

INSTRUCTIONS FOR FILING A GUARDIANSHIP FOR AN ADULT WITH AND IMPAIRMENT CASE

WARNINGS and GENERAL INFORMATION:

The *pro se* forms available through Wyandotte County's Help Center are basic. These forms do NOT deal with every situation. A Guardianship case can be complicated, and involves significant service that you are responsible to complete. Using legal forms without an attorney's assistance may not be advisable.

Court staff CANNOT give you legal advice or tell you exactly how to fill out your pleadings. Court staff can only provide information about the court's procedures and help you file forms. If you have legal questions or a complicated case, you should talk to an attorney.

Our courts require everyone to follow court rules. Even if you do not have an attorney, you are still expected to know and follow the same court rules and laws as an attorney.

When your case is filed, you will be given a case number. Your case "caption" with this case number must be included on all pleadings or documents you file with the Court in the future.

After you have filed your initial pleadings and Civil Cover Sheet, which include your address and contact information, you must inform the Probate Department and your assigned Division of any changes.

You must make sure that **ALL** forms are filled out **CORRECTLY & COMPLETELY**. If they are not, your case can be dismissed.

INSTRUCTIONS FOR FILING AND SERVING YOUR GUARDIANSHIP PLEADINGS:

Filing:

To start a guardianship case you must complete and file the following documents:

- a. Civil Information Sheet – a general information form for the Clerk's office.
- b. Guardianship Petition– the main pleading alleging adult is in need of a guardian and why, and asking for guardianship.
- c. Consent of Adult w/ Impairment– a sworn affidavit of the adult with an impairment.
- d. Oath of Guardian-a sworn oath that the guardian will fulfil all the duties imposed by law.
- e. Affidavit of Completion of the Basic Instructional Program
Report of Examination and Evaluation- report of the Ward's doctor about the Ward's condition.

- f. Preliminary Orders-These are orders to set up the date of the Trial and directing Service to relatives.
- g. Affidavit of Service-This document tells the court who is getting served in the case and where they are located.

After preparing and printing the above forms, Sign the Guardianship Petition, Oath of Guardian, and the Affidavit in front of a notary public. Notary publics may commonly be found in the Court House, law firms, title companies and financial institutions, i.e. banks and credit unions. Then...

File the following pleadings and forms with the Probate Clerk to start your case:

- * the original Civil Information Sheet; and
- * the original copies of all the Guardianship papers above with copies for your file and for service;

At the time of filing you must pay the filing fee of \$91.50. If you cannot afford to pay the filing fee you may ask the Court to waive it by completing the Poverty Affidavit and obtaining a signed Order from the Court. This form is available in the Self Help Center.

Service:

INTERESTED PARTIES:

You must notify any spouse, parent, adult children, adult grandchildren, and adult siblings of the proposed ward that you have filed a Guardianship Petition in one of the following ways:

- a. “Consent to Guardianship and Entry of Appearance”: any party listed above may sign a Consent to Guardianship and Entry of Appearance form in front of a notary public, which acknowledges receipt of the Guardianship Petition. **You** must make sure the Consent to Guardianship and Entry of Appearance with the other party’s original signature is then filed with the Clerk.

- b. “Certified Mail Service”: You must mail the Preliminary Orders and Guardianship Petition by certified mail - return receipt requested to the other party at his or her last known residential address. File the “green” “return-receipt card” with the Clerk when you receive it from the US Postal Service.
- c. “Publication”: If you cannot provide notice of the Guardianship Petition under either (a) or (b), then you may be able to provide notice of the case by publishing notice in a local newspaper. In order to obtain “publication service,” you must request permission to do so by filing the “Affidavit for Service by Publication,” and obtaining an order from the assigned judge allowing you to publish notice. After you obtain the signed “Order Allowing Service by Publication,” you must then publish notice following the process set out in K.S.A. 60-307. You must obtain “proof of publication” from the newspaper and file the proof with the Court. Please see the instructions and forms for service by publication available through the Help Center.
- d. “Court Process Server”. You must fill out a Request for Service Form, requesting that the Court Process Server deliver the Petition for Divorce to your spouse. The Court Process Server can only be used if the other party can be served in Wyandotte County.

INSTRUCTIONS FOR COMPLETING YOUR GUARDIANSHIP CASE AFTER FILING

FILE THE PRELIMINARY ORDERS. Once you have filed your Guardianship Petition you should get a *hearing date and time* from the Administrative Assistant in the Division your case gets assigned to. Then put the date and time on the Preliminary Orders form and file it for the Judge’s signature. **You must mail a copy of this to every person that needs to be served. All hearings are done via ZOOM.**

FILE YOUR PROOF OF SERVICE. Once you have received all of your green receipts of service, or you have gotten Consent to Guardianship from all of the parents, grandparents, or interested parties, you must file them with the Probate Clerk’s Office.

ORDER OF GUARDIANSHIP and LETTERS OF AUTHORITY. You must bring your proposed Order of Guardianship and Letters of Authority with you to the final hearing. This is the document that legally establishes the Guardianship. These forms are simple and can be filled out and signed at the hearing or filed directly after the hearing if the hearing is on Zoom.

ATTEND THE FINAL HEARING

As mentioned above, you should **bring the following documents** to your final hearing: (All hearings will be held by ZOOM)

1. Order of Guardianship signed by you
2. Letters of Guardianship
3. Proof of Service

At the final hearing the judge will ask you for these documents. You should be prepared to tell him or her about the basic facts supporting your allegation of guardianship. You should also be prepared to tell the judge why you should be appointed guardian. If all of your papers are in order, your hearing should only take 15 or 20 minutes.

After the judge has approved your agreements and signed the Order of Guardianship and Letters of Authority, and file them with the Probate Clerk.

IF YOU NEED TO CANCEL OR RESCHEDULE YOUR FINAL HEARING, PLEASE CONTACT THE DIVISION ADMINISTRATIVE ASSISTANT IMMEDIATELY. RESCHEDULING YOUR FINAL HEARING WILL REQUIRE YOU TO SERVE A NEW NOTICE OF HEARING.

The Administrative Assistant for Division 10 is Tina Rockey. Her email is Tina.Rockey@kscourts.org.

INSTRUCCIONES PARA PRESENTAR UNA TUTELA PARA UN ADULTO CON UN CASO DE DISCAPACIDAD.

ADVERTENCIAS e INFORMACIÓN GENERAL:

Los formularios pro se disponibles a través del Centro de ayuda del condado de Wyandotte son básicos. Estos formularios NO se refieren a todas las situaciones. Un caso de tutela puede ser complicado e implica un servicio significativo que usted es responsable de completa. Puede que no sea aconsejable utilizar formularios legales sin la ayuda de un abogado.

El personal del tribunal NO PUEDE brindarle asesoramiento legal ni decirle exactamente cómo completar sus alegatos. El personal del tribunal solo puede brindarle información sobre los procedimientos del tribunal y ayudarlo a presentar los formularios. Si tiene preguntas legales o un caso complicado, debe hablar con un abogado.

Nuestros tribunales requieren que todos sigan las reglas del tribunal. Incluso si no tiene un abogado, se espera que conozca y siga las mismas reglas y leyes de la corte que un abogado.

Cuando se presente su caso, se le dará un número de caso. El “título” de su caso con este número de caso debe incluirse en todos los alegatos o documentos que presente ante el Tribunal en el futuro.

Una vez que haya presentado sus alegatos iniciales y la hoja de portada civil, que incluye su dirección e información de contacto, debe informar al Departamento de sucesiones y a la División asignada sobre cualquier cambio.

Debe asegurarse de que **TODOS** los formularios se llenen **CORRECTAMENTE Y COMPLETAMENTE**. Si no es así, su caso puede ser desestimado.

INSTRUCCIONES PARA PRESENTAR Y ENVIAR SUS DECLARACIONES DE TUTELA:

Presentación:

Para iniciar un caso de tutela, debe completar y presentar los siguientes documentos:

- a. Hoja de información civil: un formulario de información general para la oficina del secretario.
- b. Petición de tutela: el principal alegato que alega que el adulto necesita un tutor y por qué, y solicita la tutela
- c. Consentimiento de un adulto con discapacidad: una declaración jurada del adulto con discapacidad
- d. Consentimiento de un adulto con discapacidad: una declaración jurada del adulto con discapacidad
- e. Declaración jurada de finalización del programa educativo básico
- f. Informe de examen y evaluación: informe del médico del pupilo sobre la condición del pupilo.
- g. Órdenes preliminares: son órdenes para establecer la fecha del juicio y dirigir el servicio a los familiares.
- h. Declaración jurada de notificación: este documento le informa al tribunal a quién se le notificará en el caso y dónde se encuentran.

Después de preparar e imprimir los formularios anteriores, firmar la Petición de tutela, el Juramento del tutor y la Declaración jurada ante un notario público. Los notarios públicos se pueden encontrar comúnmente en el Palacio de Justicia, bufetes de abogados, compañías de títulos de propiedad e instituciones financieras, es decir, bancos y cooperativas de crédito. Luego...

Presente los siguientes alegatos y formularios ante el secretario testamentario para iniciar su caso:

- * la Hoja de Información Civil original; y
- * las copias originales de todos los documentos de tutela anteriores con copias para su archivo y para el servicio

En el momento de la presentación, debe pagar la tarifa de presentación de \$ 91.50. Si no puede pagar la tarifa de presentación, puede pedirle al Tribunal que la anule completando la Declaración Jurada de Pobreza y obteniendo una Orden firmada por el Tribunal. Este formulario está disponible en el Centro de autoayuda.

Servicio:

PARTES INTERESADAS:

Debe notificar a cualquier cónyuge, padre, hijos adultos, nietos adultos y hermanos adultos del pupilo propuesto que ha presentado una Petición de tutela de una de las siguientes maneras:

“Consentimiento para la Tutela y Presentación de Comparecencia”: cualquiera de las partes enumeradas anteriormente puede firmar un formulario de Consentimiento para la tutela y presentación de

- a. comparecencia ante un notario público, que reconoce la recepción de la petición de tutela. Debe asegurarse de que el Consentimiento para la tutela y la presentación de comparecencia con la firma original de la otra parte se presente ante el secretario
- b. “Servicio de correo certificado”: debe enviar las Órdenes preliminares y la Petición de tutela por correo certificado; acuse de recibo solicitado a la otra parte en su última dirección residencial conocida. Presente la “tarjeta de acuse de recibo” “verde” ante el secretario cuando la reciba del Servicio Postal de EE. UU.
- c. "Publicación": si no puede proporcionar un aviso de la petición de tutela en virtud de (a) o (b), es posible que pueda proporcionar un aviso del caso mediante la publicación de un aviso en un periódico local. Para obtener un "servicio de publicación", debe solicitar permiso para hacerlo mediante la presentación de la "Declaración jurada de notificación por publicación" y obtener una orden del juez asignado que le permita publicar el aviso. Después de obtener el "Servicio de autorización de pedido por publicación" firmado, debe publicar el aviso siguiendo el proceso establecido en K.S.A. 60-307. Debe obtener una “prueba de publicación” del periódico y presentar la prueba ante el Tribunal. Consulte las instrucciones y los formularios de servicio por publicación disponibles a través del Centro de ayuda.

INSTRUCCIONES PARA COMPLETAR SU CASO DE TUTELA DESPUÉS DE PRESENTARLO

PRESENTAR LAS ÓRDENES PRELIMINARES. Una vez que haya presentado su Petición de tutela, debe obtener una fecha y hora de audiencia del Asistente Administrativo en la División a la que se asigna su caso. Luego, anote la fecha y la hora en el formulario de Órdenes preliminares y preséntelo para que el juez lo firme. Debe enviar una copia de este documento a todas las personas a las que deba hacer la notificación.

PRESENTE SU PRUEBA DE SERVICIO. Una vez que haya recibido todos sus recibos verdes de servicio, o haya obtenido el Consentimiento para la tutela de todos los padres, abuelos o partes interesadas, debe presentarlos ante la Oficina del secretario testamentario.

ORDEN DE TUTELA y CARTAS DE AUTORIDAD. Debe traer la Orden de tutela y las Cartas de autoridad propuestas a la audiencia final. Este es el documento que legalmente establece la Tutela. Estos formularios son simples y pueden completarse y firmarse en la audiencia o presentarse directamente después de la audiencia si la audiencia es en Zoom.

ASISTIR A LA AUDIENCIA FINAL

Como se mencionó anteriormente, **debe traer los siguientes documentos** a su audiencia final:

1. Orden de tutela firmada por usted
2. Cartas de tutela
3. Prueba de entrega

En la audiencia final, el juez le pedirá estos documentos. Debe estar preparado para informarle sobre los hechos básicos que respaldan su alegación de tutela. También debe estar preparado para decirle al juez por qué debe ser designado tutor. Si todos sus papeles están en orden, su audiencia solo debería tomar 15 o 20 minutos.

Una vez que el juez haya aprobado sus acuerdos y firmado la Orden de tutela y las Cartas de autoridad, preséntelas ante el Secretario testamentario.

SI NECESITA CANCELAR O REPROGRAMAR SU AUDIENCIA FINAL, COMUNÍQUESE INMEDIATAMENTE CON EL ASISTENTE ADMINISTRATIVO DE LA DIVISIÓN. REPROGRAMAR SU AUDIENCIA FINAL REQUERIRÁ QUE USTED ENTREGA UN NUEVO AVISO DE AUDIENCIA.

La asistente administrativa de la División 10 es Tina Rockey. Su correo electrónico es trockey@wycokck.org.

CIVIL COVER SHEET

The civil cover sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the civil docket sheet. **This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time.** A new case **will not be accepted** without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at www.kscourts.org.

<u>NATURE OF SUIT</u> (Mark only one - If the case involves more than one of the following categories, indicate the category having the highest dollar value.)	
<u>CIVIL</u>	If a CH. 61: \$ _____ (Judgment Demand Amount)
TORT WARRANT <input type="checkbox"/> Asbestos Product Liability <input type="checkbox"/> Automobile Tort <input type="checkbox"/> Intentional Tort <input type="checkbox"/> Legal Malpractice <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Other Professional Malpractice <input type="checkbox"/> Premises Liability <input type="checkbox"/> Slander/Libel/Defamation <input type="checkbox"/> Tobacco Product Liability <input type="checkbox"/> Toxic/Other Product Liability <input type="checkbox"/> Other Tort	CONTRACT <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Employment Dispute – Discrimination <input type="checkbox"/> Employment Dispute - Other <input type="checkbox"/> Fraud <input type="checkbox"/> Landlord/Tenant - Unlawful Detainer <input type="checkbox"/> Landlord/Tenant Dispute – Other <input type="checkbox"/> Seller Plaintiff (debt collection) <input type="checkbox"/> Other Contract CIVIL APPEALS <input type="checkbox"/> Administrative Agency <input type="checkbox"/> Other Civil Appeal
REAL PROPERTY <input type="checkbox"/> STATE TAX <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Mortgage Foreclosure <input type="checkbox"/> Other Real Property MISCELLANEOUS <input type="checkbox"/> 60-1507 <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Other Writs <input type="checkbox"/> OTHER CIVIL <input type="checkbox"/> SMALL CLAIMS	
<u>DOMESTIC</u>	
<input type="checkbox"/> MARRIAGE DISSOLUTION/DIVORCE <input type="checkbox"/> PROTECTION FROM ABUSE <input type="checkbox"/> PROTECTION FROM STALKING <input type="checkbox"/> UIFSA <input type="checkbox"/> OTHER DOMESTIC RELATIONS <input type="checkbox"/> NON-DIVORCE SUPPORT, CUSTODY OR VISITATION <input type="checkbox"/> PATERNITY	
<u>*PROBATE/ESTATE</u>	
GUARDIAN/CONSERVATOR <input type="checkbox"/> Conservatorship/Trusteeship <input checked="" type="checkbox"/> Guardianship - Adult <input type="checkbox"/> Guardianship - Minor <input type="checkbox"/> Guardian/Conservator - Adult <input type="checkbox"/> Guardian/Conservator – Minor	<input type="checkbox"/> DETERMINATION OF DESCENT <input type="checkbox"/> ELDER ABUSE <input type="checkbox"/> ADOPTION <input type="checkbox"/> SEXUALLY VIOLENT PREDATOR <input type="checkbox"/> OTHER PROBATE/ESTATE <input type="checkbox"/> DECEDENT ESTATE CARE AND TREATMENT

JURY DEMAND YES (Check yes only if jury demand is included in petition or as a separate pleading)
 NO

SUMMONS ATTACHED: YES
 NO

SERVICE BY: PROCESS SERVER/ATTORNEY
 SHERIFF IN STATE _____ (County)
 SHERIFF OUT OF STATE _____ (State)

SHERIFF’S PROCESS FEE ATTACHED YES
 NO

SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

The requirement that Social Security numbers be included on domestic cases is mandatory and authorized by the Supreme Court and federal law. On non-domestic cases, the Social Security number is not mandatory. The number is used for purposes of identification and may be disclosed as permitted by law. This form is not considered to be a public record.

**IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT**

In the Matter of the Guardianship
And Conservatorship of:

Case No: _____
Div. 10
Pursuant to Ch. 59

**PETITION FOR APPOINTMENT OF GUARDIAN AND CONSERVATOR FOR ADULT
WITH AN IMPAIRMENT**

COMES NOW, _____, Petitioner, and asks the Court to appoint a guardian and/or conservator for _____, who is a person I believe needs a guardian. In support of my petition, I state the following:

1. The proposed guardian and conservator is _____, and provides the following information about themselves:

Date of Birth: _____

Address: _____

City/State/ZIP: _____

Phone: _____

Email: _____

2. Such proposed guardian and/or conservator is related to the proposed ward by _____, such person has no personal or agency interests that may be perceived as self-serving or adverse to the proposed ward's position or best interests.

3. The proposed ward is _____, and Petitioner provides the following information about the proposed ward:

Name: _____

Date of Birth: _____

Age: _____

Address: _____

City/State/ZIP: _____

Phone: _____

4. The proposed ward has lived in the following places during the last five (5) years and has lived with the following persons during that period:

5. The proposed ward is a currently a resident of _____, Kansas and it is in the best interests of the proposed ward and in the interests of justice for the proceedings to take place in _____, Kansas because:

a. Proposed ward resides for much of the year with _____ in _____ (state).

6. The proposed ward may be in regular contact with proposed guardian through the following means: _____

7. The proposed ward is an adult is in need of a guardian by reason of the following impairments:

8. There is no other pending case for this proposed ward or proposed conservatee. There is no other person currently order to have guardianship or conservatorship over this ward.

9. _____ (proposed ward) asserts that they are an adult with an impairment and provides the following information and by affixing their signature below agree to the request of Petitioner.

10. Proposed ward exhibits marked general incapacity to: (check all that apply)

Engage in financial transactions

Manage money or hold a job

Minimal capacity for simple tasks such as using phone or communicating with texts or emails.

Other: _____

11. Proposed ward is not capable of maintaining: (check all that apply)

- Personal hygiene
- Cleaning their own living space, personal grooming
- Brushing teeth or cleaning their self and requires constant care.
- Other: _____

12. Yes No Proposed ward shows inadequate ability to reason and make decisions or objective delineations with any amount of critical thinking and cannot follow simple instructions either written or verbal.

13. Yes No Proposed ward professes fear of responsibility and aging, as well as fear of persons who may take advantage of his incapacity.

14. The names and addresses of the parents, adult siblings, spouse, adult children, and adult grandchildren (if applicable) of the proposed ward are the following (name, address, phone number, or if deceased, year and location of death):

_____, _____, _____;

_____, _____, _____;

_____, _____, _____;

_____, _____, _____;

_____, _____, _____;

_____, _____, _____;

_____, _____, _____;

15. Petitioner is not aware that any person or corporation currently makes decisions on behalf of the proposed ward pursuant to a power of attorney, trust or other fiduciary relationship established by a court order because I have made a diligent inquiry to ascertain such information.

16. There are no court proceedings that involve the proposed ward in any way, because I have made a diligent inquiry to ascertain such information.

17. The following persons are witnesses that can prove the truth of this petition:

_____, proposed ward.

_____, proposed guardian and petitioner.

_____, other relation or friend of proposed ward.

_____, Physician(s) of proposed ward;

_____, _____.

_____, _____ of proposed ward.

18. Attached to this Petition is a copy of the report of examination and evaluation that has been completed by Dr. _____, M.D., which meets the requirements of K.S.A. 59-3064 and amendments thereto; and I request that the Court accept this report in lieu of ordering any additional examination and evaluation pursuant to K.S.A. 59-3064, and amendments thereto.

19. I do not believe the person nominated above has any personal or agency interest of the proposed guardian that may be perceived as self-serving or adverse to the position or best interest of the proposed ward.

20. The person nominated is not under contract with the Kansas guardianship program.

WHEREFORE, Petitioner prays the Court enter the following orders:

- a. Set this Petitioner for Appointment of Guardian and Conservator for hearing;
- b. Make findings that _____ is an adult with an impairment;
- c. Make findings that the Appointment of a Guardian and/or Conservator is necessary;
- d. Appoint _____ as the Guardian and/or Conservator;
- e. Issue letters of Guardianship and/or Conservatorship; and
- f. Order any and all further relief the Court deems just and proper.

WHEREFORE, I, _____ (petitioner) request the appointment of _____, who is a fit and proper person to be appointed as guardian and conservator, for _____, an adult with an impairment to serve with bond if deemed necessary by the court.

Respectfully Submitted,

Petitioner Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Email Address: _____

Ward Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Email Address: _____

VERIFICATION OF PETITIONER AND PROPOSED WARD

STATE OF KANSAS)
) ss:
COUNTY OF Wyandotte)

Pursuant to K.S.A. 53-601 (unsworn declaration), I, _____, of lawful age, being first duly sworn upon my oath, states that I am the Petitioner above named; that I have read the above and foregoing Petition for Appointment of Guardianship and Conservatorship; that I is familiar with the contents thereof; and that all of the statements made therein are true and correct.

Petitioner/Guardian

Pursuant to K.S.A. 53-601 (unsworn declaration), I, _____, of lawful age, being first duly sworn upon my oath, states that I am the Proposed Ward above named; that I have read the above and foregoing Petition for Appointment of Guardianship and Conservatorship; that I am familiar with the contents thereof; and that all of the statements made therein are true and correct.

Proposed Ward (if applicable)

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT

In the Matter of the Guardianship
And Conservatorship:

Case No: _____
Division 10
Pursuant to Ch. 59

PRELIMINARY ORDERS AND NOTICE

ON _____, 20____ date, [a petition as provided for in K.S.A. 59-3058, and amendments thereto, alleging that the proposed ward and proposed conservatee is an adult with an impairment in need of a guardian and conservator], the district court issues the following preliminary orders and notice shall be given to all of the following persons:

- _____ Petitioner, _____
_____, _____,
_____ ; listed in Petition.
- _____, _____,
_____ ; listed in Petition.
- _____, _____,
_____ ; listed in Petition.
- _____, _____,
_____ ; listed in Petition.
- _____, _____,
_____ ; listed in Petition.
- _____, _____,
_____ ; listed in Petition.
- _____, _____,
_____ ; listed in Petition.

1. At this time the proposed ward is not represented and agrees to Guardianship and Conservatorship.

[or]

At this time the proposed ward is represented by

_____.

The date, time, and place of the trial on the Petition shall be on _____, 20____, via ZOOM Hearing, Division 10, at __: __ a.m. p.m. The time fixed in the order shall in no event be earlier than seven days or later than twenty-one (21) days after the filing of the petition.

If a demand for a trial by jury is filed pursuant to subsection (b) of K.S.A. 59-3067, and amendments thereto, by the proposed ward and proposed conservatee, the court may continue the trial and fix a new time and place of the trial at a time beyond the 21 days but within a reasonable time not to exceed 30 days from the date of the filing of the demand.

The proposed ward and proposed conservatee shall appear at the time and place of the trial.

Proposed ward currently have no counsel.

[or]

Proposed ward is represented by _____ as guardian ad litem.

The proposed ward is an adult and has the right to engage an attorney of the proposed ward's own choosing and, in such case, the attorney appointed by the court shall be relieved of all duties. Any appointment made by the court shall terminate upon a final determination of the Petition and any appeal therefrom, unless the Court continues the appointment by further order. Thereafter, an attorney may be appointed by the court if requested, in writing or oral motion, by the proposed ward; guardian and conservator; or upon the Court's own motion.

It is in the best interests of the proposed ward, that a hearing be held, at which the proposed ward shall have the opportunity to consult with a court appointed attorney. This consultation shall be scheduled to occur not later than five days prior to the scheduled trial on the Petition, provided that if an examination and evaluation as provided for in K.S.A. 59-3064, and amendments thereto, is ordered then this consultation shall be scheduled to occur prior to the time at which that examination and evaluation is scheduled to occur.

Notice shall be given to all persons listed above at least ten (10) days prior to the date of the trial. Two copies of the Petition, report of examination and evaluation and these Preliminary Orders shall be served upon the attorney appointed to represent the proposed ward. The attorney appointed to represent the proposed ward shall personally serve these documents on the proposed ward at their first meeting and shall file an affidavit of service prior to the time of trial. The Petitioner of Petitioner's counsel shall service a copy of the Petition, report of examination and evaluation and these Preliminary Orders and notice on all other persons identified above by first class mail, postage prepaid, and file an affidavit of service prior to the time of trial.

The Petition is accompanied by a report of an examination and evaluation of the proposed ward and proposed conservatee, as provided for in K.S.A. 59-3058, and amendments thereto, and the court determines that such report meets the requirements of K.S.A. 59-3064 and amendments thereto, the court determines that no additional examination or evaluation is required and that none shall be ordered, unless requested by the proposed ward pursuant to subsection (d) of K.S.A. 59-3064 and amendments thereto.

IT IS SO ORDERED.

Judge of the District Court

Pro Se Litigant
Address: _____
City/State/Zip _____
Phone: _____
Email: _____

**IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT**

In the Matter of the Guardianship
And Conservatorship:

Case No: _____
Division 10
Pursuant to Ch. 59

OATH OF GUARDIAN AND CONSERVATOR

ON this date, _____ state that I will faithfully, impartially, and to the best of my abilities discharge all of the duties of my trust according to the law as set forth in K.S.A. 59-3075 for and on behalf of _____ and that I am acting on my own behalf and not on behalf of any bank or corporation

Guardian

SUBSCRIBED AND SWORN TO and before me on _____.

Notary Public

My Appointment Expires:

**IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT**

In the Matter of the Guardianship
And Conservatorship:

Case No: _____

Division 10

Pursuant to Ch. 59

ORDER APPOINTING GUARDIAN AND CONSERVATOR

ON this ____ day of _____, 20__, the Court calls for trial the Petition for Appointment of Guardian and Conservator for An adult with an impairment; The following persons appeared at the hearing:

Petitioner;

Proposed Ward;

Counsel for proposed ward;

Others present: _____

_____.

AFTER examining the case record, hearing the evidence, statements and arguments of the parties, and being duly advised in the premises, the Court finds:

Due diligence has been exercised in the search for names, ages, relationships, and residences and addresses of heirs and creditors.

Notice of this hearing has been given as required by law and the order of the Court and proof of notice has been filed and approved by the Court.

No jury trial was requested by counsel appointed for the proposed ward.

The allegations of the Petition are true.

By clear and convincing evidence, _____ is an adult with an impairment in need of a guardian and conservator.

_____ is a qualified and suitable individual to be appointed guardian and conservator.

The appointed guardian shall have all the duties responsibilities, powers, and authorities granted and provided in:

K.S.A. 59-3075 (a, b, and f); K.S.A. 59-3075(e)(8) and K.S.A. 59-3055©;

K.S.A. 59-3077; K.S.A. 59-4083.

IT IS ORDERED, ADJUDGED, AND DECREED that:

The above findings are incorporated herein and made a part of these orders.

_____ is appointed guardian and conservator of _____.

Upon the appointed guardian executing and filing an Oath of Guardian and the affidavit of completion of the basic instructional program for guardians, Letters of Guardianship shall issue.

_____, attorney appointed to represent the ward, has performed services in accord with the appointment by this Court and shall be allowed \$_____ for their services taxed to _____.

The attorney appointed to represent the ward is granted leave to withdraw upon the Court's issuance of the Letters.

The appointed guardian and conservator shall attend the Guardian Workshop within six (6) months of the date of appointment.

The annual reporting period of the guardian shall be the twelve (12) month period ending on ___ day of _____ each year, with the first report beginning with the date of this Order through ___ day of _____, 20___. The annual report shall be filed by ___ day of _____ each year.

IT IS SO ORDERED.

Judge of the District Court

**IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT**

In the Matter of the Guardianship
And Conservatorship:

Case No: _____

Division 10

Pursuant to Ch. 59

LETTERS OF GUARDIANSHIP

NOW _____, has been duly appointed and qualified as guardian and conservator for _____, the adult with an impairment in need of a guardian and conservator, and is granted the authority, power, and duties of a guardian and conservator, pursuant to K.S.A. 59-3075 and amendments thereto.

I, the undersigned Judge of the District Court for the Twenty Ninth Judicial District, Wyadotte County, Kansas, subscribe my name and affix the seal of the Court on this date.

Judge of the District Court

**IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT**

In the Matter of the Guardianship
And Conservatorship:

Case No: _____
Division 10
Pursuant to Ch. 59

AFFIDAVIT OF SERVICE

STATE OF KANSAS)
) ss:
COUNTY OF WYANDOTTE)

I, _____, being of legal age and duly sworn upon my oath, do hereby state and depose that I did on the _____ day of _____, 20__:

Hand deliver two copies of the following: Petition for the Appointment of Guardian and Conservator for a Minor, Guardianship Plan for the Care of the Ward, and ORDER FIXING THE DATE, TIME AN PLACE OF TRIAL, PRELIMINARY ORDERS AND DIRECTING SERVICE OF NOTICE; to attorney for the proposed ward and conservatee, _____, at _____

and

Mail the Petition for the Appointment of Guardian and Conservator for a Minor, Guardianship Plan for the Care of the Ward, Plan for the Administration of the Conservatee's Estate, and ORDER FIXING THE DATE, TIME AN PLACE OF TRIAL, PRELIMINARY ORDERS AND DIRECTING SERVICE OF NOTICE, by United States Mail, postage prepaid, addressed to:

_____ Petitioner, _____
_____, _____,
_____ ; listed in Petition.
_____, _____
_____ ; listed in Petition.
_____, _____
_____ ; listed in Petition.

_____, _____,
_____ ; listed in Petition.

_____, _____,
_____ ; listed in Petition.

_____, _____,
_____ ; listed in Petition.

At this time the proposed ward is not represented and agrees to Guardianship and Conservatorship.

[or]

At this time the proposed ward is represented by

_____.
5. (other interested parties)

FURTHER AFFIANT SAITH NOT.

STATE OF KANSAS)
) ss:
COUNTY OF Wyandotte)

Pursuant to K.S.A. 53-601 (unsworn declaration), I, _____, of lawful age, being first duly sworn upon my oath, states that I am inside/outside the state of Kansas (circle one) that I have read the above and foregoing; that I is familiar with the contents thereof; and that all of the statements made therein are true and correct.

Affiant

**IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT**

In the Matter of the Guardianship
And Conservatorship:

Case No: _____
Division 10
Pursuant to Ch. 59

**AFFIDAVIT OF COMPLETION
OF BASIC INSTRUCTIONAL PROGRAM**

I _____, declare under penalty of perjury that I have received and reviewed the Basic Instructions for Guardians and kept a copy of those Instructions. I acknowledge that, as guardian, I have the duties and responsibilities described in the Instructions.

I declare that the above is true and correct to the best of my knowledge.

Executed on this _____, 20__.

Signature of Guardian

STATE OF KANSAS)
) ss:
COUNTY OF WYANDOTTE)

Pursuant to K.S.A. 53-601 (unsworn declaration), I, _____, of lawful age, being first duly sworn upon my oath, states that I am inside outside the state of Kansas, that I have read the above and foregoing; that I am familiar with the contents thereof; and that all of the statements made therein are true and correct.

Affiant

**IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT**

In the Matter of the Guardianship
And Conservatorship:

Case No: _____
Division 10
Pursuant to Ch. 59

GUARDIANSHIP PLAN
Pursuant to 59-3076, K.S.A.

COMES NOW, Petitioner _____, by and through counsel _____ and submits the following guardianship plan in response to the guardianship of _____, born _____. The ward shall continue to reside with Petitioner at _____. Petitioner shall continue to assist the ward with their daily activities, communication and emotional and physical health needs in the least restrictive environment, exercising control over the activities and associations of the proposed ward including education, medical treatment, and legal issues. The Guardians will continue to provide for the financial support and wellbeing of the Ward. Petitioner shall file with the court a new plan, if circumstances should change, or duties of the guardian shall need to be revised, pursuant to K.S.A. 59-3076(e).

VERIFICATION

In accordance with K.S.A. 53-60, the undersigned affiant, within the state of Kansas provides: I declare, verify, certify, or state under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct. Executed on: _____, 20__

Signature of Guardian