

GUARDIANSHIP PACKET- MINOR

**INSTRUCTIONS FOR FILING FOR GUARDIANSHIP OF MINOR CHILD.
IN THE EVENT OF MULTIPLE CHILDREN WITH DIFFERENT PARENTS, YOU
MUST FILE SEPARATE GUARDIANSHIP CASES FOR EACH CHILD.**

**THESE FORMS MUST BE FILED IN THE PROBATE
DEPARTMENT OF THE WYANDOTTE COUNTY DISTRICT
COURT, 1st FLOOR
710 N 7th ST KANSAS CITY, KS 66101**

READ ALL OF THE DIRECTIONS CAREFULLY – PRINT NEATLY USING BLUE OR
BLACK INK ONLY.

COURT STAFF **CANNOT** PROVIDE ASSISTANCE OR ADVICE IN COMPLETING
THESE FORMS.

ONLY ONE-SIDED DOCUMENTS ARE ACCEPTED. DO NOT PRINT DOUBLE SIDED.
AS YOU COMPLETE THE FORMS, NO LINE CAN BE LEFT BLANK.

CONTENTS:

INSTRUCTIONS (3 PAGES), CIVIL INFORMATION SHEET (2 PAGES),
PETITION FOR APPOINTMENT OF GUARDIAN (4 PAGES), PRELIMINARY ORDER
AND NOTICE (1 PAGE), NOTICE OF HEARING (1 PAGE), ENTRY OF APPEARANCE (1
PAGE), UCCJEA (4 PAGES), BASIC INSTRUCTIONS FOR GUARDIANS (9 PAGES),
AFFIDAVIT OF COMPLETION OF INSTRUCTIONAL PROGRAM (1 PAGE), OATH OF
GUARDIAN/CO-GUARDIAN (1 PAGE), ORDER APPOINTING GUARDIAN (2 PAGES),
LETTERS OF GUARDIANSHIP (1 PAGE), GUARDIAN'S REPORT OF CONDITION OF
WARD (2 PAGES)

CAUTION: *Use of legal forms without the assistance of a lawyer could harm your legal rights. You may want to have a lawyer review your completed forms before you file them with the court. These are basic forms and do not cover every situation.*

FOLLOW THESE STEPS TO COMPLETE THE GUARDIANSHIP PROCESS

STEP 1. Petitioner(s), complete the Civil Information Sheet (The person filing the petition will always be designated as the Petitioner.) All self-represented parties must include an email address. **This is so the court can notify you of any changes in the court schedule on short notice.**

STEP 2. Petitioner(s) complete the Petition and sign it in front of a notary. At the time you file, you will be given a case number which you should enter on **all** the documents.

STEP 3. Petitioner(s) complete the Preliminary Order and Notice & UCCJEA. At the time you file, you will be given the time and date of the hearing which you should enter on the Preliminary Order.

STEP 4. Petitioner(s), you must read the Basic Instructions for Guardianship and complete the Certificate of Completion.

STEP 5. **(Optional)** Petitioner(s), have the natural guardian sign the Entry and Appearance, Waiver of Notice and Consent in front of a notary public. If you do this, you will not need to have the papers served on the natural guardian.

STEP 6. Petitioner(s), take the completed forms to the Wyandotte County District Court, Probate Department 1st Fl, 710 N 7th St, Kansas City, KS and file them with the Clerk. **YOU MUST FILL #4 OF THE PETITION COMPLETELY OUT.**

STEP 7. Petitioner(s), at the time of filing you will be required to pay the filing fee of **\$91.50** in cash, money order or cashier's check payable to the "Clerk of the District Court". If you cannot afford the filing fee, you may complete a Poverty Affidavit, which you can obtain from the Self-Help Center on the 3rd floor. Upon completion the Judge will review the Poverty Affidavit and may or may not approve it.

STEP 8. Petitioner(s), at the time the Petition is filed, the Court will appoint an attorney to represent the minor child in the proceedings. The aide for the Judge of the probate department will provide you with the name and address of the attorney. You will be required to pay the fees of the attorney who is appointed. These fees cannot be waived. See STEP 19.

STEP 9. Petitioner, upon filing the Judge will approve the Preliminary Order and Notice of Hearing at which time the date and time of the hearing will be entered. You must then file the Preliminary Order with the Clerk. To obtain a court date, you must email the judges administrative assistant, Tina at trockey@wycokck.org. All hearings will be held via **ZOOM**.

STEP 10. Upon filing, Petitioner(s) should obtain a **filed stamped** copy of the Petition, the Preliminary Order and the Notice of Hearing & UCCJEA. Keep these for your records.

STEP 11. Petitioner, you must serve a filed stamped copy of the Petition, the Preliminary Order and the Notice of Hearing on the natural guardian(s) of the minor child and any other interested persons unless they have entered their appearance pursuant to STEP 5 and retain a copy for yourself.

You cannot serve the papers yourself. You must have the Sheriff or Process Server deliver the papers. You will need to pay for service (\$15 if served by a Sheriff in Kansas) and provide an extra copy of the **file stamped papers** to the Sheriff or process server for them to deliver.

If you cannot provide notice of the Guardianship petition to the natural guardian by Sheriff or Process Server, then you may be able to provide notice of the petition by publishing notice in either the Wyandotte Echo or Wyandotte County Business News. You must request permission to do this by filing the “Affidavit for Service by Publication” and obtaining an order from Judge Lynch in Division 10. After you obtain the signed “Order Allowing Service by Publication”, you must then publish the notice for 3 consecutive weeks. You must obtain “proof of publication” from the newspaper and file the proof with the court. Court personnel cannot help you with this process.

STEP 12. The Sheriff or special process server will make a return to the clerk showing how they delivered the papers. **Make sure that the papers have been served and the return filed with the Clerk prior to the date of the hearing.**

STEP 13. Petitioner, you must send a copy of the file stamped Petition, Preliminary Order and Notice of Hearing by first class mail, to the attorney who is appointed to represent the minor child.

STEP 14. Petitioner(s), on the day of the hearing, you are required to **personally appear with the minor(s)** in the Probate Department, 1st Fl 710 N 7th St Kansas City, Ks 66101. You should be prepared to testify to the Court about the circumstances that require the appointment of a guardian for the minor child.

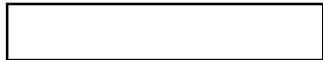
STEP 15. Petitioner(s), take to the hearing, the Order Appointing Guardian, the Oath of Guardian and the Letters of Guardianship or Letters of Co-Guardianship. At the hearing give those documents to the Judge for them to complete.

STEP 16. Petitioner(s), at the conclusion of the hearing, you should take the signed and completed Order Appointing Guardian, the Oath and Letters of Guardianship or Letters of Co-Guardianship to the Clerk of the Probate Department and file them.

STEP 17. Petitioner(s), at the time you perform **STEP 16**, you should obtain at least one **certified copy** of the Letters of Guardianship or Letters of Co-Guardianship from the Clerk for yourself. They should be kept in a safe place. These are your important documents of authority. Whenever you deal with someone on behalf of the Minor(s), such as the school, physician, hospital or dentist, you should have them make a copy of your Letters of Guardianship so that you retain your copy.

STEP 18. Petitioner(s), you should make arrangements with the attorney who was appointed to represent the Minor(s) to pay the fee you were ordered to pay.

STEP 19. Petitioner(s), remember that you are required to file a Report of the Condition of the Minor(s) with the Clerk of the Probate Department. **ANNUAL REPORTS ARE DUE YEARLY FROM THE DATE AWARDED.** Failure to complete and return the form to the Clerk may result in termination of the Guardianship.



For Office Use Only

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.

NATURE OF SUIT (Mark only one - If the case involves more than one of the following categories, indicate the category having the highest dollar value.)

- CIVIL** If a CH. 61: \$ _____ (Judgment Demand Amount)
- | | | | |
|---|---|---|--|
| <p>TORT</p> <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 | <p>CONTRACT</p> <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 - Forcible Detainer
<input type="checkbox"/> Landlord/Tenant Dispute - Other
<input type="checkbox"/> Seller Plaintiff (debt collection)
<input type="checkbox"/> Other Contract <p>CIVIL APPEALS</p> <input type="checkbox"/> Administrative Agency
<input type="checkbox"/> Other Civil Appeal
<input type="checkbox"/> Tax Appeal | <p>REAL PROPERTY</p> <input type="checkbox"/> Eminent Domain
<input type="checkbox"/> Mortgage Foreclosure
<input type="checkbox"/> Other Real Property
<input type="checkbox"/> Tax Foreclosure <p>MISCELLANEOUS</p> <input type="checkbox"/> 60-1507
<input type="checkbox"/> Habeas Corpus
<input type="checkbox"/> Other Writs
<input type="checkbox"/> Name Change
<input type="checkbox"/> Post Judgment Elevation LM to CV
<input type="checkbox"/> Transfer Pre-Judgment LM to CV | <input type="checkbox"/> STATE TAX WARRANT

<input type="checkbox"/> OTHER CIVIL

<input type="checkbox"/> SMALL CLAIMS |
|---|---|---|--|

- DOMESTIC**
- | | | | |
|---|--|--|---------------------------------------|
| <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 | |
| <input type="checkbox"/> DOMESTIC FOREIGN JUDGMENT (OUT OF COUNTY) | | | |

- PROBATE/ESTATE**
- | | | |
|---|---|--|
| <p>GUARDIAN/CONSERVATOR</p> <input type="checkbox"/> Conservatorship/Trusteeship
<input type="checkbox"/> Guardianship - Adult
<input type="checkbox"/> Guardianship - Minor
<input type="checkbox"/> Guardian/Conservator - Adult
<input type="checkbox"/> Guardian/Conservator - Minor <p>PROBATE RECORDS</p> <input type="checkbox"/> Probate Record - Other County
<input type="checkbox"/> Probate Record - Other State | <input type="checkbox"/> DETERMINATION OF DESCENT
<input type="checkbox"/> SEXUALLY VIOLENT PREDATOR
<input type="checkbox"/> DECEDENT ESTATE
<input type="checkbox"/> REFUSAL TO GRANT LETTERS
<input type="checkbox"/> FILING WILL AND AFFIDAVIT
<input type="checkbox"/> OTHER PROBATE/ESTATE | <input type="checkbox"/> ADOPTION
<input type="checkbox"/> FOREIGN ADOPTION
<input type="checkbox"/> CARE AND TREATMENT
<input type="checkbox"/> TERMINATION OF JOINT TENANCY
<input type="checkbox"/> TERMINATION OF LIFE ESTATE |
|---|---|--|

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

SUMMONS ATTACHED: YES NO **SHERIFF'S PROCESS FEE ATTACHED** YES NO

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

PLAINTIFF/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: _____

ATTORNEYS

(Firm Name, Address, Telephone Number and Supreme Court ID Number)

DEFENDANT/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: _____

ATTORNEYS

(Firm Name, Address, Telephone Number and Supreme Court ID Number)

FOR DOMESTIC CASES - NAME, DATE OF BIRTH AND SOCIAL SECURITY NUMBER OF EACH DEPENDENT CHILD:

(Name)

(Date of Birth)

(Social Security Number)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT

IN THE MATTER OF THE GUARDIANSHIP OF

_____, A MINOR(S)

Case No. _____
Div. 10

Pursuant to K.S.A. Chapter 59

PETITION FOR APPONTMENT OF
 GUARDIAN **CO-GUARDIANS**

FOR _____, A MINOR CHILD(REN)

Come now _____, Petitioner and _____ Petitioner,
and allege and state:

1. I We, reside at (address) _____
_____ (city), Wyandotte County, Kansas

2. _____ (Name of Minor(s) children),
hereinafter referred to as the Minor(s), whose date(s) of birth is _____, whose
residence address is _____ and who is
presently residing with Petitioner(s) and has been since (date) _____.

3. The Minor(s) are in need of a guardian of person to provide them health insurance,
make medical decisions, make all custodial decisions, and provide a stable residence for the
Minor(s).

4. During the past five years before the Petition was filed, the Minor(s) lived at the
following addresses with the adults listed below:

From Date	Until Date	City& State	Names, Addresses, Relationship of Custodian who lived with the
Minor(s)			
			at the time

4. I have have not been involved in a court case involving the custody or visitation of the child(ren). The following court cases are on file about the child(ren):

Type of Case	Court, City and State	Case Number	Last Order Date

5. I have do not have information concerning ANY OTHER proceeding that could affect the current proceeding including but not limited to proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoption. The following court cases are on file and could affect the current proceedings:

Type of Case	Court, City and State	Case Number	Last Order Date

Preface

These basic instructions for guardians were prepared by the Guardianship and Conservatorship Advisory Committee of the Kansas Judicial Council. After their original publication in January 2009, the instructions were revised and updated in June 2015 and again in 2017. The instructions constitute the basic instructional program concerning the duties and responsibilities of a guardian required by K.S.A. 59-3069(j). After reading these instructions, a proposed guardian should sign the affidavit of completion at the end of this booklet and file it with the court as evidence of completion of the basic instructional program.

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BASIC INSTRUCTIONS FOR GUARDIANS

Definitions of Words You Need to Know:

Guardian - A guardian is a person appointed by a court to act on behalf of a minor or impaired person, who is called a “ward.” A guardian manages a ward’s personal health, safety, and welfare.

Ward - A ward is a person for whom a guardian has been appointed. A ward may be either a minor or an adult person with an impairment.

Conservator - A conservator is a person appointed by a court to act on behalf of a minor or impaired person, who is called a “conservatee.” A conservator manages a conservatee’s property or “estate,” such as money, personal and real property.

Conservatee - A conservatee is a person for whom a conservator has been appointed. A conservatee may be a minor, an adult person with an impairment, or a person who has voluntarily requested a conservatorship.

NOTE: Sometimes, a person is appointed as both a guardian and conservator. In that case, the person they are helping may be called either a ward or conservatee, or both.

What Are a Guardian’s Powers and Duties?

The basic duties, responsibilities, powers and authorities of guardians are defined by statute and can be found at K.S.A. 59-3075. The following is a general overview.

A guardianship is a legal proceeding filed to protect an impaired person, who is called a “ward.” A guardian manages a ward’s personal health, safety, and welfare. If the court appoints you as guardian your job is separate from the duties of a conservator, though the court may appoint the same person to serve in both roles. As guardian you are always subject to the control and direction of the court. After a hearing to determine whether a guardianship is necessary, a court order will be issued. Your attorney should provide you with a copy of that court order.

State law and the court define a guardian’s power and set the rules to be followed when caring for the ward. At all times, a guardian is under the court’s direction and control. A guardian must always act in the ward’s best interest and use reasonable care and attention. **EACH YEAR THE GUARDIAN MUST FILE A REPORT WITH THE COURT TELLING THE COURT ABOUT THE GUARDIAN’S ACTIONS AND THE WARD’S CONDITION.**

If the court authorizes a guardian to exercise authority over a ward’s estate valued at less than \$10,000, the guardian may have many of the same duties as a conservator, including filing an annual accounting with the court. In that situation, a guardian might find it helpful to read the booklet, “Basic Instructions for a Conservator,” which includes a sample accounting form.

As a guardian, you may NOT take any of the following actions UNLESS the supervising court issues a written order approving the action(s):

1. Consent to adoption of the ward;
2. Consent to any psychosurgery, organ or limb removal except in a life-threatening emergency or to prevent lasting impairment to the ward's physical health;
3. Consent to sterilization of the ward;
4. Consent to withholding or withdrawal of life-saving medical care unless the ward previously made a written advance directive (living will, durable power of attorney for health care decisions, or similar document) that meets legal requirements;
5. Have any control over the ward's property, unless the Letters of Guardianship authorize you to do so **AND** the value of the ward's property is less than \$10,000;
6. Place the ward in a psychiatric treatment facility;
7. Access digital assets of the ward, such as online accounts, pictures and music stored electronically, social media accounts, etc.;
8. Pay the guardian or the guardian's attorney a fee; or
9. Dispose of property after the ward's death.

As a guardian, you may NEVER take any of the following actions:

1. Prohibit the marriage or divorce of the ward; or
2. Consent to termination of the ward's parental rights.

What Are a Guardian's Responsibilities to the Court?

Required Training

Before you are appointed as guardian, you must complete a basic training program about the duties and responsibilities of a guardian. Reading this booklet meets that requirement. At the end of this booklet, you will find an affidavit of completion of the basic training program (a form stating you have read the booklet). When you finish reading this booklet, you should sign the affidavit and file it with the court to prove that you have completed the program. You should also keep this booklet for future reference.

You should also inform the court if your telephone number or email address changes. If the ward dies, you will need to complete a final report on the ward's condition so that the court can close the case.

Reimbursement for Time and Expenses

The court must approve in advance any reimbursement to the guardian for expenses and time spent on official duties. If you want to be paid back for your time and expenses, you must keep a detailed timesheet of time spent and a detailed record of expenses incurred. Many guardians do not claim such expenses, especially if the ward is a family member, and perform their duties out of love and affection. If you want to receive reimbursement, you should talk to your attorney and bring this up preferably at the first court hearing.

How Does a Guardianship End?

A guardianship never ends automatically. The court may end a guardianship for a number of different reasons, including when the need for it no longer exists, when the ward has turned 18 (and was not determined to be a minor with an impairment), or when the ward has died. At any time, any person including the ward may file a petition asking the court to end the guardianship for any of the reasons listed above.

The court may also end a guardianship because the ward is no longer impaired. At any time, the ward may file a petition asking the court to find that he or she is no longer impaired and requesting to be restored to capacity.

If the court ends a guardianship, the court will enter appropriate orders to close the case.

What are Conflicts of Interest?

A conflict of interest happens when your personal or financial interests as guardian go against those of the ward or where your actions appear to be self-serving (for your own benefit). For example, it would be a conflict of interest for a guardian to get a loan from or buy property belonging to the ward's estate. It could also be a conflict of interest for a guardian to work in the same facility where the ward lives.

Whenever you think you might have a conflict of interest, even if you are not sure, report it to the court. Just because you may have a conflict of interest does not mean you cannot serve as guardian, as long as you keep the court informed.

Additional resources:

If you have questions about any of your duties as a guardian, ask your attorney. Additional resources, including blank forms for guardian's reports, can be found on the Kansas Judicial Council's webpage at: www.kansasjudicialcouncil.org

4. If the ward is institutionalized, the results of an investigation into the nature and appropriateness of the ward's care and treatment are as follows:
Ward lives in his own home. Following hip surgery in August 2013, he recuperated for three weeks in a local nursing home after which he was able to HWXUKRPH

5. What changes in the mental or physical condition of the ward has the guardian observed?
During the past year, Samuel experienced several episodes of memory lapses for which he is now receiving medication. The doctor indicates Samuel is in early stages of Alzheimer's disease. He had hip replacement surgery in August 2013 and now is able to walk using a cane. Other medical conditions DUEMWDEOH

6. What major problems relating to the guardianship, if any, have arisen during the reporting period?
A former neighbor who had exploited Samuel attempted to reintroduce himself into Samuel's life. Guardian secured a restraining order against the person. No other problems were experienced.

7. In the opinion of the guardian, does the guardianship need to continue, and is it necessary to increase or decrease the powers of the guardian?
The guardian has advocated and provided consents regarding health care, KRPH maintenance and freedom from exploitation. Guardianship should ERWLXHZLWKWKH
current powers.

8. State compensation requested and expenses incurred by the guardian:
Refer to itemized list attached.

9. What circumstances, if any, have arisen during the reporting period that could constitute a conflict of interest between the guardian and ward?
None.

10. Other information required by the court is:

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct. Executed on June 30, 2014.

Guardian

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS
PROBATE DEPARTMENT

IN THE MATTER OF THE GUARDIANSHIP OF

_____, A MINOR(S)

Case No. _____
Div. 10

Pursuant to K.S.A. Chapter 59

AFFIDAVIT OF COMPLETION
OF BASIC INSTRUCTIONAL PROGRAM

I declare 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 under penalty of perjury that this is true and correct.

Executed on this ____ day of _____, 20 ____.

Signature

Please Print Your Name

Address

Telephone Number

Email Address

