

**IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA**

**INSTRUCTIONS FOR GUARDIANSHIP - MINOR**

1. **Do NOT fill in the blanks on the example packet. Re-type all the forms of the packet.**
2. **Type your own Petition for Appointment of a Guardian on 8 1/2" x 11" letter-size paper. Type on ONE SIDE ONLY of each page. Use as many or few pages as needed for your situation.**
3. **Petitioner(s) MUST list relationship to child.**
4. **If more than one Petitioner, both Petitioners must sign the Petition for Appointment of a Guardian.**
5. **Consent must be signed by minor child age 14 or older.**
6. **The Letters of Guardianship and Order Appointing Guardian forms are what the Judge needs to sign to grant the guardianship. You can send these in with the Petition or bring them with you to court. If more than one person is asking to be guardians, the paperwork should read "Co-Guardians" instead of "Guardian."**
7. **We MUST have names and addresses for both parents, if living. If minor has no living parent, then you must provide name and address of one of the living grandparents, who is not the petitioner. If minor has no living parent or grandparent, then you must provide the name and address of an adult relative, if any.**
8. **We need contact information for any party that has an interest in the guardianship.**
9. **Failure to keep the Court informed of your contact information will result in a modification or dismissal of the guardianship or may subject you to further sanctions imposed by the court.**

**ENCLOSE THE FOLLOWING WITH YOUR PETITION:**

When you are ready to mail or personally bring your Petition for Appointment of a Guardian to be filed with the Court Clerk's office, you **MUST** bring the following in order to file your Petition:

1. Copy of your CDIB/membership card.
2. Information Sheet
3. Credit/Debit card, cashier's check or money order for \$50.00 payable to **Choctaw Nation Judicial**. We do not accept personal checks or cash.

If you have questions, you may call the Court Clerk's office at (580) 920-7027. **Mail all correspondence to P.O. Box 1160, Durant, OK 74702.** If filing in person, you may use the Choctaw Nation Court Clerk's office in Durant, located at 2250 Chukka Hina Drive or the Choctaw Nation Court Clerk's Office in Talihina, located in the BIA Building at 302 Church Street. **\*\*\*NOTE\*\*\*** In matters requiring advice of the Choctaw Nation Children and Family Services Department, contact 1-800-522-6170 or (580) 924-8280.

## One Time Credit Card Payment Authorization Form

Sign and complete this form to authorize Choctaw Nation to make a one-time debit to your credit card listed below.

By signing this form you give us permission to debit your account for the amount indicated. This is permission for a single transaction only, and does not provide authorization for any additional unrelated debits or credits to your account.

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### Please complete the information below:

I \_\_\_\_\_ authorize Choctaw Nation to charge my credit card  
(full name)  
account indicated below for \$50.00. This payment is for \_\_\_\_\_.  
(description of services)

Billing Address \_\_\_\_\_ Phone# \_\_\_\_\_  
City, State, Zip \_\_\_\_\_ Email \_\_\_\_\_

Account Type: <input type="checkbox"/> Visa <input type="checkbox"/> MasterCard
Cardholder Name _____
Account Number _____
Expiration Date _____

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

I authorize the above named business to charge the credit card indicated in this authorization form according to the terms outlined above. This payment authorization is for the goods/services described above, for the amount indicated above only, and is valid for one time use only. I certify that I am an authorized user of this credit card and that I will not dispute the payment with my credit card company; so long as the transaction corresponds to the terms indicated in this form.

IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

**TYPE OF CASE**

**Guardianship**

**PETITIONER'S INFORMATION**

**NAME: Last:** \_\_\_\_\_ **First:** \_\_\_\_\_ **Middle:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ **ALTERNATE NUMBER:** \_\_\_\_\_

**E-MAIL:** \_\_\_\_\_

**TRIBAL AFFILIATION:** \_\_\_\_\_

**MOTHER'S INFORMATION**

**NAME: Last:** \_\_\_\_\_ **First:** \_\_\_\_\_ **Middle:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ **ALTERNATE NUMBER:** \_\_\_\_\_

**E-MAIL:** \_\_\_\_\_

**TRIBAL AFFILIATION:** \_\_\_\_\_

**FATHER'S INFORMATION**

**NAME: Last:** \_\_\_\_\_ **First:** \_\_\_\_\_ **Middle:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ **ALTERNATE NUMBER:** \_\_\_\_\_

**E-MAIL:** \_\_\_\_\_

**TRIBAL AFFILIATION:** \_\_\_\_\_

IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

IN RE THE GUARDIANSHIP OF:

DOB:
Minor Child(ren)

CASE NO. PGM-

PETITION FOR APPOINTMENT OF A GUARDIAN (CO-GUARDIANS)

COMES NOW THE Petitioner(s), representing her/him/themselves, and for this cause of action
allege and state that the reasons supporting the need for the guardianship are: (a description of an acts or behavior which give rise to the need for guardianship)

THAT the Petitioner(s) is/are capable and willing to assume the responsibility of being the guardian for
a Choctaw Nation of Oklahoma tribal member, years of age, who was born on the day of 20, and who currently resides at.

THAT does not at the present time have a Court-appointed Guardian and a Guardian needs to be appointed for the reason that is a minor child incapable of overseeing and maintaining his/her property and financial affairs or his/her own welfare in a manner that is in his/her best interest.

THAT the Petitioner(s) is(are) the aunt/uncle/grandmother/etc. of.

THAT the Petitioner(s) have or have not been convicted of felony. If yes, please provide details:

THAT the names and addresses of's closest blood relatives are as follows: (You must list the names, addresses and their relationship to the person you are seeking guardianship over e.g. Mother, Father, Sister, etc. YOU HAVE TO LIST THE MOTHER AND FATHER.)

THAT the Petitioner(s) is/are a fit and proper person to be appointed guardian to oversee the care and maintenance of.

WHEREFORE, the Petitioner(s), prays that this Court make and issue an Order appointing him/her/them to be the Guardian of, a minor child and that hearing be set on this matter as soon as the Court deems necessary.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**PETITIONER**

**Address:**

**Phone number:**

STATE OF OKLAHOMA

COUNTY OF \_\_\_\_\_

Before me, a Notary Public in and for said County and State, on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_, personally appeared \_\_\_\_\_, of lawful age, being first duly sworn upon oath state:

That \_\_\_\_\_ is the Petitioner above named; that he/she has read the above and foregoing Petition for Appointment of Guardian and understand the same; that the facts contained therein are true and correct.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Exp.: \_\_\_\_\_

**AFFIDAVIT PURSUANT TO  
UNIFORM CHILD CUSTODY JURISDICTION ACT**

STATE OF OKLAHOMA )  
 )  
COUNTY OF [COUNTY] ) **ss.**

I, [Name of Petitioner], being first duly sworn, state:

1. I am the Petitioner in a civil action currently pending in this Court.
2. \_\_\_\_\_ and \_\_\_\_\_ are the parents of [number of children] minor [child/children], namely: [Name of Child No. 1], born [birth date of child 1]; [Name of child No. 2]; born [birth date of child 2]; and, [Name of child No. 3], born [birth date of child 3].

- a. The present address of the [child/children] is [current address].
- b. The [child/children] [has/have] resided with the following persons at the following addresses for the past five (5) years: [Or list address for the past five (5) years]

DATES (To-From)	ADDRESS	CITY	STATE	WITH

- c. I have not participated as a party, witness or in any other capacity, in other litigation concerning the custody of the [child/children] in this state or in any other state. [EXCEPT: \_\_\_\_\_].

- d. I have no knowledge of any custody proceeding concerning the [child/children] pending in any court.
- e. I know of no other party not a party to these proceedings who has physical custody of the [child/children] or claims to have custody or visitation rights with respect to the [child/children].
- f. The [child/children] [is/are] not of Indian descent. [OR] The [child/children] [is/are] [a member of/members of] the [Name of Tribe].

3. I have prepared this *Affidavit* in compliance with the Uniform Child Custody Jurisdiction Act and understand that I have a continuing duty to inform the Court of any custody proceeding concerning the [child/children] in this or any other state of which I obtain information during this proceeding.

FURTHER AFFIANT SAITH NOT.

\_\_\_\_\_  
Petitioner

Subscribed and sworn to before me the undersigned Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

IN RE THE GUARDIANSHIP OF:

DOB:  
Minor Child(ren)

CASE NO. PGM-

CONSENT TO GUARDIANSHIP

COMES NOW \_\_\_\_\_ Father of the minor child in the above styled cause and informs the Court that he waives notice of a hearing to be held on the Petition for Appointment of a Guardian filed by \_\_\_\_\_ and consents to the Court placing the minor child with said petitioner.

In witness whereof, I have subscribed my name this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Father's name)

Subscribed and sworn to me before this \_\_\_\_\_ date of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary  
My Commission Expires: \_\_\_\_\_



IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

IN RE THE GUARDIANSHIP OF:

DOB:  
Minor Child(ren)

CASE NO. PGM-

CONSENT TO GUARDIANSHIP

COMES NOW \_\_\_\_\_ Mother of the minor child in the above styled cause and informs the Court that she waives notice of a hearing to be held on the Petition for Appointment of a Guardian filed by \_\_\_\_\_ and consents to the Court placing the minor child with said petitioner.

In witness whereof, I have subscribed my name this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Mother's name)

Subscribed and sworn to me before this \_\_\_\_\_ date of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary  
My Commission Expires: \_\_\_\_\_

IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

IN RE THE GUARDIANSHIP OF:

CASE NO: PGM-

DOB:  
Minor Child(ren)

CONSENT AND NOMINATION OF PROPOSED WARD

STATE OF OKLAHOMA

COUNTY OF

I, \_\_\_\_\_, now upon my oath understand that a Petition for Guardianship has been filed by \_\_\_\_\_ regarding myself in The District Court for the Choctaw Nation of Oklahoma. I also understand that I have the right to consult an attorney of my choice before signing this document and have elected not to do so.

I, \_\_\_\_\_, therefore waive any right that I may have to object to the issuance of Letters of Guardianship to \_\_\_\_\_ for myself. I sign this consent without any duress or coercion forcing me to do so and do so because I believe it to be in the best interest of myself. With this document, I nominate said \_\_\_\_\_ as guardian for myself. I further waive any further notice in this matter. I have signed this consent freely without fraud or duress and without promises of any monetary article. I am not under the influence of any alcohol or drugs.

\_\_\_\_\_  
(ward's name)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Notary  
My Commission Expires: \_\_\_\_\_

IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

IN RE THE GUARDIANSHIP OF:

DOB:  
Minor Child(ren)

CASE NO. PGM-

LETTERS OF GUARDIANSHIP (CO-GUARDIANSHIP)

\_\_\_\_\_ is hereby appointed guardian (co-guardians) of the person of  
\_\_\_\_\_. This guardianship will remain in effect until further order of the court. Witness the  
undersigned judge of the District Court of Choctaw Nation this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge Rebecca A. Cryer

STATE OF OKLAHOMA

COUNTY OF

I, \_\_\_\_\_, do solemnly swear that I will discharge all singular duties of Guardian of the person  
of \_\_\_\_\_, according to the law, and to the best of my ability. So help me God.

\_\_\_\_\_  
Guardian

Subscribed and sworn to me before this \_\_\_\_\_ date of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge Rebecca A. Cryer

IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

IN RE THE GUARDIANSHIP OF:

DOB:  
Minorchild(ren)

CASE NO: PGM-

ORDER APPOINTING GUARDIAN (CO-GUARDIANS)

This cause comes on for hearing of the Petition of \_\_\_\_\_ for appointment as the guardian (co-guardians) of the person above named. The Petitioner appears in person. The child’s mother appears not, having signed consent to these proceedings. The child’s father appears not, having signed consent to these proceedings. The Court then called the case for trial. Having reviewed the file, hearing testimony and the announcements of the parties, the Court, being fully advised in the premises, finds: The court has jurisdiction in this matter since the person is located in this jurisdiction and is a member of the Choctaw Nation, and that it is in the best interest of person, that the Petitioner be appointed as guardian.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED BY THE COURT that \_\_\_\_\_ be appointed guardian of the person and property of \_\_\_\_\_, minor child, and Letters of Guardianship be issued to \_\_\_\_\_ upon taking the oath required by law. Bond is hereby waived.

The mother is required to pay reasonable child support during the minority of said child/children in the amount of \$\_\_\_\_\_ per child, per month, in the total sum of \$\_\_\_\_\_per month.

The father is required to pay reasonable child support during the minority of said child/children in the amount of \$\_\_\_\_\_ per child, per month, in the total sum of \$\_\_\_\_\_per month.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the parties immediately notify the court of any change in their contact information and of any information they have regarding the location of the natural parents of the ward(s).

The Court determines that a review hearing is necessary. The date of the review hearing is \_\_\_\_\_ and all parties are hereby ordered to appear for said hearing.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge, Choctaw Nation District Court