

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

Register in Chancery Kent County 38 The Green, Ste. 208 Dover, DE 19901 302-735-1930	Register in Chancery New Castle County 500 N. King Street, 7th Floor Wilmington, DE 19801 302-255-0544	Register in Chancery Sussex County 34 The Circle Georgetown, DE 19947 302-856-5777
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**Procedures for filing a Petition for Appointment of Limited Guardian of a
Minor’s Property**

- No guardian is necessary if the amount the minor will receive is equal to or less than \$25,000, including any associated costs, expenses, and attorneys’ fees. If guardianship is required, for example, the insurance company may require a guardian before it will release funds, or property gifted to the minor may need to be sold, a limited guardian may be appointed.
- The “limited guardian” acts only for a specified period of time, and the guardianship automatically terminates when the guardian files proof with the Court that the guardian has performed his or her duties under the Court’s order. Typically, this would mean that a guardian is appointed to take possession of the funds or property and secure them in an appropriate account, or take possession of property and complete the sale of the property. Once the guardian files proof that those tasks are completed, the guardianship terminates, and the case is closed.
 - When the value of the property or funds the minor is entitled to receive is equal to or less than \$25,000, the guardianship would terminate when the funds are placed in a Uniform Transfers to Minors Act account, also called a custodial account. The guardian must file proof that the account was properly opened.
 - When the value of the property or the funds the minor is entitled to receive is more than \$25,000, a limited guardianship may be established if the funds are placed in an annuity or structured financial instrument for the benefit of the minor.
- Should your petition to become guardian be granted, you will be required to execute a bond in an amount set by the Court.

- When filing a Petition for the Appointment of a Limited Guardian of a Minor's Property, you will need to submit the following documents to our office:
 1. The completed petition, the court clerk cannot complete the petition for you. The petitioner will need to have their signature notarized on the petition and several other forms. If you appear in the Register's Office with valid identification and the correct paperwork, your signature can be notarized by a court clerk in the Register's Office. There can only be one guardian of the minor's property.
 2. The minor's birth certificate.
 3. Affidavit of proposed guardian's history.
 4. Personal information sheet.
 5. The petitioner is responsible for obtaining consents from the interested parties or sending notice of the petition to the interested parties. Please see the instruction sheet within this packet for additional information.
 6. If the money is being received due to someone's death, the death certificate will need to be filed.
 7. If the money is being received through a life insurance policy, a letter needs to be filed from the insurance company to show how much money the minor is due to receive.
 8. The petitioner's affidavit that the funds belong to the minor and are to be protected.
 9. If the minor is to receive more than \$25,000.00, a prospectus must be included for the annuity showing where the funds will be moved to.
 10. If the minor is fourteen years or older, they will need to sign a consent to the petition, their signature must be notarized. The minor's picture school ID can be used if they are not yet eligible to obtain a driver's license.
 11. The filing fee for the petition is **\$135.00 plus \$2.00 per page** scanning fee. Payment must be received at the time of filing, or the petition will not be accepted by our office. We accept cash, check or money order (made payable to the "Register in Chancery"). If the Register in Chancery's office makes photocopies for you, we will charge a \$1.50 per page fee.

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the matter of: _____ :
: C.M. #: _____
A minor _____ :

Petition to Appoint Limited Guardian of a Minor's Property

1. Information about the person who wishes to be appointed guardian:

- a. Name: _____
- b. Current address: _____

- c. Telephone Number: _____
- d. Relationship to the minor: _____

2. Information about the minor:

- a. Age: _____ Minor turns 18 on: _____
- b. Date of birth: _____
- c. Current address: _____

3. The interested parties who are entitled to 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):

Name of Interested Party	Relationship to Minor	Address and Phone number of interested party	Interested Party's age

4. How much money is the minor going to receive? _____

5. Where is the minor receiving the money from? _____

6. The petitioner intends to place the property or funds in: _____

(specify type of account or instrument where funds or property will be placed and the name of the bank or company).

7. The petitioner believes that a period of 60 days will be necessary to obtain the funds, place them in a custodial account or structured financial instrument, as applicable, and file proof with the Court.

8. All the following statements must be true before the Court of Chancery will consider this petition. Check all 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 a letter from the insurance company stating how much the minor is to receive from the life insurance policy **OR** a copy of the will and final accounting if the money is coming from someone's estate.
- d. The death certificate (if the minor will receive funds or property because of the death of another person).
- e. Petitioner consents to the Register in Chancery of the Court being their 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, they cannot personally be served.

- f. Petitioner understands that the minor's money will be placed in a custodial account (for amounts equal to or less than \$25,000) or in an annuity or structured financial instrument (for amounts over \$25,000) for the benefit of the minor.
- g. If the money will be placed in a custodial account, the guardian has executed an affidavit acknowledging his or her obligations in managing that account **OR**
- If the money will be placed in an annuity or structured financial instrument for the benefit of the minor, the guardian acknowledges that the instrument must provide for 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 policy before such time.

WHEREFORE, Petitioner respectfully requests that:

1. This Court appoint the petitioner as limited guardian of the minor's property.
2. The guardian shall have the authority to receive \$ _____ from the Insurance Company/Estate. If requested, the guardian shall execute a release to the payor for the amount received.
3. The petitioner be authorized to deposit all the minor's funds into a custodial account, an annuity or structured financial instrument.

4. The Court fix bond for the guardianship without surety in an amount determined by the Court.

5. There be paid by the petitioner the court costs of this petition.

Petitioner's signature: _____

Petitioner's full address: _____

Petitioner's phone number: _____

STATE OF _____:

COUNTY OF _____:

This instrument was acknowledged before me on this _____ day of _____, 20____ by _____ [Name of affiant].

Notary Public/Chancery Court Clerk

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, _____ [minor's name], a minor
fourteen (14) years old or older, consent to the appointment of
_____ [name of proposed guardian] as the
guardian of my property.

Minor's signature: _____

Minor's complete address: _____

Minor's phone number: _____

STATE OF _____ :

COUNTY OF _____ :

This instrument was acknowledged before me on this _____ day of
_____, 20____ by _____ [Name of affiant].

Notary Public/Chancery Court Clerk

Instructions for Notifying Interested Parties of Petition

It is the petitioner's responsibility to notify the interested parties when a petition for guardianship is filed with the Court. This includes notifying all the parties you listed in paragraph three of the guardianship petition.

How to Notify the Interested Parties

Option 1 – Consent

Any interested party may sign a copy of the attached "Consent" form.

Option 2 – Send Notice

If any interested party does not sign the consent form, you must send them a copy of the attached "Notice of Petition". You must send this by registered or certified mail, return receipt requested, or by FedEx, UPS or any other courier service that provides real-time tracking of delivery.

Any interested party who has not signed a consent must receive notice of your petition at least thirteen (13) days before the court will consider the petition. This ensures that all interested parties have adequate time to contact the court with any questions they may have or file any objection to the petition.

Unknown address for an interested party

If you do not know the address for an interested party, you must make every attempt to locate the address and file an affidavit of efforts to locate address of interested party. A separate affidavit is required for each interested party. If you later locate an address for the interested party, you will need to notify the court.

To be filed with the Court

You must file the following documents with the court before the petition will be reviewed by a Judicial Officer:

- a. Any consent forms,
- b. The attached "Certificate of Mailing" (if any notices were sent),
- c. Proof of how the mailing was sent (such as the certified mail receipts from the post office) and any proof you have that the mail was delivered and
- d. Any affidavit of efforts to locate address of interested party.

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the matter of: _____ :
 :
 : C.M. #: _____
A minor _____ :
 :

Interested Party's Consent to the Petition for the Appointment of a Guardian of the Minor's Property

I, _____ [name of interested party],
whose relationship to the minor is that of _____ (e.g. mother,
brother), hereby consent to the appointment of _____
[name of proposed guardian] as guardian of the minor's property without further
notice.

Interested party's signature: _____

Interested party's full address: _____

Interested party's phone number: _____

STATE OF _____ :

COUNTY OF _____ :

This instrument was acknowledged before me on this _____ day of
_____, 20____ by _____ [Name of affiant].

Notary Public/Chancery Court Clerk

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

Register in Chancery
Kent County
38 The Green, Ste. 208
Dover, DE 19901
302-735-1930

Register in Chancery
New Castle County
500 N. King St., 7th Floor
Wilmington, DE 19801
302-255-0544

Register in Chancery
Sussex County
34 The Circle
Georgetown, DE 19947
302-856-5777

In the matter of:

_____,
A minor

:
:
:
:

C.M. #: _____

Notice of Petition for the Appointment of Guardian of the Minor's Property

Dear Interested Parties:

This is a notice that I am applying for guardianship of the minor's property. If you object to my appointment, you must contact the Register in Chancery's Office that has been marked above within thirteen (13) days of the date of this notice.

Petitioner's signature: _____

Date: _____

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the matter of: _____ :
: C.M. #: _____
A minor _____ :

Affidavit of Efforts to Locate Address of Interested Party

1. Name of petitioner: _____

2. Name of interested party whose address cannot be located:

3. To the best of my knowledge, the last contact the interested party had with me was on or around _____ [month/year] and with the minor this petition is being filed for was on or around _____ [month/year].

4. Any additional information you would like to provide regarding the last contact: _____

_____.

5. My efforts have included the following [please check all that apply]:
a. performing an internet search for the address of the interested party;

- b. asking other individuals for the interested party's contact information;
- c. messaging the interested party through electronic means;
- d. Other: _____

6. I have been unable, after exercising reasonable diligence, to locate an address for the interested party to provide them with notice of the petition. I will notify the Court if an address is later obtained.

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.

Date: _____

Petitioner's printed name: _____

Petitioner's signature: _____

Pursuant to Court of Chancery Rule 178B, the notary requirement is waived

COURT OF CHANCERY

Personal Information Sheet

Please Note: If there is more than one proposed guardian, each person will need to complete a separate form and use separate contacts on page two of this form.

In the matter of: _____, a minor

Social Security Number: _____ Date of Birth: _____

Date this form is completed: _____

In connection with the above matter, I have applied to the Court of Chancery to be appointed as guardian of the minor named above. I understand that I must complete this form in full or my guardianship petition may be denied. In order to provide the Court with sufficient information to determine my qualification to serve as guardian and to assist the Court in assuring that the Court's staff will always be able to locate and make contact with me, the following information and consent is given:

Proposed Guardian's current full name: _____

Proposed Guardian's physical address: _____

Proposed Guardian's mailing address (if different): _____

Home phone number: _____ Work phone number: _____

Cell phone number: _____ E-mail address: _____

Date of birth: _____ Social Security number: _____

Driver's License number and State: _____

Place of employment and address: _____

Name of supervisor and telephone number: _____

Name/Address/Telephone number of spouse (if not a co-petitioner/co-guardian):

Contacts: List the information for two people who should always be able to locate or contact you and do not live at the same address as each other or the petitioner(s). If there is more than one proposed guardian, separate contacts must be listed

1. Name: _____

Address: _____

Phone number: _____ Relationship: _____

2. Name: _____

Address: _____

Phone number: _____ Relationship: _____

I fully understand that it is my duty to keep the Court informed of my whereabouts and to provide the Court with any change in my name, physical address or mailing address. I hereby authorize the staff of this Court to contact any of the persons named above and authorize and direct any of the persons named above and my attorney(s) to provide to the Court any information which might assist the Court in locating or contacting me in the future. I also authorize the court staff to search government or public databases to locate me. I further agree that any federal, state, public, or private agency with information about my whereabouts, or the whereabouts of the minor named above, may release that information to the Court and its staff, and I authorize and direct such persons to release that information. I release the Court and the Court's staff from all liability associated with efforts to determine my whereabouts or the whereabouts of the minor over whom guardianship has been established.

Proposed Guardian's signature: _____

STATE OF _____ :

COUNTY OF _____ :

This instrument was acknowledged before me on this _____ day of

_____, 20____ by _____ [Name of affiant].

Notary Public/Chancery Court Clerk

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

Affidavit of Proposed Guardian's History

Name of minor: _____

Name of proposed guardian: _____

1. Have you ever declared bankruptcy? Yes No
If yes, when? _____ what type? _____

2. Have you ever been convicted of a misdemeanor? Yes No
If yes, describe which misdemeanor, when and in what jurisdiction you were convicted (e.g. State, County and Police Department). _____

3. Have you ever been convicted of a felony? Yes No
If yes, describe which felony, when and in what jurisdiction you were convicted (e.g. State, County and Police Department). _____

4. I give the State of Delaware permission to conduct a criminal background check on me at any time during the consideration of my petition for guardianship and, if granted, at any time during the period I am guardian. I solemnly swear and affirm under penalty of law that the statements and answers above are true to the best of my knowledge.

Proposed guardian's signature: _____

STATE OF _____ :

COUNTY OF _____ :

This instrument was acknowledged before me on this _____ day of _____, 20____ by _____ [Name of affiant].

Notary Public/Chancery Court Clerk

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the matter of: _____ :
: C.M. #: _____
A minor _____ :

Affidavit of Petitioner for Limited Guardianship of a Minor

Name of petitioner: _____

1. I am the parent (or guardian) of _____
(hereinafter “the minor”).
2. I have reviewed the attached Petition and agree with the statements and representations set forth therein.
3. I understand that the funds that are the subject of this guardianship proceeding (hereinafter “the minor’s property”) are exclusively the property of the minor.
4. I understand that if all or a portion of the minor’s property is placed into a Uniform Transfer to Minor Act (“UTMA”) account, I must provide proof of the opening of the account and deposit of the settlement funds into the account within sixty (60) days of entry of the Court’s Order approving the settlement.
5. I understand that if all or a portion of the minor’s property is placed in a UTMA account, I will serve as custodian of that account. I further understand that as the custodian of that account I have a fiduciary duty to use the monies in the account only for the health, maintenance, education and welfare of the minor and should the monies be used other than for the benefit of the minor, I

will be subject to liability for breach of my fiduciary duty.

6. I understand that if some or all of the minor's property is to be placed in a Court approved annuity or structured financial instrument, that the instrument must provide for payment of funds to the minor no earlier than the date the minor reaches the age of maturity, and must prohibit the encumbrance, sale, or other transfer of the annuity or instrument before such time. I further understand that I must file proof of the funding of the annuity or structured financial instrument within sixty (60) days of entry of the Court's Order approving the settlement.

Petitioner's signature: _____

Date: _____

STATE OF _____:

COUNTY OF _____:

This instrument was acknowledged before me on this _____ day of _____, 20____ by _____ [Name of affiant].

Notary Public/Chancery Court Clerk

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the matter of: _____ :
A minor _____, : C.M. #: _____
: _____
:

If the funds were placed in an annuity or other structured financial instrument, file the following certification:

Certification of Purchase of Annuity or Other Structured Financial Instrument

I, _____, Guardian, hereby certify that
on _____, 20____, an annuity for the benefit of
_____ [minor's name] in the amount of \$ _____
was purchased, representing all funds at issue in this guardianship
proceeding. Proof of the purchase of the annuity (or other structured financial
instrument) is attached hereto as Exhibit A.

Guardian's signature: _____

Date: _____