

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

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

**PETITION FOR THE APPOINTMENT OF
PLENARY 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 seeks plenary guardianship, rather than limited guardianship, for the following reasons: _____.

7. 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.

8. The petitioner acknowledges 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 18 and the petitioner and former minor file with the Court a Petition to Transfer Funds at Majority. The petitioner understands and agrees that funds may not be withdrawn from the guardianship account without a court order authorizing such withdrawal.

9. If appointed guardian, the petitioner will open an account at the [specify bank] to be titled “COURT OF CHANCERY GUARDIANSHIP ACCOUNT FOR _____, MINOR, _____ GUARDIAN. WITHDRAWALS ONLY BY ORDER OF THE COURT” and will deposit all the minor’s funds in to the account. The petitioner’s attorney acknowledges that he is responsible for filing with the Court proof that the account was opened and the funds deposited in the account and may be held liable by the Court if such proof is not filed. The petitioner acknowledges that he will be required to file annually a copy of the most recent bank statement associated with the guardianship account, and may be required by order of the Court to account for any funds expended from the account.

WHEREFORE, the petitioner respectfully requests that he be appointed plenary 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 guardianship account, 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.]