

# GUARDIANSHIP OF MINOR CHILD PACKET

## COMANCHE NATION TRIBAL COURT DISTRICT COURT

The forms in this packet are to be used as a **template**, please re-type the forms and **do not** fill in the blanks. Please read the instructions carefully before completing the forms. The Court Clerks **CANNOT** accept documents that do not conform to the instructions in this packet.

You should refer to the Comanche Nation Tribal Court Codes prior to filing any petition or pleadings for a complete understanding of the rules and procedures governing your case. Should you need assistance in preparing any documents, you must consult with an attorney at your own expense. This court does not have legal aid. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or type court documents. Different situations may require special procedures and the Court Clerks **CANNOT** advise you on how to proceed or what forms may be necessary in specific situations.

## **INSTRUCTIONS FOR FILING**

### **IMPORTANT INFORMATION PLEASE READ!!!**

1. Documents must be typed DOUBLE-SPACED and on LETTER SIZE PAPER (8 ½” x 11”).
2. Documents must be signed in front of the Court Clerk or a notary public when you are ready to file.
3. Filing fees, copy fees, etc. must be made in the form of a CASHIER’S CHECK or MONEY ORDER and must be payable to “Comanche Nation Tribal Court”. Filing fees MUST be paid at the time of filing your petition. If you are unsure of the amount of the filing fees, contact the Court Clerk.
4. Submit original Documents and one (1) copy for each party to be served, and an additional copy if you want a copy of the document for your records. If the Court Clerk makes your copies, you will be charged a copy fee of \$0.50 PER PAGE.
5. Documents must have the FULL ADDRESS including street, city, state & zip of the parties to be served. Obtaining this information is **your** responsibility.
6. The forms are a guide to use in preparing the documents. DO NOT fill in the blanks and submit for filing. IT MUST BE RE-TYPED.
7. Petitions filed MUST have a copy of the relevant birth certificate and tribal enrollment card/CDIB and be submitted with the petition when filed. Obtaining these documents is YOUR responsibility.
8. Proof of Service of a Petition is MANDATORY for your case to proceed. Obtaining proof of service is **your** responsibility. If you request the Court Clerks to serve the documents on your behalf, service fees MUST be paid at the time of submitting Request of Service.

**Court Clerks WILL NOT accept documents**

**that do not conform to these Instructions.**

## **CONTENTS OF PACKET**

- 1. Child guardianship requirements**
- 2. Comanche nation tribal court codes, title 4., ch. 10, §§1001-1010.**
- 3. Legal Definitions**
- 4. Petition for temporary/special guardianship**
- 5. Petition for permanent guardianship**
- 6. Petition for emergency guardianship**
- 7. Affidavit**
- 8. Request for service**
- 9. Answer of \_\_\_\_\_**
- 10. Waiver of notice and/or consent to the appointment of guardian**
- 11. Voluntary relinquishment of parental rights**
- 12. Motion to \_\_\_\_\_**
- 13. Application to reopen case**

## **CHILD GUARDIANSHIP REQUIREMENTS**

The person(s) making application for guardianship **MUST** be someone other than natural mother and natural father. If natural mother or natural father is seeking custody of a child, this **CANNOT** be done through a guardianship proceeding. Someone other than natural mother or natural father i.e. grandmother, grandfather, sister, brother, aunt, uncle, cousin, etc. would be the person seeking custody through a guardianship proceeding.

In order for a guardianship to be applied for, the child(ren) **MUST** already be in the physical care, custody and control of the person making application. Many times the maternal grandparent or paternal grandparent will make application while his/her son or daughter is living with him/her in an attempt to avoid a custody battle. If natural mother and/or natural father is living with the person seeking guardianship, no application will be accepted.

Guardianship applicants must obtain a background check and will be given finger print cards which are to be completed by any law enforcement facility and returned back to the Court Clerk for submission to DHS. The finger print results will be mailed to the applicant unless there is some error on the finger print cards. Should an error occur, the Court Clerk will be notified by DHS with the finger print cards being returned to the Court Clerk who will then contact the applicant for finger prints to be re-done. When the applicant's finger print results are received by them, applicant should let the Court Clerk know the results have been received and either take them to the Court Clerk or bring the results with them to the court hearing.

### **ALL ADULTS LIVING IN THE HOME OF THE GUARDIANSHIP APPLICANT WILL BE SUBJECT TO A BACKGROUND CHECK.**

A home study is required in cases where permanent guardianship is requested.

It is the mission of the Comanche Nation Tribal Court to act in the best interest of the Comanche children. Therefore, at the Judge's discretion or the request of the Prosecutor, **ALL PARTIES MAY BE SUBJECT TO RANDOM DRUG AND/OR ALCOHOL TESTING.**

When a guardianship is applied for, it is understood by the Court that the applicant(s) has the means to provide for the care, custody, control, support and nurture of that child(ren). Applicant(s) are required, upon receiving guardianship, to immediately apply for child support against the natural mother and natural father with the Child Support Office.

Guardianship reviews are conducted every six (6) months in cases where Social Security benefits, child support or any other means of income is received and every eight (8) months where no form of income is received. Reviews may be modified in the Judge's discretion.

The appointed guardian is responsible for the income and expenses of the child(ren) or ward and must prepare an accounting to be presented to the Judge at the Review hearing.

## **NOTICE**

**Filing false or frivolous petitions may subject you to criminal charges under Title 2 of the Comanche Nation Tribal Codes, such as but not limited to Tit. 2, §4.50 Perjury. Failure to follow a court order may subject you to criminal charges under Title 2 of the Comanche Nation Tribal Codes, such as but not limited to Tit. 2, § 4.80 Custodial Interference. Being appointed as Guardian creates a legal duty that may expose you to criminal charges under Title 2 of the Comanche Nation Tribal Codes, such as Tit. 2, §4.77 Criminal Mistreatment.**

**Comanche Nation Tribal Court Codes, Title 4., Ch. 10, §§1001-1010.**

**GUARDIANSHIPS**

**Section 1001. Purpose**

(a) General Procedure. The Comanche Nation Tribal Court, when it appears necessary or convenient, may appoint guardians for the persons and/or property of either children under the Court's jurisdiction or incompetents who have no guardian legally appointed by will or deed. Such appointment may be made on the petitioner, an extended family member or other person on behalf of the child or incompetent, or a petition of a child if at least fourteen (14) years of age. Before making such an appointment, the Comanche Nation Tribal Court shall cause such notice as the Court deems reasonable to be given to any person having the care of the child, and to such other extended family members of the child as the Court may deem proper, and in cases of adult incompetents, the Court may cause notice to be given to the incompetent at least five (5) working days before hearing the petition.

(b) Nomination of Guardian. If a child is under the age of fourteen (14) years, the Comanche Nation Tribal Court may nominate or appoint his guardian. If he is fourteen (14) years of age or older, he may nominate his own guardian who, if approved by the Comanche Nation Tribal Court, shall be appointed accordingly. If the guardian nominated by the child is not approved by the Comanche Nation Tribal Court, or if the child resides outside of the reservation, or if, after being duly cited by the Comanche Nation Tribal Court, he neglects for ten (10) days to nominate a suitable person, the Comanche Nation Tribal Court may nominate and appoint the guardian in the same manner as if the child were under the age of fourteen (14) years. When a guardian has been appointed by the Comanche Nation Tribal Court for a child under the age of fourteen (14) years, the child at any time after he attains that age, may nominate his own guardian, subject to the approval of the Comanche Nation Tribal Court.

(c) Duties and Authority of Guardian. A guardian appointed may as specified by the Comanche Nation Tribal Court have the custody and care of the education of the child and the care and management of his property until such child arrives at the age of eighteen (18), marries, is emancipated by the Comanche Nation Tribal Court under **chapter 11** of this Code, or until the guardian is legally discharged, provided, however, that said guardian shall not have the authority, without express written consent of the Comanche Nation Tribal Court, to dispose of any real or personal property of the child in any manner, including, but not limited to, the child's Individual Indian Money Account or other similar account. Said guardian shall also have the authority to consent to the medical care and treatment of the child.

(d) Payments. The Comanche Nation Tribal Court may order that the Court disburse monthly reimbursement payments to the person or agency to whom custody is granted under this Code, provided sufficient funds have been appropriated by the Business Committee. Said disbursements shall be used by the person or agency with custody of the child for the sole purpose of covering expenses incurred in the care and custody of said child and shall not be used for any other purpose. The use of said funds for any purpose than that described in this section shall subject said person or agency to contempt of court and to any criminal and civil penalties or remedies provided by applicable law or regulation.

**Section 1002. Types Of Guardianship.**

The types of guardianship shall include guardianship of property and/or guardianship of

the person. Guardianship of the person shall include both temporary and permanent guardianship.

**Section 1003. Guardianship Of Property.**

The Comanche Nation Tribal Court may appoint a guardian of the property of the child or incompetent person under such terms and conditions as the Court sets forth in the written order. The guardianship may cover all property until the child reaches eighteen (18) years of age or if adjudged to be delinquent or in need of supervision until the child reaches twenty-one (21) years of age or until the incompetent person becomes competent or it may be limited to only specific property or a specific legal action as set forth in the written order. A temporary or permanent guardianship of the person may also include guardianship of the child's property if set forth in the written order.

**Section 1004. Permanent Guardianship.**

The Comanche Nation Tribal Court may appoint a permanent guardian for the child under such terms and conditions as the Court sets forth in the written order. Permanent guardianship provides for permanent custody of a child to someone other than the parent(s), although there is no termination of the parental rights of the parent. There shall be a presumption of continued permanent guardianship in order to provide stability for the child. Permanent guardianship shall only be terminated based upon the unsuitability of the permanent guardian(s) rather than the competency or suitability of the parent(s). The parent(s) and the child's extended family shall be granted liberal visitation rights unless deemed inappropriate by the Court.

**Section 1005. Temporary or Special Guardianship.**

The Comanche Nation Tribal Court may appoint a temporary or special guardian under such terms and conditions as the Court sets forth in the written Order. A temporary or special guardianship may be terminated if the Comanche Nation Tribal Court determines that it is in the best interest of the child to change custody from the temporary guardian to a new guardian or to return the child to the parent, guardian or custodian. The parent(s) and the child's extended family shall be granted liberal visitation rights unless deemed inappropriate by the Court.

**Section 1006. Who May File Guardianship Petition.**

Any person may file a petition for guardianship. The petition shall be initiated either by the proposed guardian or by the child if at least fourteen (14) years of age.

**Section 1007. Contents Of Guardianship Petition.**

- (a) Contents. The petition for guardianship shall include the following, to the best information and belief of the petitioner.
- (1) The full name, address and tribal affiliation, if any, of the petitioner;
  - (2) The full name, sex, date and place of birth, residence and tribal affiliation of the proposed ward;
  - (3) The basis for the Comanche Nation Tribal Court's jurisdiction;
  - (4) The relationship of the proposed guardian to the proposed ward;
  - (5) The name and address of the person or agency having legal or temporary custody of the proposed ward;
  - (6) The type of guardianship requested;
  - (7) In the case of alleged incompetent persons, the grounds for incompetency; and

- (8) A full description and statement of value of all property in which the proposed ward has an interest (if guardianship of property is requested).
- (b) Execution. All petitions shall be signed and dated by the petitioners, and shall be notarized or witnessed by a notary public or the Court Clerk/Court Administrator.
- (c) Form. The Comanche Nation Tribal Court will adopt a form for the guardianship petition but will allow usage of other formats which meet the requirements of this **section**.

**Section 1008. Guardianship Report.**

- (a) Investigation. Upon the filing of a guardianship petition, the Comanche Nation Tribal Court shall immediately request that the Social Services Department or other qualified agency conduct a guardianship report on the proposed guardian and report on the proposed ward. The guardianship report shall contain all pertinent information necessary to assist the Comanche Nation Tribal Court in determining the best interests of the proposed ward, including a background check in accordance with **section 401(a)** of this Code.
- (b) Submission. No determination can be made on a petition for guardianship until the report has been completed and submitted to and considered by the Comanche Nation Tribal Court. The guardianship report shall be submitted to the Court no later than ten (10) days before the hearing. The Court may order additional reports as it deems necessary.

**Section 1009. Management of Property**

- (a) Bond. In the event that any guardian shall receive any money or funds of any child or incompetent person during his term of office as guardian, before taking and receiving into custody such money or funds, the Comanche Nation Tribal Court shall require of such a person a bond with sufficient surety to be approved by the Court and in such sum as he shall order, conditioned that the guardian will faithfully execute the duties of his trust, and the following conditions shall form the part of such bond without being expressed therein:
  - (1) To make an inventory of all estate of his ward that comes into his possession or knowledge and to return the same within such time as the Court may order, and;
  - (2) To dispose of and manage the estate according to law and for the best interests of the ward, and faithfully to discharge his trust in relation thereto, and also in relation to care, custody and education of the ward, and;
  - (3) To render an account on oath of the property, estate and money of the ward in his hands and all the proceeds or interests derived therefore, and of the management and disposition of the same, within three (3) months after his appointment, and at such other times as the Comanche Nation Tribal Court directs, and at the expiration of his trust, to settle his accounts with the Court or Judge or with the ward if he be of full age, or his legal representative and to pay over and deliver all the estate, monies and effects remaining in his hands, or due from him on such settlement to the person who is legally entitled thereto.
- (b) Use of Child's Funds. The funds of any child or incompetent shall be used by his guardian solely for the support and education of such child and for the support of such incompetent, and shall be expended by the guardian in a reasonable manner according to the circumstances and station in life of such ward, and in such a manner as can reasonably be afforded according to the income and estate of said ward. If determined to be appropriate by the Comanche Nation Tribal Court, the written order may set forth that the child's property may not be used for the child's care, but rather to be managed for the child until the child reaches the age of eighteen

(18) years, or is emancipated by the Court.

**Section 1010. Incompetent Persons.**

- (a) Requirements for Appointment. In cases of incompetent persons, if after a full hearing and examination upon such petition, and upon further proof by the certificates of at least two qualified physicians showing that any person is incompetent as defined in this Code, it appears to the Comanche Nation Tribal Court that the person in question is not capable of taking care of himself and of managing his property, the Court shall appoint a guardian as before specified within the powers and duties specified in this chapter.
- (b) Duties of Guardian; Bond. Every guardian of an incompetent person appointed as provided herein has the care and custody of the person of his ward and the management of his estate until such guardian is legally discharged, he shall give bond to such ward in like manner and with like conditions as before specified with respect to the guardianship of a child.
- (c) Restoration to Capacity. A person who has been declared insane or incompetent or the guardian, or any extended family member of such person, may apply by petition to the Comanche Nation Tribal Court in which he was declared insane, to have the fact of his restoration to capacity judicially determined. The petition shall be verified and shall state that such person is then sane or competent. The Comanche Nation Tribal Court shall require notice to be given of a hearing upon said petition at some date after said petition has been filed, and at the hearing upon said petition, witnesses shall be examined and a determination made by the Comanche Nation Tribal Court as to whether the petition should be granted and the insane or incompetent person be declared of sound mind and capable of taking care of himself and his property, his restoration to capacity shall be adjudged and the guardianship of such person, if such person shall not be a child, shall cease.

## LEGAL DEFINITIONS

Affidavit: A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer such oath or affirmation.

Answer: The response of an answering party to the plaintiff/petitioner's complaint/petition, denying in part or in whole the allegations made by the petitioner. A pleading by which an answering party endeavors to resist the petitioner's demand by an allegation of facts, either denying allegations of petitioner's complaint/petition or confessing them and alleging new matter in avoidance, which an answering party alleges should prevent recovery on the facts alleged by plaintiff/petitioner.

Guardianship: A legal arrangement under which one person (a guardian) has the legal right and duty to care for another (the ward) and his or her property. A guardianship is established because of the ward's inability on his or her own behalf.

Motion: An application made to a court or judge for purpose of obtaining a rule or order directing some act to be done in favor of the applicant.

Notary: A public officer whose function it is to administer oaths; to attest and certify, by his hand and official seal, certain classes of document, in order to give them credit and authenticity.

Notice: Information concerning a fact, actually communicated to a person by an authorized person, or actually derived by him from a proper source, and is regarding in law as "actual" when the person sought to be affected by it knows thereby of the existence of the particular fact in question.

Petition: A formal written application to a court requesting judicial action on a certain matter. A recital of facts which give rise to a cause of action.

Service: Signifies the delivering to or leaving them with the party to whom or with whom they ought to be delivered or left; and, when they are so delivered they are said then to have been served.

**IN THE COMANCHE NATION TRIBAL COURT  
DISTRICT COURT**

IN THE GUARDIANSHIP: )  
\_\_\_\_\_) )  
(last name, first name of minor child) )  
DOB: \_\_\_\_\_) )  
A Minor Child. ) )  
\_\_\_\_\_) )  
(last name, first name of minor child) )  
DOB: \_\_\_\_\_) )  
A Minor Child. ) )  
\_\_\_\_\_) )  
(last name, first name of minor child) )  
DOB: \_\_\_\_\_) )  
A Minor Child. ) )

Case No.: PG-\_\_-\_\_  
(this side to be completed by court staff)

*[MODIFY TO REFLECT PROPER NUMBER OF CHILDREN]*

**PETITION FOR TEMPORARY/SPECIAL GUARDIANSHIP**

COMES NOW, \_\_\_\_\_ and \_\_\_\_\_, and submits  
his/her/their Petition for Temporary/Special Guardianship over the person and property of the  
minor child(ren):

\_\_\_\_\_, DOB: \_\_\_\_\_  
(Full legal name of minor child)

\_\_\_\_\_, DOB: \_\_\_\_\_  
(Full legal name of minor child)

\_\_\_\_\_, DOB: \_\_\_\_\_  
(Full legal name of minor child)

In support of his/her/their Petition, Petitioner(s) will show the following:

1. The Petitioner, \_\_\_\_\_, who is / is not an enrolled Comanche Member  
resides at \_\_\_\_\_.
2. The Petitioner, \_\_\_\_\_, who is / is not an enrolled Comanche Member  
resides at \_\_\_\_\_.

3. \_\_\_\_\_ is a female or male minor Indian child, enrolled with the Comanche Nation eligible for enrollment with the Comanche Nation OR is eligible for enrollment with the Comanche Nation and is the biological child of a member of the Comanche Nation.

4. \_\_\_\_\_ was born at \_\_\_\_\_, and currently resides at \_\_\_\_\_.

5. \_\_\_\_\_ is a (female or male) minor Indian child, enrolled with the Comanche Nation eligible for enrollment with the Comanche Nation OR is eligible for enrollment with the Comanche Nation and is the biological child of a member of the Comanche Nation.

6. \_\_\_\_\_ was born at \_\_\_\_\_, and currently resides at \_\_\_\_\_.

7. \_\_\_\_\_ is a (female or male) minor Indian child, enrolled with the Comanche Nation eligible for enrollment with the Comanche Nation OR is eligible for enrollment with the Comanche Nation and is the biological child of a member of the Comanche Nation.

8. \_\_\_\_\_ was born at \_\_\_\_\_, and currently resides at \_\_\_\_\_.

9. This court has jurisdiction over the minor child pursuant to Title 4, § 201 of the Comanche Tribal Court Codes.

10. The Petitioner is related to the minor child(ren) as follows:

\_\_\_\_\_

11. The minor child(ren)'s current legal custodian and/or guardian is

\_\_\_\_\_ who is located at \_\_\_\_\_.

12. The mother of the minor child is \_\_\_\_\_ whose address is \_\_\_\_\_.

13. The father or alleged father of the minor child is \_\_\_\_\_ whose address is

\_\_\_\_\_.

14. The Petitioner states that Temporary/Special Guardianship is proper because

---

---

---

---

---

---

15. The petitioner states that minor child owns the following property, other than clothes and toys, and its alleged value is:

---

---

16. Petitioner states that service is necessary upon the following person(s) and their respective address(es):

---

---

---

---

17. \_\_\_\_\_ I understand that I am responsible for serving copies of this Petition and  
*Initials* all attachments on the other party because they are entitled to notice and  
opportunity to contest my Petition.

WHEREFORE, the Petitioner requests the Court to issue a Temporary/Special Guardianship over the minor child in favor of the Petitioner and that proper notice of proceedings in this matter issue to all interested parties.

\_\_\_\_\_ [signature]  
(Print Name), Petitioner  
Address: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_

**\*\*YOU MUST SIGN THE DOCUMENT BELOW IN FRONT OF A NOTARY PUBLIC OR THE COURT CLERK\*\***

**VERIFICATION**

I, \_\_\_\_\_, certify that the foregoing facts as alleged in the Petition for Temporary/Special Guardianship are true and correct to the best of my knowledge.

\_\_\_\_\_  
Petitioner

Attest:

\_\_\_\_\_  
Court Clerk or Notary Public

My Commission Expires: \_\_\_\_\_

**IN THE COMANCHE NATION TRIBAL COURT  
DISTRICT COURT**

IN THE GUARDIANSHIP: \_\_\_\_\_ )  
\_\_\_\_\_ ) Case No.: PG-  
DOB: \_\_\_\_\_ )  
A Minor Child. \_\_\_\_\_ )

*[ADD ADDITIONAL CHILDREN IF NECESSARY]*

**PETITION FOR PERMANENT GUARDIANSHIP**

COMES NOW, \_\_\_\_\_, and submits his/her Petition for Permanent Guardianship over the person and property of the minor child, \_\_\_\_\_, DOB: \_\_\_\_\_. In support of his/her Petition, Petitioner will show the following:

1. \_\_\_\_\_ is a (female or male) minor Indian child, enrolled with the Comanche Nation eligible for enrollment with the Comanche Nation OR is eligible for enrollment with the Comanche Nation and is the biological child of a member of the Comanche Nation.
2. \_\_\_\_\_ was born at \_\_\_\_\_, and currently resides at \_\_\_\_\_.
3. This court has jurisdiction over the minor child pursuant to Title 4, § 201 of the Comanche Tribal Court Codes.
4. The minor child has resided with \_\_\_\_\_ and has been in the home of \_\_\_\_\_ since \_\_\_\_\_.
5. The mother of the minor child is \_\_\_\_\_ whose address is \_\_\_\_\_.

6. The father of the minor child is \_\_\_\_\_ whose address is \_\_\_\_\_.

7. The Petitioner, \_\_\_\_\_, who is / is not an enrolled Comanche Member.

8. The Petitioner states that Permanent Guardianship is proper because

---

---

---

---

---

9. The minor child owns the following property other than clothes and toys:

---

---

10. Petitioner states that service is necessary upon the following person(s) and their respective address(es):

---

---

---

---

11. \_\_\_\_\_ I understand that I am responsible for serving copies of this Petition and  
*Initials* all attachments on the other party because they are entitled to notice and opportunity to contest my Petition.

WHEREFORE, the Petitioner requests the Court to issue a Permanent Guardianship over the minor child in favor of the Petitioner and that proper notice of proceedings in this matter issue to all interested parties.

\_\_\_\_\_  
Petitioner  
Address: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**VERIFICATION**

I, \_\_\_\_\_, certify that the foregoing facts as alleged in the Petition for Permanent Guardianship are true and correct to the best of my knowledge.

\_\_\_\_\_  
Petitioner

Attest:

\_\_\_\_\_  
Court Clerk or Notary Public

My Commission Expires: \_\_\_\_\_

**IN THE COMANCHE NATION TRIBAL COURT  
DISTRICT COURT**

IN THE GUARDIANSHIP: \_\_\_\_\_ )  
\_\_\_\_\_ ) Case No.: PG-  
\_\_\_\_\_ )  
DOB: \_\_\_\_\_ )  
A Minor Child. \_\_\_\_\_ )

**PETITION FOR EMERGENCY GUARDIANSHIP**

COMES NOW, \_\_\_\_\_, and submits his/her Petition for Emergency Guardianship over the person and property of the minor child, \_\_\_\_\_, DOB: \_\_\_\_\_ . In support of his/her Petition, Petitioner will show the following:

1. \_\_\_\_\_ is a (female or male) minor Indian child, enrolled with the Comanche Nation eligible for enrollment with the Comanche Nation OR is eligible for enrollment with the Comanche Nation and is the biological child of a member of the Comanche Nation.
2. \_\_\_\_\_ was born at \_\_\_\_\_, and currently resides at \_\_\_\_\_.
3. This court has jurisdiction over the minor child pursuant to Section 201 of the Comanche Children and Family Relations Code.
4. The minor child is residing with \_\_\_\_\_ at \_\_\_\_\_.
5. The mother of the minor child is \_\_\_\_\_ whose address is \_\_\_\_\_.
6. The father of the minor child is \_\_\_\_\_ whose address is \_\_\_\_\_.

7. The Petitioner, \_\_\_\_\_, who is \_\_\_\_\_.

8. The minor child has resided with \_\_\_\_\_ and has been in the home of \_\_\_\_\_ since \_\_\_\_\_.

9. The Petitioner claims that Emergency Guardianship is necessary because of the reasons stated in the **affidavit, attached**, and the following reasons:

---

---

---

---

---

---

---

---

10. Petitioner states that service is necessary upon the following person(s) and their respective address(es):

---

---

---

11. \_\_\_\_\_ I understand that I am responsible for serving copies of this Petition and all attachments on the other party because they are entitled to notice and opportunity to contest my Petition.  
*Initials*

12. The minor child does not own any other property other than clothes and toys and the

WHEREFORE, the Petitioner requests the Court to issue an Emergency Guardianship over the minor child in favor of the Petitioner and that proper notice of proceedings in this matter issue to all interested parties.

\_\_\_\_\_  
Petitioner \_\_\_\_\_ (print)  
Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

**VERIFICATION**

I, \_\_\_\_\_, certify that the foregoing facts as alleged in the Petition for Emergency Guardianship are true and correct to the best of my knowledge.

\_\_\_\_\_, Petitioner

Attest:

\_\_\_\_\_  
Court Clerk or Notary Public

My Commission Expires: \_\_\_\_\_

SAMPLE

**IN THE COMANCHE NATION TRIBAL COURT  
DISTRICT COURT**

IN THE GUARDIANSHIP: \_\_\_\_\_ )

\_\_\_\_\_ )

DOB: \_\_\_\_\_ )

A Minor Child. \_\_\_\_\_ )

Case No.: PG-

**AFFIDAVIT**

I, \_\_\_\_\_, personally appeared before the undersigned notary public,  
(name)  
and under oath or affirmation make the following statements:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Affiant

State of Oklahoma )  
County of Comanche )

Signed and sworn to (or affirmed) before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_,

(printed name(s) of individual(s) making statement

Who proved to me on the basis of satisfactory evidence to be the person(s) who appeared  
before me.

\_\_\_\_\_  
Signature of Notary

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Notary

**IN THE COMANCHE NATION TRIBAL COURT  
DISTRICT COURT**

IN THE GUARDIANSHIP: \_\_\_\_\_ )  
\_\_\_\_\_ ) Case No.: PG-  
\_\_\_\_\_ )  
DOB: \_\_\_\_\_ )  
A Minor Child. \_\_\_\_\_ )

**REQUEST FOR SERVICE**

I, \_\_\_\_\_, request the Court Clerk serve this \_\_\_\_\_ (Petition, Motion, etc.) on my behalf. I understand that I am responsible for paying the service fee in the amount of \$35.00/per party for service by the Comanche Nation Police Department (if the other party(ies) lives within Comanche Nation physical jurisdiction) or \$12.00/per party for service by certified mail (if the other party(ies) live outside Comanche Nation physical jurisdiction) for this request and that I must provide all known addresses for the other party(ies) unless the other party's address is confidential. **I also understand that the Court Clerk is only required to take reasonable steps to serve this document and that service may not be successful, which could cause delays in my case.**

The following address(es) should be used for attempting service on the other party(ies) (if the other party(ies) may be found at more than one location, please list all addresses):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, the \_\_\_\_\_ (Petitioner, Movants, etc.) request the Court Clerks to attempt service on my behalf.

Respectfully Requested,

\_\_\_\_\_  
Name: \_\_\_\_\_ print  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**IN THE COMANCHE NATION TRIBAL COURT  
DISTRICT COURT**

IN THE GUARDIANSHIP: \_\_\_\_\_ )  
\_\_\_\_\_ ) Case No.: PG-  
DOB: \_\_\_\_\_ )  
A Minor Child. \_\_\_\_\_ )

*[THE ABOVE SHOULD MATCH THE PETITION THAT YOU ARE ANSWERING]*

**ANSWER OF \_\_\_\_\_ [NAME]**

(Mother, Father, Guardian), \_\_\_\_\_ [Name], alleges the following in response to the petition:

Admissions and Denials

1. (Mother, Father, Guardian), admits the allegations of paragraph 1 of the petition.
2. (Mother, Father, Guardian) denies the allegations of paragraph 2 of the petition.
3. (Mother, Father, Guardian) admits that **he/she** \_\_\_\_\_ (specific part of) in paragraph 3 of the petition, and denies all other allegations therein.
4. (Mother, Father, Guardian) has no knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 4 of the petition.
5. (Mother, Father, Guardian) denies all other allegations of the petition.
6. (Mother, Father, Guardian) alleges \_\_\_\_\_.
7. (Mother, Father, Guardian) alleges \_\_\_\_\_.
8. (Mother, Father, Guardian) states \_\_\_\_\_.

Demand for Judgment

Accordingly, (Mother, Father, Guardian) demands that \_\_\_\_\_ (state relief sought).

[Signed] \_\_\_\_\_  
[Typed Name]  
[Address]  
[Telephone Number]

**Notes on Answer**

The above form can be adapted.

The above form contains an assortment of admissions, denials, allegations, and statements to illustrate the variety of statements that may appear in an answer.

An answer should contain admissions, denials, and, if appropriate, affirmative defenses. A general denial should not be filed unless the (Mother, Father, Guardian) intends in good faith to deny every allegation in the petition, and the (Mother, Father, Guardian) should admit any allegations which he does not intend to contest. To avoid inadvertent admissions, it is usually good practice to include a statement, such as that found in Paragraph 5, denying any allegations that are not specifically admitted. The statement of lack of information in Paragraph 4 is authorized and it has the same effect as a denial.

Denials should be forthright and unequivocal, and care should be taken to avoid denials that might be construed as evasive.

Special appearances are unnecessary. Defenses to jurisdiction and venue may be joined with other defenses, and they may be asserted either in the answer or in a pre-answer motion. Usually they are raised in a pre-answer motion so that these preliminary matters can be resolved before the merits of the Petitioner's allegations are reached. While these defenses may be raised in the answer, they should also be the subject of a motion filed reasonably soon after the answer so that they can be determined before trial. A motion asserting any of these defenses should include greater specificity than is found in the answer.

**IN THE COMANCHE NATION TRIBAL COURT  
DISTRICT COURT**

IN THE GUARDIANSHIP OF: \_\_\_\_\_ )  
 )  
DOB: \_\_\_\_\_ ) Case No. PG-\_\_-\_\_ )  
 )  
A Comanche Minor Child. )

**WAIVER OF NOTICE and/or CONSENT to the  
APPOINTMENT OF GUARDIAN**

I, \_\_\_\_\_ (*Name of Natural Parent*) \_\_\_\_\_, state under oath that I am the \_\_\_\_\_ (*Relationship to Child*) of \_\_\_\_\_ (*Name of Child*) \_\_\_\_\_ and that I do hereby consent to the appointment of the Petitioner, \_\_\_\_\_ (*Name of Petitioner(s)*) \_\_\_\_\_, as Guardian of the person and/or estate of the above named minor and waive notice to further proceedings herein.

\_\_\_\_\_  
(*Signature of Natural Parent*)

\_\_\_\_\_  
(*Print name of Natural Parent*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
Commission No. \_\_\_\_\_

IN THE COMANCHE NATION TRIBAL COURT  
DISTRICT COURT

IN THE MATTER OF: \_\_\_\_\_ )

DOB: \_\_\_\_\_ )

Case No. \_\_\_\_\_ )

**VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS**

1. What is your full true and correct name and list any other names you have used:

\_\_\_\_\_

2. When and where were you born: \_\_\_\_\_

3. What is your Tribal enrollment: \_\_\_\_\_

4. What is your child(ren)'s full name(s) as it appears on the birth certificate(s):

\_\_\_\_\_

\_\_\_\_\_

5. When and where was he/she/they born: \_\_\_\_\_

\_\_\_\_\_

6. Did you use an alias name in the hospital or on the birth record of this child(ren), what name: \_\_\_\_\_

7. Can you read and write and do you understand the English language: \_\_\_\_\_

8. A Waiver of Parental Rights is needed from the other parent to protect the rights of you child, if adopted. What is his/ her name, Tribe and last known address:

\_\_\_\_\_

\_\_\_\_\_

9. Do you want to talk with an attorney before signing this consent? \_\_\_\_\_
10. Do you want more time to consider your decision? \_\_\_\_\_
11. Has anyone offered you any money or any other inducement to place you child(ren) for adoption? \_\_\_\_\_
12. Has anyone tried to persuade you against your will or better judgment to terminate your parental rights? \_\_\_\_\_
13. You have the right to keep your child(ren) and raise it yourself. If you want to keep and raise your child(ren), but you have no money to pay your expenses and the expenses of your child(ren), you may apply for welfare, medical and support assistance, or the Court may order the Indian Child Welfare Program of the Comanche Nation to assist you with such applications. Do you understand? \_\_\_\_\_
14. Relinquishment of parental rights does not extinguish the obligation to support your child(ren). You may be responsible to pay child support for your child(ren) until such time as your child(ren) are adopted. Do you understand? \_\_\_\_\_
15. Do you wish to keep your child(ren)? \_\_\_\_\_
16. Do you feel that termination of your parental rights is and will be in the best interest of your child(ren)? \_\_\_\_\_
17. Are you under the influence of alcohol, drugs, paint vapors, inhalants, or any other mind altering substances at this time? \_\_\_\_\_
18. Are you under any type of medication, if so, what kind and when was it last taken? \_\_\_\_\_
- \_\_\_\_\_

19. Do you give consent to allow your child(ren) to be adopted by:

\_\_\_\_\_

20. Do you WAIVE / GIVE UP and RELINQUISH all your parental rights to the care, custody and control of your child(ren) \_\_\_\_\_

21. Do you wish to WAIVE/GIVE UP all notices, from this day forward, of any and all adoption proceedings voluntarily and of your free will consenting to the adoption of your child(ren)? \_\_\_\_\_

22. Are there any questions you do not understand? \_\_\_\_\_

23. If so, which ones? \_\_\_\_\_

24. Is any answer NOT your free and voluntary response? \_\_\_\_\_

25. If so, which ones? \_\_\_\_\_

26. You have the right to ask the Judge questions about anything concerning you and your child(ren). Is there anything you would like to know? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Print Name of Natural Parent

\_\_\_\_\_  
Signature of Natural Parent

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge of the Comanche Nation Children's Court

ATTEST: \_\_\_\_\_  
Court Clerk





Telephone: ( ) \_\_\_\_\_

I acknowledge that I am responsible for keeping the Court and the other parties informed of any changes in my contact information and that my failure to do so may cause delays in my case.

I swear under penalty of perjury under the laws of the Comanche Nation that the foregoing is true and correct to the best of my knowledge.

Date : \_\_\_\_\_

Affiant's Signature: \_\_\_\_\_

SUBSCRIBED AND SWORN to before this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Oklahoma  
Or/Comanche Nation Court Clerk

My commission expires:

\_\_\_\_\_

SAMPLE

IN THE COMANCHE NATION TRIBAL COURT  
DISTRICT COURT

IN THE GUARDIANSHIP OF: )  
 )  
 )  
\_\_\_\_\_)  
DOB: \_\_\_\_\_) )  
A Comanche Minor Child. )

Case No. PG-\_\_-\_\_

**APPLICATION TO REOPEN CASE**

COMES NOW, \_\_\_\_\_, Applicant, and moves the Court to reopen the  
above styled matter for the reason that

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

WHEREFORE, upon application, Applicant requests that this matter be reopened for the  
above stated purpose.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Applicant (print full name)

\_\_\_\_\_  
Date