IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

Register in Chancery
Kent County
38 The Green
Dover, DE 19901
302-736-2242

Register in Chancery
New Castle County
500 N. King Street, St. 1551
Wilmington, DE 19801
302-255-0544

Register in Chancery
Sussex County
34 The Circle
Georgetown, DE 19947
302-856-5775

COSTS INVOLVED & GENERAL INFORMATION ON ACTING AS A PRO SE LITIGANT

Petition for Appointment of Guardian(s) of a Minor's Property

You have elected to proceed without an attorney (pro se) to file petition for guardianship. Our office wants you to be completely aware of the fees that are associated with this type of filing.

The initial filing fee of $135.00 and an additional $2.00 per page scanning fee is required at the time you file your petition with our office. Note, we charge a $1.50 per page for any documents that you may need xeroxed. You may choose to pay by either cash or check. Checks are to be made payable to "Register in Chancery."

When filing the Petition for the Appointment of a Guardian of a Minor's Property, you will need to submit the following documents to our office:

1) The complete petition with the petitioner's signature notarized.
2) The minor's birth certificate.
3) Notice to the next-of-kin (i.e. the other parent, siblings over the age of eighteen or grandparents if immediate family is no longer living).
    a. Notarized consents or
    b. If you are unable to obtain a consent, notice will need to be sent by certified mail. You will then need to complete the enclosed affidavit of mailing and file the green cards with our office.
4) If the money is being received due to someone's death, the death certificate will need to be filed.
5) If the money is being received through a life insurance policy, a letter needs to be filed from the insurance company to show that the minor is due to receive money.
6) If the minor is over the age of fourteen, he/she will need to sign a consent to the petition, with their signature notarized.

Should your petition to become guardian(s) be granted, you will receive additional documents and information from the Court.

Please Note: There is additional information and forms available on the Court's website at http://courts.delaware.gov/Chancery/guardianship/index.stm

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF: :

_____, : C.M. # _____

A Minor :

PETITION TO APPOINT GUARDIAN(S) OF THE MINOR'S PROPERTY

Petitioner(s), _____, represents:

1. Information about Petitioner(s) (You are the Petitioner):
   a. Current address(es): _____

   _____

   b. Telephone Number(s): _____
   c. Relationship to the minor: _____
2. Information about the minor:
   a. Age: _____
   b. Date of birth: _____
   c. Current address: _____

   _____

3. The minor's next-of-kin who would be entitled to his/her estate in the event of the minor's death are the following (such as parents, siblings over the age of eighteen or grandparents):

Name of Next-of-Kin	**Relationship to Minor**	**Address and Phone number of next-of-kin**	**Next-of-kin's age**

4. Specify the source of the property or funds the minor is entitled to receive, the approximate value of the property or amount of funds to be received, and the date upon which the minor expects to receive the property or award. _____

_____

_____

_____

5. All of the following statements must be true before the Court of Chancery will consider this petition. Check ALL of the following statements to acknowledge they are true:

   a. ☐ There is currently no legal guardian for the minor's property

   b. ☐ Attached is the minor's birth certificate

   c. ☐ Attached is the death certificate of whoever passed away leaving funds to the minor

   d. ☐ Attached is a letter from the insurance company stating how much the minor is to receive from the life insurance policy **OR** the decedent's will is attached

   e. ☐ Petitioner(s) consents to the Register in Chancery of the Court being his/her/their agent for acceptance of service on behalf of the Petitioner(s) as to any claim arising out of the guardianship if, by reason of the guardian's absence(s) from this State, he/she/they cannot be personally served.

   f. ☐ Petitioner(s) understands that the minor's money will be placed into a guardianship bank account and the funds shall remain in the account until the minor turns eighteen (18) at which time a Petition to Transfer Funds at Majority must be filed with the Court. Petitioner(s) understands and agrees that funds may not be withdrawn from the guardianship account without a court order authorizing such withdrawal.

WHEREFORE, Petitioner(s) respectfully request that:

1. This Court appoint him/her/them as guardian(s) of the minor's property.
2. The guardian(s) shall have the authority to receive $_____ from the Insurance Company/Estate. If the money is received from a life insurance

policy, the guardian(s) shall execute a release to the Insurance Company for the amount received.

3. The guardian(s) be authorized to open an account at the _____ _____ Bank to be titled, "COURT OF CHANCERY GUARDIANSHIP ACCOUNT FOR _____, MINOR, _____, GUARDIAN(S). WITHDRAWALS ONLY BY ORDER OF THE COURT" and to deposit all of the minor's funds in the account.
4. Bond to be fixed for the guardianship without surety.
5. There be paid by the guardian the court costs of this petition.

_____
Signature of Co-Petitioner
(If Applicable)

Address: _____

_____

Phone number: _____

_____
Signature of Petitioner

Address: _____

_____

Phone number: _____

SWORN TO AND SUBSCRIBED before me, a notary/clerk of the Court for the County and State aforesaid, on the _____ day of _____, 20_____.

_____
Notary Public/ Clerk of the Court

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF:	:	
	:	
_____,	:	C.M. # _____
	:	
a minor	:	

MINOR'S CONSENT TO THE PETITION FOR THE APPOINTMENT OF A GUARDIAN OF THE MINOR'S PROPERTY

I, _____, a minor over the age of
(Name of minor)

fourteen (14) years old, hereby consent to the appointment of _____
(Petitioner's Name)

as the guardian of my property.

_____ _____
Date Minor's signature

Minor's address: _____

_____

SWORN AND SUBSCRIBED before me the date and year aforesaid.

_____
Public Notary/Register in Chancery

INSTRUCTIONS FOR NOTIFYING NEXT-OF KIN OF PETITION FOR GUARDIANSHIP

It is the petitioner's responsibility to notify the minor's next-of-kin (the other parent, siblings over the age of eighteen or grandparents) when a petition for guardianship is filed with the Court. This includes notifying all of the parties you listed on number three of the guardianship petition.

You, as the petitioner(s), can approach this requirement in one of two ways:

1. A copy of the attached "Waiver of Notice and Consent" can be signed and notarized by each of the minor's next-of- kin.

OR

2. You can send a copy of the completed "Notice of Petition" to all of the minor's next-of-kin, via certified mail. You will then file the following documents, which are due by noon two days before the scheduled hearing date, with the Court:
    a. The attached "Affidavit of Mailing",
    b. A copy of the "Notice of Petition" that was sent to the next-of-kin, and
    c. The certified mail return receipts.

PLEASE NOTE: Any next-of-kin who has not signed a notarized consent must receive notice of your petition by certified mail at least thirteen (13) days before the Court hearing. This ensures that all next-of-kin have adequate time to contact the Court with any questions they may have or file any objection to the guardianship petition.

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF:	:	
_____,	:	C.M. # _____
a minor	:	

NEXT-OF-KIN'S CONSENT TO THE PETITION FOR THE APPOINTMENT OF A GUARDIAN OF THE MINOR'S PROPERTY

I, _____, whose relationship to
(Name of next-of-kin)

the minor is that of _____ , hereby consent to the
(next-of-kin's relationship to the minor)

Appointment of _____ as guardian of the minor's
(Petitioner's Name)

property without further notice.

_____ _____
Date Next-of-kin's signature

Next-of-kin's address: _____

_____

SWORN AND SUBSCRIBED before me the date and year aforesaid.

_____
Public Notary/Register in Chancery

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF:)
)
_____,) C.M. # _____-N
)
a minor)

AFFIDAVIT OF MAILING

1. The petitioner(s), _____, mailed on this date _____ with postage prepaid a letter dated _____ to the person(s) set forth in paragraph 2 informing them of the Petition for Appointment of Guardian of a Minor's Property that has been filed in this matter.

2. The person(s) to whom the letter above was mailed and their addresses are:

Name	**Address**

3. ATTACHED ARE: (Check both statements below to acknowledge both are attached.) ☐ A copy of the above referenced letter AND ☐ The certified mail return receipts.

_____ _____
Petitioner Co- Petitioner

SWORN TO AND SUBSCRIBED before me, a notary/clerk of the Court, on the _____ day of _____, 20_____.

_____
Notary Public/Chancery Court Clerk

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

☐Register in Chancery
Kent County
38 The Green
Dover, DE 19901
302-736-2242

☐Register in Chancery
New Castle County
500 N. King Street, St. 1551
Wilmington, DE 19801
302-255-0544

☐Register in Chancery
Sussex County
34 The Circle
Georgetown, DE 19947
302-856-5775

IN THE MATTER OF:

_____,
(Minor's name)
A minor

C.M. # _____

NOTICE OF PETITION FOR THE APPOINTMENT OF A GUARDIAN OF A MINOR'S PROPERTY

NAME	ADDRESS OF INTERESTED PARTY

Dear Interested Parties:

This is a notice that I am/we are applying for guardianship of _____'s
Minor's name

Property. Should you object, you must immediately send your written objections to the Register in Chancery's Office that has been marked above.

_____
Petitioner's Signature

_____
Co-Petitioner's Signature

DATED: _____

COURT OF CHANCERY

Information Needed on Civil Miscellaneous Filings

IN THE MATTER OF:

_____

Address:

_____ C.M.# _____

_____

_____

Social Security#: _____
Date of Birth: _____

Guardian:

_____ Social Security#: _____
Drivers License#: _____
Date of Birth: _____

Current Address: _____

_____

_____

Home Phone#: _____
Work Phone#: _____
Email: _____

Co-Guardian

_____ Social Security#: _____
Drivers License#: _____
Date Of Birth: _____

Current Address: _____

_____

_____

Home Phone #: _____
Work Phone #: _____
Email: _____

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

Alleged disabled person/Minor: _____

AFFIDAVIT OF PETITIONER'S HISTORY

Petitioner's Name: _____

1. Have you ever declared bankruptcy? ☐ Yes ☐ No

   If so, when? _____

   If so, what type? _____

   _____

   _____

2. Have you ever been convicted of a misdemeanor? ☐ Yes ☐ No

   If so, describe which misdemeanor, when and in what jurisdiction you were convicted (i.e., State, County and Police Department).

   _____

   _____

   _____

   _____

   _____

3. Have you ever been convicted of a felony? ☐ Yes ☐ No

   If so, describe which felony, when and in what jurisdiction you were convicted (i.e., State, County and Police Department).

   _____

   _____

   _____

   _____

   _____

4. Have you ever been found guilty of an offense by a court martial? ☐ Yes ☐ No

   If so, describe which offense and when you were found guilty.

   _____

   _____

   _____

   _____

   _____

5. Do you give the State of Delaware permission to conduct a criminal background check on you at any time during the consideration of your petition for guardianship and, if granted, at any time during the period you are a guardian? ☐ Yes ☐ No

   _____

   _____

   _____

   _____

   _____

I solemnly swear and affirm under penalty of law that the statements and answers above are true to the best of my knowledge.

_____
Signature

SWORN TO AND SUBSCRIBED before me on this date: _____

_____
Notary Public or Clerk of the Court

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF:	:	
_____,	:	C.M. # _____
a minor	:	

ORDER TO APPOINT GUARDIAN(S) OF THE MINOR'S PROPERTY

WHEREAS, the Petition for Appointment of Guardian(s) of the Minor's Property having been presented and duly considered by the Court,

IT IS HEREBY ORDERED, this _____ day of _____, 20____, as follows:

1. _____ is/are hereby appointed guardian(s) of the property of _____, minor and that the guardian(s) is/are directed to receive the sum of $_____ from the life insurance policy/estate of _____.

2. The guardian(s) shall execute a bond with this Court in favor of the State of Delaware without surety in the amount of $_____.

3. The guardian(s) shall open an interest bearing account or certificate at _____ Bank, located in Delaware, entitled: "COURT OF CHANCERY GUARDIANSHIP OF _____, MINOR, _____ GUARDIAN(S), WITHDRAWALS ONLY BY ORDER OF THE COURT" and deposit the funds to be received. The guardian(s) may not make **ANY** withdraws from the account WITHOUT first having a Court Order to do so. The guardian(s) may roll over or reinvest the sums in similar accounts or certificates in the same bank and under the same limitations on withdrawals.

4. The guardian(s) shall, within thirty (30) days of the date of this order, submit proof to the Register in Chancery's Office that the bank account(s) provided for in this Order have been opened in accordance with the provisions of this Order.

5. Subject to the further order of the Court, the guardianship funds of minor may **not** be used for everyday living expenses such as food, shelter, clothing, etc.

6. Your petitioner(s) consent to the Register in Chancery of this Court being his/her/their agent for the acceptance of service of process on behalf of the petitioner(s) as to any claim arising out of the guardianship if, by reason of the guardian's absence(s) from this state, he/she/they cannot be personally served.

7. The Register in Chancery or her designee as Administrator of the Account may from time to time inspect any account established for the benefit of the minor, and the financial institution holding said account(s) is authorized and directed to allow said inspection, and to supply a statement of the account, if requested, for the guardianship file. If the account in titled incorrectly, the financial institution is directed to make such corrections as per the original Order of this Court, and send a corrected copy to the guardian(s) and the Register in Chancery's Office.

8. The guardian(s) shall provide the Register in Chancery with the most recent bank statement, in lieu of an accounting, by January 15th of each year.

9. The guardian(s) must notify the Register in Chancery's Office of any address or phone number change within thirty days of occurrence.

_____

Chancellor/Vice Chancellor/Master