

Limited Guardian - A person authorized by the court to exercise limited powers over the person of the ward, or over the property of the ward within the state or of both person and property. (30 O.S. §1-109)

Special Guardian - A guardian appointed for an emergency purpose, generally not to exceed thirty (30) days. (30 O.S. §3-115)

Guardian Ad Litem - A person appointed by the court to assist in making decisions. (30 O.S. §1-111)

Guardianship Plan - The plan for the care and treatment of a ward or for the management of the ward’s financial resources, or both. (30 O.S. §1-111)

Minor – A person under eighteen (18) years of age. (30 O.S. §1-111)

Additional definitions may be found at Title 30 of the Oklahoma Statutes, Section 1-111.

Estate – The property of the person subject to the guardianship proceeding. (30 O.S. §1-111)

Guardianship Proceeding – A proceeding for the appointment of a guardian or for other orders regarding the condition, care or treatment of or the management of the financial resources of a ward. (30 O.S. §1-111)

WHO IS GOVERNED BY THE OKLAHOMA GUARDIANSHIP AND CONSERVATORSHIP ACT

The Guardianship Act applies to:

1. Minors in Oklahoma
2. Incapacitated and partly incapacitated persons
3. Property in Oklahoma belonging to a minor or incapacitated person who does not live in Oklahoma, and,
4. Property coming into the control of a guardian who is subject to the laws of Oklahoma. (30 O.S. §1-112)

No person, whether a parent or nonparent, has any power as a guardian unless so appointed by the court. The Oklahoma Guardianship and Conservatorship Act shall not be construed to limit the parental rights of parents as the natural guardians of their children.

INCAPACITY

An incapacitated person is defined by the statutes as “a person eighteen (18) years of age or older:

- a. who is impaired by reason of:
 1. mental illness as defined by Section 1-103 of Title 43A of the Oklahoma Statutes;
 2. mental retardation or developmental disability as defined by Section 1-818.2 of Title 63 of the Oklahoma Statutes;
 3. physical illness or disability;
 4. drug or alcohol dependency as defined by Section 3-403 of Title 43A of the Oklahoma Statutes; or
 5. such other similar cases, and
- b. whose ability to receive and evaluate information effectively or to make and to communicate responsible decisions is impaired to such an extent that said person:
 1. lacks the capacity to meet essential requirements for his physical health or safety, or
 2. unable to manage his financial resources.

A partially incapacitated person is defined as “an incapacitated person whose impairment is only to the extent that without the assistance of a limited guardianship person is unable to:

1. meet the essential requirements for his physical health or safety, or
2. manage all of his financial resources or to engage in all of the activities necessary for the effective management of his financial resources.

A finding that an individual is partially incapacitated shall not constitute a finding of legal incompetence. A partially incapacitated person shall be legally competent in all areas other than the area or areas specified by the court in its dispositional or subsequent orders. Such person shall retain all legal rights and abilities other than those expressly limited or curtailed in said orders.” (30 O.S. §1-111)

GUARDIANSHIP PROCEEDINGS

A guardianship proceeding will usually be filed in the district court of the county where the minor, the incapacitated or the partially incapacitated person resides. If the proposed guardian is a member of the minor’s or incapacitated person’s family, the guardianship proceeding may take place in the district court of the county where the proposed guardian lives. (30 O.S. §1-115)

In all cases, the first step in a guardianship is the filing of a written petition. Any person interested in the welfare of a person believed to be incapacitated or partially incapacitated may file a verified petition alleging the incapacitation and requesting the appointment of a guardian for the potential ward.

The procedures for the appointment of a guardian for a minor (a child under the age of eighteen (18) years) and the appointment of a guardian for an incapacitated person differ. A guardian may be appointed for a minor after a hearing on a petition filed with the district court. (30 O.S. §2-101) If the minor is at least fourteen (14) years of age, he or she will be given notice of the hearing. A minor of fourteen (14), or a minor upon reaching the age of fourteen (14), may nominate his or her own guardian. (30 O.S. §§2-103 and 2-104) Such nomination must be approved by the court.

Special procedures may be available for the management of the estate of a ward that does not exceed Ten Thousand Dollars (\$10,000). If this applies in your situation, please consult a lawyer. (30 O.S. §2-116)

WHO MAY BE APPOINTED AS A GUARDIAN

The statutes relating to guardianship set forth a list of persons who may serve as guardians and an order of priority for appointment by the court. (30 O.S. §3-104) A guardian or limited guardian is often a spouse, child

or other relative of the potential ward. After the petition is filed, notice must be given to a statutorily set list of persons of the time and place of the hearing. The subject of the proceeding must always be given notice. The notice requirements are set out at page ___ of this handbook. A brief list of those who may be appointed as a guardian, with priority of appointment, are as follows:

1. the person(s) nominated by the subject of the guardianship;
2. the current guardian or limited guardian appointed by a court in another jurisdiction where the incapacitated or partially incapacitated person resides;
3. the person nominated by the will or other writing of a deceased parent, spouse or adult child that was serving as the guardian or limited guardian of the subject of the proceeding;
4. the spouse of the subject of the proceeding;
5. an adult child;
6. a parent;
7. a sibling;
8. a (significant other) person, approved by the court, with whom the subject of the guardianship was living for more than six (6) months.

LEGAL REPRESENTATION

The person who is the subject of the proceeding may hire an attorney or the court may appoint a lawyer for the person who is the subject of the petition. (30 O.S. §3-107) The court may, if it is in the best interest of the ward, have the prospective ward evaluated by a mental health professional or other expert. (30 O.S. §3-108) The cost of court-appointed legal representation or evaluation may be charged against the ward's estate if sufficient funds are available. (30 O.S. §3-107)

At the court hearing on the petition, which shall be no more than thirty (30) days after the filing of the petition, the court may find:

1. that the subject of the petition does not need a guardian; or
2. that the subject of the petition does need a general guardian of the person of the ward;
3. that the subject of the petition needs a guardian of the property of the ward;
4. that the subject of the petition is a partially incapacitated person and needs a limited guardian of the person and a limited or general guardian of the property of the ward. (30 O.S. §3-111)

The powers of a limited guardian are assigned by the court. A limited guardian of the person may not take custody of the person of the ward.

The court may establish specific limitations on the legal activities of a ward, including, but not limited to, determining whether the ward retains sufficient capacity to vote, to serve as a juror, to drive, to be licensed or continue to practice any profession, to make personal medical decisions, to appoint an agent, to enter into contracts, to grant conveyances, or to make gifts of property. (30 O.S. §3-113)

A special guardian may be appointed if imminent danger to the health or safety of the ward exists, or if the ward's property will be seriously damaged or dissipated. If notice is required, a time for hearing will be set within seventy-two (72) hours. Seventy-two (72) hours notice must be given and personally served upon the subject, subject's attorney, subject's spouse and at least one other adult relative. (30 O.S. §3-115)

A guardian will usually be required to post a bond with the court before serving as a guardian. If the value of the ward's estate and the yearly income of the ward is not more than Forty Thousand Dollars (\$40,000), and the guardian is a parent, spouse, brother, sister, grandparent, child or grandchild of the ward, bond may be waived. The court alone may waive a bond. (30 O.S. §4-201)

In general, all the powers and duties of the guardian are set forth in the order of the court creating the guardianship. If a guardian is at all uncertain as to whether a specific act would be legal or proper, an attorney should be consulted.

RESPONSIBILITIES OF A GUARDIAN

A guardian or limited guardian of the person is responsible for the care and control of the ward. A guardian must perform in good faith and diligently any specific duties and powers assigned by the court. A Guardian shall:

1. become or remain sufficiently acquainted with the ward to maintain contact and to know capacities, limitations, needs, opportunities and health of the ward;
2. assure that the ward has a place to live which is least restrictive and most normal for his or her health and safety;
3. provide required consents or approvals as authorized by the court. (30 O.S. §3-118)

A guardian or limited guardian of the person of the ward, may file a Proposed Plan for the Care and Treatment of a Ward with the petition, submit one to the court at the time of hearing, or file the plan with the court within ten (10) days after appointment. (30 O.S. §3-120) The court may extend the time for filing the plan for not more than thirty (30) days. The court may approve a plan acceptable to the court without notice to all persons involved and without a hearing. The court may order the modification of the plan at a review hearing. Sample forms are found on page ___. In short, the plan must list the services necessary for the physical health and safety of the ward, the method by which services will be obtained, the manner in which the guardian and ward will share the decision-making authority, and such other services as are necessary to assist in meeting all needs of the ward.

If you are a guardian of the person of the ward, the court may also authorize proceedings to compel the performance by a third person of his duty to support the ward or to pay money for the welfare of the ward. This is not an authorized activity if a guardian of the property or conservator for the estate of the ward has been appointed. A guardian or limited guardian of the person may, if authorized by the court, consent to certain necessary medical care for the ward without liability. (A guardian will be liable for this consent only as a parent would be liable for making the same consent for a child.) A guardian may not consent to certain medical procedures unless an emergency exists and the life of the ward must be saved. An attorney should be consulted if this situation occurs.

A guardian or limited guardian of the property of an incapacitated or partially incapacitated person must file with the court, for approval, a document called a Proposed Plan for the Management of the Financial Resources of the Ward. The plan must contain:

1. the services necessary to manage the property of the ward placed under the control of the guardian or limited guardian;
2. the method for obtaining the services;
3. the manner in which the guardian(s) of the property and the guardian(s) of the person will make decisions and share in the decision-making authority;
4. the services necessary to assist in the management of the property to fulfill the needs of the ward and the duties of the guardian or limited guardian.

The plan must be filed with the petition, submitted to the court at the time of hearing, or filed within two (2) months of the guardian's appointment. A sample form for the proposed plan may be found on page ___. (30 O.S. §3-122)

A guardian or limited guardian of the property of the ward serves in a fiduciary capacity to the ward. The ward's property must be safely maintained. The limits on the expenditures by the guardian of the ward's money are set by law. Consultation with an attorney may be necessary before expending any monies belonging to the ward. The court sets limits on the sale of the ward's property. The law also provides that money belonging to a minor, an incapacitated, or a partially incapacitated person, may only be invested in certain ways.

A guardian or limited guardian of the property of a ward shall file an inventory of the estate of the ward within two (2) months after appointment as guardian. (30 O.S. §§3-122, 4-301) It may be filed with the Plan for Management of the Property of the Ward. The time to file an inventory may be extended by the court. An inventory is a listing of all of the ward's property. Inventories may be required by the court at any time. The inventory is filed with the clerk of the district court. The judge, the ward, or any interested person may request that the property be appraised.

A guardian or limited guardian of the person or of the property must, at the conclusion of his first year of guardianship, and at least once a year thereafter, file a report on the guardianship of the property. (30 O.S. §4-303) This report must include an accounting of any money received by the guardian for the ward, any payment(s) made for the ward by the guardian, any changes of property on the inventory, and any significant change in the physical or mental condition of the ward, or the ward's financial resources. The report shall state the guardian's request for compensation and the guardian's request for compensation for attorney. Additional reports may be required of guardians and limited guardians by the court appointing them.

Unless the court directs, or it is required by the Uniform Veteran's Guardianship Act (72 U.S.C. §126.1, *et seq.*), the guardian of the property of a ward may not have to file an annual accounting or an annual plan if the ward's financial resources or assets, other than the homestead, are worth less than Forty Thousand Dollars (\$40,000), if a bond has been posted, or are worth less than Ten Thousand Dollars (\$10,000) regardless of whether a bond has been posted and if the guardian or limited guardian of the property is the spouse or a relative of the ward within the fourth degree of consanguinity.

The requirements for an annual report on the guardianship of an incapacitated or partially incapacitated person are, in brief, as follows:

1. the name and place of abode of the ward;
2. the name and address of the guardian or limited guardian;
3. any significant changes in the capacity of the ward to meet the essential requirements for physical health or safety;
4. the services being provided to the ward and their relationship to the guardianship plan;
5. problems during the reporting period;
6. any significant actions by the guardian during the reporting period;
7. the reasons why the appointment should be continued;
8. the reasons, if any, why no less restrictive alternative environment for the ward is to be considered. (30 O.S. §4-305);

The reporting requirements for the guardian of the property are, in brief:

1. the name and place of abode of the ward, and the name and address of the guardian;
2. changes in the capacity of the incapacitated or partially incapacitated ward to manage financial resources and the service being provided for the management of those resources;
3. significant actions by the guardian during the reporting term;
4. problems during the reporting term;
5. reasons why the guardianship should not be terminated or a less restrictive alternative implemented. (30 O.S. §4-306)

Copies of the annual report are mailed to persons entitled to notice as set out in 30 O.S. §4-307. These persons have fifteen (15) days after the report is filed to object. The court may hold a hearing on the annual report. (30 O.S. §4-307) The court may require a new bond; failure to obtain the bond may result in the guardian's removal.

The duties of the guardian with regard to the administration of the property of the ward are clearly set forth in the statutes. A guardian must settle the accounts and receive the just debts of the ward. A guardian or limited guardian may execute waivers or consents for the ward as authorized by the court. Limits are set on the type of

investments a guardian may make with regard to the ward's property. The court must approve or order the sale of the ward's real or personal estate.

LIMITATIONS OF THE POWERS OF A GUARDIAN

Some guardians may fix the abode of the ward within the county. The ward may not be moved outside the county without court approval. (30 O.S. §1-120)

A guardian does not have the power to do the following acts:

1. to consent on behalf of the ward to withholding or withdrawal of life-sustaining procedures except with specific court authorization or as authorized by advance directive executed pursuant to state law;
2. to consent on behalf of the ward to termination of the ward's parental rights;
3. to consent to an abortion, psychosurgery, removal of a bodily organ, performance of any experimental biomedical or behavioral procedure except in an emergency and to preserve the life of the ward and with permission of the court having jurisdiction of the proceeding;
4. to prohibit the marriage or divorce of the ward except with court approval;
5. to consent on behalf of the ward to placement of the ward in a facility or institution absent formal commitment proceedings. (30 O.S. §3-119)

GUARDIANSHIP FEES

As a guardian, an individual may receive a fee for work performed. The court will set the compensation. Compensation for the collection of the ward's income by a guardian or limited guardian of the property must not exceed seven and one-half percent (7-1/2%) of the income collected. (30 O.S. §§4-401 and 3-122). Payment may not be made without court order.

REMOVAL OF A GUARDIAN

A guardian may be removed by the district court:

1. for abuse of fiduciary responsibility;
2. for continued failure to perform his duties;
3. for incapacity to perform his duties;
4. for gross immorality;

5. for having interest adverse to the faithful performance of his duties;
6. if the instrument in which the person was nominated as guardian is judicially determined to be invalid;
7. if a guardian of the property is insolvent;
8. when it is not longer proper that the ward should be under guardianship. (30 O.S. §4-801)

TERMINATION OF GUARDIANSHIP

If an incapacitated or partially incapacitated person marries, the court will hold a review hearing to determine what changes, if any, need to occur concerning the guardianship. (30 O.S. §4-802)

Pursuant to law, a guardian's responsibility terminates upon the death of the guardian, conservator or ward, the determination of incapacity of the guardian, the guardian's removal or resignation, the restoration of the capacity of the ward, or the expiration of the term of a special guard's authority. The court, after notice and hearing, may remove a guardian for cause who has failed for thirty (30) days to make an account or a report after being required to do so. (30 O.S. §4-803)

A guardian may resign and the court, upon notice, may appoint a successor.

A guardian must account for all actions at the end of the guardianship. A final report and request for final compensation shall be filed within thirty (30) days of the event terminating the guardian's responsibilities. (30 O.S. §4-803)

The court shall set the final account for hearing on a date not less than fifteen (15) days after the filing of the final report. Notice of the hearing shall be given at least ten (10) days prior to the hearing by first-class mail. (30 O.S. §2-101) If the guardianship for an adult, or if it was a conservatorship action, notice must be given as set out in 30 O.S. §§3-110 and 4-803.

Any person receiving notice may appear and file written exceptions to the final account. Upon approval of the final account, the guardian or conservator and his sureties shall be discharged. (30 O.S. §4-803)

CONFIDENTIALITY

Confidential information filed or submitted to the court under the Oklahoma Guardianship or Conservatorship Act shall not constitute a public record and shall be sealed by the court. Access to the confidential information shall be strictly controlled. The fact of the existence of a guardianship or conservatorship shall not be considered confidential. (30 O.S. §1-122)

NOMINATION OF A GUARDIAN

Every person eighteen (18) or older who is of sound mind and not acting under duress, menace, fraud or undue influence may nominate a guardian. A form is provided in this booklet for nominating a guardian. (30 O.S. §3-102) A person nominated as guardian shall be given preference in the appointment of a guardian. (30 O.S. §3-104)

RESTORATION OF CAPACITY

Any person judicially determined to be incapacitated, totally or partially, the guardian, any relative or friend of the ward may petition the court for restoration to capacity. Proceeding must be brought in the court having jurisdiction over the guardianship proceeding by filing a verified petition.

A hearing shall be set within thirty (30) days after filing the petition. Notice shall be given as in guardianship proceedings. (30 O.S. §3-116) If the ward's restoration is judicially determined, the guardian must comply with requirements of terminating the guardianship.

MULTIPLE GUARDIANS

Multiple guardians appointed for one ward are liable as if they are sole guardians. They must each post bond unless waived. (30 O.S. §4-501) One may give another co-guardian written authority to act for both. If a ward has more than two guardians, the act of a majority is valid. (30 O.S. §4-502) If one guardian dies, the power continues in the survivor until further appointment is made. (30 O.S. §4-503) When an account is rendered by two or more joint guardians, the judge of the district court may allow the same upon oath of any of them. (30 O.S. §4-304)

FINANCIAL ISSUES

The guardian is responsible for the payment of the debts of the ward. (30 O.S. §4-701) The guardian must collect all debts owed the ward. (30 O.S. §4-702) Settlement of claims or law suits requires approval of the court. Before selling any real property, or making any investment, the guardian must obtain an order from the court. (30 O.S. §§4-705 and 4-708)

Except as otherwise provided by law, money belonging to wards can only be invested:

1. in real estate and first mortgages upon real property which do not exceed fifty percent (50%) of the actual value of the property; or
2. United States Bonds, or any other type of security certificate, or evidence of indebtedness, which is guaranteed by the United States Government, or any authorized agency thereof;
3. state bonds; or
4. bonds of municipal corporation; or
5. Annuities covered by the Oklahoma Life and Health Insurance Guarantee Association which do not exceed Three Hundred Thousand Dollars (\$300,000), individually.
6. in accounts in savings and loan associations and credit unions located in the State of Oklahoma; and/or
7. all types of interest-bearing time deposits and certificates of banks, savings and loan associations and credit unions located in the State of Oklahoma, not to exceed the amount insured by the United States Government. (30 O.S. §4-709)

A guardian selling real estate may be required to post a bond. (30 O.S. §4-763)

Upon termination of a guardianship or removal of a guardian, a final accounting shall be filed within thirty (30) days of the event terminating the guardianship. A hearing shall be set by the court and notice given. Any person receiving notice may file exceptions to the final report. (30 O.S. §4-803)

CIVIL LIABILITY

Any guardian who willfully violates the duties or powers assigned by the court shall be liable for actual damages. (30 O.S. §4-901)

CONSERVATORSHIPS

If a person is unable, by reason of physical disability only, to manage his or her property and voluntarily consents to the establishment of a conservatorship and the appointment of a conservator, a verified petition may be filed in district court. The court shall direct that notice be personally served on the person alleged to be unable to manage his or her property. Notice shall be served on others as directed by the court. (30 O.S. §3-211) A conservator will not be appointed unless the subject of the proceeding consents to the appointment. (30 O.S. §3-212) A conservator is required to post a bond (30 O.S. §3-214) and shall have all the same powers and duties, including the submission of plans and reports, as a guardian. (30 O.S. §3-215)

A conservator may be discharged upon application of the ward and with notice to the conservator and to the ward's next of kin as directed by the court. Upon termination of a conservatorship, a conservator shall account to the court as would a guardian. (30 O.S. §3-216)

A conservator may be compensated in the same manner as a guardian. (30 O.S. §3-217)

Time Table of Guardianship

	Act	Time
	(30 O.S. §3-110) FILING OF VERIFIED PETITION NOTICE SERVED ON:	
1.	Subject	Personal service ten (10) days before hearing
2.	Subject's spouse	Service by mail ten (10) days before hearing
3.	Subject's attorney	Service by mail ten (10) days before hearing
4.	Subject's adult children	Service by mail ten (10) days before hearing
5.	Subject's parents, if none living, adult child	Service by mail ten (10) days before hearing
6.	Subject's siblings and adult grandchildren, if no living parent(s)	Service by mail ten (10) days before hearing
	IF NONE OF THE ABOVE, THEN TO AT LEAST ONE (1) AND NOT MORE THAN THREE (3) OF THE NEAREST ADULT RELATIVES OF THE SUBJECT	Service by mail ten (10) days before hearing
7.	Proposed or nominated guardian	Service by mail ten (10) days before hearing
8.	Persons having care or custody of the subject	Service by mail ten (10) days before hearing
9.	Department of Human Services, Department of Mental Health and Substance Abuse Services, if providing services to the subject	Service by mail ten (10) days before hearing
10.	As appropriate, the Veterans Administration	Service by mail ten (10) days before hearing
11.	Any other person designated by the court	Service by mail ten (10) days before hearing
	Hearing (30 O.S. §3-109)	Within thirty (30) days of filing petition
	Proposed Plan For Care and Treatment of the Ward (30 O.S. §3-120)	With petition or within ten (10) days of appointment of guardian
	Proposed Plan for Management of the Property of the Ward and Inventory (30 O.S. §3-122)	With petition or within two (2) months of appointment of guardian
	Annual Report (30 O.S. §§4-305 and 4-306)	Upon expiration of a year from time of appointment and annually thereafter
	Application for Termination of Guardianship Resolution of Dispute, Request for Further Restrictions or Review Hearings (30 O.S. §4-308)	Notice as in guardianship proceedings within ten (10) days prior to hearing
	Sale of Property of Ward (30 O.S. §4-755)	Notice as in guardianship proceedings ten (10) days before hearing. Hearing in not less than ten (10) nor more than thirty (30) days following filing a verified petition. Notice may be waived.
	Final Accounting (30 O.S. §4-803)	Within thirty (30) days of the event terminating the guardianship. Then (10) days notice as in guardianship proceeding or, if deceased, to the ward's personal representative
	Hearing on Final Account (30 O.S. §4-803)	Within fifteen (15) days of filing

**IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA**

IN THE MATTER OF THE)
GUARDIANSHIP OF) **PG - _____**
_____))
_____))

**PLAN FOR THE CARE AND
TREATMENT OF A WARD**

I, _____, the (guardian, limited guardian) for _____ (name and current place of abode for the ward) hereby submit this (initial, annual or as ordered by the court) Guardianship Plan for the care and treatment of said ward.

1. I believe the services necessary for the physical health and safety of the ward are _____.
2. Those services will be obtained or provided as follows: _____
3. The guardian (or conservator) of the property (name or indicate as not applicable) of the ward, the ward, and I plan to cooperate and share decision-making authority with regard to the ward within the provisions of the dispositional order as follows: _____.
4. I believe the following services will assist in fulfilling the needs of the ward implementing the terms of the most recent dispositional order applying to me as (guardian or limited guardian);

Date

(Signature of guardian or limited guardian)

**IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA**

IN THE MATTER OF THE)
GUARDIANSHIP OF) **PG - _____**
_____))
_____))

**PLAN FOR THE MANAGEMENT
OF THE PROPERTY OF A WARD**

I, _____ (name), the (petitioner, guardian, or limited guardian) for _____ (name and current place of abode) hereby submit this (initial, annual or as ordered by the court) Guardianship Plan.

1. I believe the services necessary to manage the property of the ward which is subject to this Plan are as follows:

2. Those services will be provided in the following manner: _____

3. The guardian (or limited guardian) of the person, (Name or indicate as not applicable) the ward and I plan to cooperate and share decision-making authority with regard to the ward within the provisions of the dispositional order as follows:

4. I believe the following services will assist in the management of the property of the ward subject to my control, implementing the terms of the most recent dispositional order applying to me as (guardian or limited guardian) of the property:

Date

(Signature of guardian or limited guardian)

30 O.S. §3-122

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF OKLAHOMA

IN THE MATTER OF THE)
GUARDIANSHIP OF) **PG - _____**
_____)
_____)

**REPORT ON THE GUARDIANSHIP
OF THE PERSON**

I, _____ (Name), the (Guardian/Limited Guardian of the person) for _____ (Name), an (incapacitated/partially incapacitated) person hereby submit this (annual, court-ordered) Guardianship Report:

1. The present place of abode of the ward is: _____
2. The type of home or facility in which the ward lives is _____ and the name of the person in charge of the home or facility is _____.
3. My present street address and telephone number is: _____

4. During the last year, I have seen the ward _____ times. I otherwise or also have become or remained familiar with the needs and care of the ward as follows: _____

5. The following services are currently being provided to the ward: _____

6. These services (are, are not) provided for in the current Guardianship Plan. The reason they are not shown in the current Guardianship Plan is: _____

7. The ward was last seen by a physician on: _____. The purpose of the visit was _____
8. I (have, have not) observed any major change in the ward's physical or mental condition during the last year. (If so,) these are my observations: _____

9. I (have, have not) taken any significant action for or on behalf of the ward since the last time I submitted a Guardianship Report. (If so,) I took the following actions: _____

10. There (have, have not) been any significant problems relating to the ward or to my guardianship of the ward since the last time I submitted a Guardianship Report or, if this is an initial report, since the issuance of my letters. (If so,) I have observed these problems: _____
11. It is my opinion that the guardianship (should, should not) be continued. (If so,) the basis for my belief is as follows: _____
12. I believe the ward (would, would not) be able to manage essential requirements for physical health and safety with fewer restrictions on the ward's ability to act for himself or herself. (If so,) the basis for my belief is as follows: _____
13. My opinion of the present care being provided to the ward is as follows: _____
14. The place of abode of the ward (has, has not) changed since the last guardianship report. If so, the place of abode of the ward was changed for the following reasons: _____

I hereby swear that the answers set forth above are true and correct to the best knowledge and belief of the undersigned subject to the penalties of making a false affidavit or declaration.

Date

(Signature of guardian or limited guardian)

30 O.S. §3-305

**IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA**

IN THE MATTER OF THE)
GUARDIANSHIP OF) **PG - _____**
_____)
_____)

**REPORT ON THE GUARDIANSHIP
OF PROPERTY**

I, _____ (name), the (Guardian or Limited Guardian of the property) of _____ (name), an incapacitated (or partially incapacitated person, hereby submit this (annual, court ordered) Report.

1. List any significant changes in the capacity of the ward to manage his or her financial resources:

2. The services currently being provided to the ward are as follows: _____

3. These services (are, are not) provided for in the current Guardianship Plan as approved by the court.

The reason these services are not shown in the current plan are as follows: _____

4. I (have, have not) taken any significant actions for or on behalf of the ward since the last time I submitted a Guardianship Report. (If so,) these actions are as follows: _____

5. There (have, have not) been any significant problems relating to the guardianship since the last time I submitted a Guardianship Report. (If so,) The problems are as follows:

6. In my opinion, the guardianship (should, should not) be continued. The reasons for my belief are as follows: _____

7. It is my belief that the ward (would, would not) be able to manage his or her financial resources with fewer restrictions on the ward's ability to act for him or herself. The reasons for my belief are as follows: _____

I hereby swear that the answers set forth above are true and correct to the best knowledge and belief of the undersigned subject to the penalties of making a false affidavit or declaration.

Date

(Signature of guardian or limited guardian)

30 O.S. §3-306

**IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA**

IN THE MATTER OF THE)
GUARDIANSHIP OF) **PG - _____**
_____))
_____))
(A) MINOR CHILD(REN)

**REPORT ON THE GUARDIANSHIP OF
PROPERTY OF A MINOR WARD**

I, _____ (name), the (Guardian or Limited Guardian of the property) of _____ (name), a minor, hereby submit this (annual, court-ordered) Report.

1. The services currently being provided to the ward are as follows: _____

2. These services (are, are not) provided for in the current Guardianship Plan as approved by _____ the court.

The reason these services are not shown in the current plan are as follows: _____

3. I (have, have not) taken any significant actions for or on behalf of the ward since the last time I submitted a Guardianship Report. (If so,) These actions are as follows: _____

4. There (have, have not) been any significant problems relating to the guardianship since the _____ last time I submitted a Guardianship Report.

(If so,) The problems are as follows: _____

I hereby swear that the answers set forth above are true and correct to the best knowledge and belief of the undersigned subject to the penalties of making a false affidavit or declaration.

Date

(Signature of guardian or limited guardian)

30 O.S. §3-306

Guardianship Checklist

Cast Style: _____

County: _____

Case Number: _____

Type Of Guardian: ___ General
 ___ Limited
 ___ Of Person
 ___ Of Property

Date Of Appointment: _____

Date Plan For Care And Treatment Of Ward Filed: _____

Annual Report

Annual Report Due Date	Annual Report Filing Date