

IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

INSTRUCTIONS FOR TERMINATING A MINOR GUARDIANSHIP

- 1. Do NOT fill in the blanks on the example packet. Re-type all the forms of the packet. Type the Motion to Terminate Guardianship 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.**
- 2. Order Terminating Guardianship form is what the Judge needs to sign to grant the termination of the guardianship. You can send this in with the Motion to Terminate Guardianship or bring them with you to court.**
- 3. Fill out Information Sheet and mail in with Motion to Terminate Guardianship. We need an address for yourself, parents and current guardians.**

ENCLOSE THE FOLLOWING WITH YOUR MOTION

When you are ready to mail or personally bring your Motion to Terminate Guardianship to be filed with the Court Clerk's office, you MUST bring the following in order to file your Motion:

- 1. _____ Copy of your CDIB Card/Membership Card.**
- 2. _____ Information sheet (THIS MUST BE COMPLETED AND RETURNED ALONG WITH YOUR MOTION).**

If you have any questions, you may contact 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 Court Clerk's Office in Durant, located at 2250 Chukka Hina Drive or the Court Clerk's office in Talihina, located in the BIA Building at 302 Church Street.

IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

TYPE OF CASE

Guardianship

MOVANT'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: _____

CURRENT GUARDIANS' 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:

CASE NO. PGM-

DOB:
A Minor Child.

MOTION TO TERMINATE GUARDIANSHIP

Comes now _____, appearing pro se herein, and moves the Court to terminate guardianship in this case for the reasons that _____ and a guardianship is not needed.

WHEREFORE ALL PREMISES CONSIDERED, Petitioner prays this Honorable Court to set the above styled and numbered cause for guardianship termination hearing and at that time terminate the guardianship.

Dated this _____ day of _____ 20__.

(Movant's name and address)

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 Movant above named; that he/she has read the above and foregoing Motion to Terminate Guardianship 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)
) ss.
 COUNTY OF [COUNTY])

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

1. I am the Movant 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.

Affiant

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

Notary Public
Commission Expires: _____

IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

IN RE THE GUARDIANSHIP OF:

CASE NO. PGM-

**DOB:
A Minor Child.**

ORDER AND NOTICE OF HEARING
MOTION TO TERMINATE GUARDIANSHIP

Now on this _____ day of _____ 20__, _____, mother/father of the minor children having filed her Motion stating it is no longer necessary that a Guardianship of the person and estates of _____ (child/children's names) is necessary.

That the _____ day of _____ 20__, at the hour of _____m. in the Choctaw Nation Judicial Center, located at 2250 Chukka Hina Drive, Durant, OK 74701, has been appointed as the time and place for hearing of said Motion, when and where any person interested may appear and show cause, if any they have, why such termination should not be ordered.

Dated this _____.

Choctaw Nation District Court Clerk

By _____

IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

IN RE THE GUARDIANSHIP OF:

CASE NO. PGM-

**DOB:
A Minor Child.**

ORDER TERMINATING GUARDIANSHIP

This cause comes on for hearing of the Motion of _____ (movant's name) for her Motion to Terminate Guardianship for _____ (child/children names). The Movant appears in person. The Court then called the case for trial and after reviewing the file, hearing the agreement of all the matters as announced by the parties and after being otherwise fully advised in the premises, find: the court has jurisdiction in this matter since the minor is located in this jurisdiction and is a member of the Choctaw Nation and that it is in the best interest of the minor child, _____, that the guardianship is hereby terminated and the Guardians are discharged from their duties.

Dated this _____ day of _____ 20__.

JUDGE, CHOCTAW NATION OF OKLAHOMA