

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IMO:)
) C.M. No.
a minor child.)

**PETITION FOR THE APPOINTMENT OF
LIMITED GUARDIAN OF PROPERTY OF A MINOR CHILD**

The Petition of _____ respectfully represents as follows:

1. _____, a minor child, the natural born _____ of the petitioner, is now ___ years of age, having been born on _____. The minor will turn 18 on _____. A copy of the minor’s birth certificate is attached hereto as Exhibit “A”.

2. The petitioner is the _____ of the minor child. [*List addresses of both petitioner and minor child*].

3. The minor child is entitled to receive [*list the funds or property the minor is entitled to receive (e.g., benefits from life insurance, bequest from estate, real or personal property, etc). Include the amount of the funds or the approximate value of the property, and the name and relationship of the person who is the source of the funds. List and attach copies of documentation showing how much the minor is entitled to receive (e.g., a copy of a will or a letter from the insurance company), along with a death certificate if the funds will be received as a result of the death of another person.*]

4. The minor child has no real or personal property except as set forth herein, and there currently is no legal guardian for the minor's property.

5. The interested parties who are entitled to receive notice of the petition are the following: *[include parents (natural or adoptive), court appointed guardians, any attorney who represented the minor child in the previous two years, siblings over the age of 18, and grandparents if one parent is deceased or cannot be contacted. Include the mailing address for each interested party.]*

6. The petitioner consents to the Register in Chancery being appointed his agent for acceptance of service on behalf of the petitioner as to any claim arising out of the guardianship if, by reason of the guardian's absence from this State, he cannot personally be served.

7. *[If the funds are \$25,000 or less]* If appointed guardian, the petitioner will place the minor's property in a custodial account consistent with 12 *Del. C.* § 4501, et seq. and has executed the attached affidavit acknowledging his obligations as custodian of that account. The funds will be placed in an account at

_____. *[If the funds are more than \$25,000]* If appointed guardian, the petitioner will place the minor's property in an annuity or structured financial instrument for the benefit of the minor. The petitioner acknowledges that the instrument must provide for the payment of funds to the minor no earlier than the

date the minor reaches majority, and must prohibit the encumbrance, liquidation, sale, or other transfer of the property before such time. [*Specify the type of instrument where the funds will be placed.*]

8. The petitioner believes a period of _____ days will be necessary to obtain the funds, place them in a _____ [*type of account or instrument to be used*], and file proof with the Court. [*If more than 60 days needed, explain why*]. The petitioner's attorney acknowledges that he is responsible for filing such proof with the Court and may be held liable by the Court if such proof is not filed.

WHEREFORE, the petitioner respectfully requests that he be appointed limited guardian of the property of _____, a minor child, and that he be authorized to obtain the [*funds or property the minor is entitled to receive*], place the proceeds in a [*type of account or instrument to be used*] and execute a release to the payor for the amount received.

[OTHER INSTRUCTIONS: The petition must be signed by the attorney and verified by the petitioner, with the petitioner's signature notarized. The petitioner also must fill out an affidavit of petitioner's history and a personal information sheet in the form required by the Court's rules. If the minor is over the age of 14, the minor also must consent to the petitioner's appointment as guardian. Interested parties must consent or receive notice consistent with Rule 180.]