

IN THE _____ COURT OF _____ COUNTY, WEST VIRGINIA

IN THE MATTER OF:

Civil Action No.: _____

Minor(s) Under the Age of 18 Years

**PETITION FOR APPOINTMENT OF GUARDIAN FOR THE MINOR(S) AND/OR
FOR THE ESTATE OF THE MINOR(S)**

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):

		/	/	
		/	/	
		/	/	

Type of Guardianship

1. Petitioner(s) is/are requesting the following type of guardianship:

over the person (custody) the minor(s). 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).

and/or

over the estate of the minor(s). This type of guardianship provides the guardian authority over the assets owned by the minor. If the minor does not own any assets (not including personal effects), then guardianship over the estate is not needed.

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:

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: _____
_____.

a nonresident of the state but has an estate (real property or other assets) in this county.

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:

<i>Name</i>	<i>Last Known Address</i>
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: (Check and complete as appropriate, depending upon whether one guardian is sought over the minor(s) and/or the estate, or different guardians are sought over the minor(s) and the estate)*

Name: _____

Address: _____

Telephone Number(s): _____

Date of Birth: ____ / ____ / ____

Relationship, if any, to the minor(s): _____

12. The proposed guardian(s) for the estate is:

Name: _____

Address: _____

Telephone Number(s): _____

Date of Birth: ____ / ____ / ____

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

14. The proposed guardian(s) is/are competent and fit to serve as guardian(s) of the minor(s) and/or estate of the minor(s); and the welfare and best interests of the minor(s) be properly protected by the appointment of the proposed guardian(s).

15. 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 convictions;

- | | | | |
|-----|-----|----|---|
| (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 protection 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 stated above. |

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

Estate of Minor(s)

16. The minor(s)'s estate consists of the following assets:

Real property: _____

Personal Property: _____

Other: _____

17. Do the minor(s) receive(s) any ongoing payments such as social security or child support?

Yes No

18. Does one of the parents receive child support payments for the minor(s)?

Yes No

If your answer is "Yes," to either question 17 or 18, please list the type of payment, the amount of the payment, and how often it is received.

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

Temporary Relief

20. For the following reasons:

- a curator for the estate of the minor(s) is needed; or
- 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
- temporary relief is not needed.

Because of the following circumstances, temporary relief is 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 FOR THE ESTATE OF 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