

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

IN THE MATTER OF:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Civil Action No.

\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_

Minor(s) Under the Age of 18 Years

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**PETITION FOR APPOINTMENT OF GUARDIAN FOR THE MINOR(S)**

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I/We, \_\_\_\_\_, the Petitioner(s), pursuant to  
West Virginia Code § 44-10-3, hereby request that the Court appoint a guardian for the following  
minor(s):

<i>Name</i>	<i>Age</i>	<i>Date of Birth</i>
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____

**Type of Guardianship**

1. The Petitioner(s) is/are requesting guardianship over the person (custody) of the minor(s) named above.

*This type of guardianship provides the guardian authority over the person of the minor, including decisions that a parent would ordinarily make and requires that the guardian provide for the physical and emotional well-being of the minor(s).*

**Need for Proposed Guardianship**

2. The proposed guardianship is needed for the following reason(s): *(Attach additional pages if needed.)*

**Minor's Information**

3. Each minor(s) named above is:

a current resident of this county and state for the past six months; or

there are extraordinary circumstances that justify an earlier filing. These circumstances include:

\_\_\_\_\_

\_\_\_\_\_.

4. The minor(s) currently live(s) with \_\_\_\_\_

whose address is \_\_\_\_\_

and telephone number(s) is/are\_\_\_\_\_.

5. During the last five years, the minor(s) has/have lived at the following addresses:

Minor's Name	Address and Adult Members of Household	Dates of Residence

**Parents' Information**

6. The parents of the minor(s) is/are:

*Name*

*Last Known Address*

Father: \_\_\_\_\_

\_\_\_\_\_

Deceased      Yes      No

\_\_\_\_\_

Telephone No.: \_\_\_\_\_

Mother: \_\_\_\_\_

\_\_\_\_\_

Deceased      Yes      No

\_\_\_\_\_

Telephone No.: \_\_\_\_\_

**7. Deceased Parents:** *If any parent is deceased, please provide the date of death and county and state in which the parent died. If available, please attach a copy of the death certificate.*

Name: \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Date of Death

\_\_\_\_\_  
County and State of Death

Name: \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Date of Death

\_\_\_\_\_  
County and State of Death

**8. Parents whose parental rights have been terminated:** *If the parental rights of either parent have been terminated in a child abuse and neglect case, please provide the date of the termination and county and state of the child abuse and neglect case.*

Parent's Name: \_\_\_\_\_

Date of Termination: \_\_\_\_/\_\_\_\_/\_\_\_\_ County and State: \_\_\_\_\_

Parent's Name: \_\_\_\_\_

Date of Termination: \_\_\_\_/\_\_\_\_/\_\_\_\_ County and State: \_\_\_\_\_

**9. PRIOR CPS INVESTIGATION:** *Complete this section if the parents or the minor(s) have been subject to a CPS investigation.*

(a) The minor(s) and/or their parents have been subject to a CPS investigation(s) that involved the following: \_\_\_\_\_

\_\_\_\_\_

(b) The outcome of the investigation was: \_\_\_\_\_

(c) CPS investigation history occurred in \_\_\_\_\_ County in the State of

\_\_\_\_\_

**10. If custody has previously been determined by a court proceeding, please complete this section.**

To the best of my knowledge, the minor(s)'s custody has been determined in the following court proceedings:

Name of Court: \_\_\_\_\_

Case No.: \_\_\_\_\_ County and State: \_\_\_\_\_

Type of Proceeding: \_\_\_\_\_

Outcome of Proceeding: \_\_\_\_\_

\_\_\_\_\_

**Information of Proposed Guardian**

11. The proposed guardian(s) of the minor(s) is/are:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number(s): \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_

Relationship, if any, to the minor(s): \_\_\_\_\_

12. List the full name(s) of all other adults, besides the proposed guardian(s), who reside in the household of the proposed guardian: \_\_\_\_\_

13. The proposed guardian(s) is/are competent and fit to serve as guardian(s) of the minor(s) and the welfare and best interests of the minor(s) will be properly protected by the appointment of the proposed guardian(s) for the following reasons:

14. For the court to determine an appropriate guardian, the Petitioner(s) states the following regarding the proposed guardian(s):

- |     |     |    |   |
|-----|-----|----|---|
| (a) | Yes | No | Required to register as a sex offender under West Virginia Code, Chapter 15, Article 12;  |
| (b) | Yes | No | Record of any misdemeanor or felony conviction;   |
| (c) | Yes | No | Subject to a restraining order or final protective order;   |
| (d) | Yes | No | Subject of any substantiated report alleging child abuse, neglect, or sexual abuse made to any child protective agency ("CPS"), other law enforcement agency, or court in any jurisdiction; |
| (e) | Yes | No | Uses any illegal substances, such as drugs, or misuses prescription drugs;  |
| (f) | Yes | No | Abuses alcohol;   |
| (g) | Yes | No | Another person living in the home is involved in any of the matters as stated above   |

If you answered "yes" to any of the questions, please provide additional information:

15. Does/Do the minor(s) receive(s) any ongoing payments such as social security or child support?  
Yes      No

16. Does one of the parents receive child support payment for the minor(s)? Yes No

If your answer is "Yes," to either question 15 or 16, please list the type of payment, the amount of the payment, and how often it is received.

### **Additional Information**

17. Please provide any additional information that the court should consider:

### **Temporary Relief**

18. **For the following reasons,**

a temporary guardian is needed to protect the welfare and the best interest of the minor(s) until a guardian is appointed and qualified to act; or

Because of the following circumstances, temporary relief is needed:

temporary relief is not needed.

WHEREFORE, based upon the foregoing, and upon a hearing to be held in this matter, the undersigned petitioner requests that the Court appoint the above-proposed guardian(s) of the herein-named minor(s) and/or the estate and grant such other relief the Court finds appropriate.

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

**Note: If the Court grants your petition, you may be required to post a bond. The Court will determine the amount and type of the bond.**

**VERIFICATION**

STATE OF WEST VIRGINIA

COUNTY OF \_\_\_\_\_, to wit:

I, \_\_\_\_\_, on oath or affirmation, say that I am the petitioner named in this PETITION FOR APPOINTMENT OF GUARDIAN FOR THE MINOR(S) and that the facts contained herein are true, except that where they are stated to be on information and belief, I believe them to be true.

\_\_\_\_\_  
PETITIONER

Taken, subscribed, and sworn or affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires:\_\_\_\_\_.

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