

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):

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

**Type of Guardianship**

1. 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:

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.



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.** 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 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 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:

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

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 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.

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

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**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:

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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 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