

ADULT PETITION FOR EMERGENCY GUARDIANSHIP

The forms in this packet are to be used as a **template**, the forms may not address all of your needs. 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 Printed or typed and **MUST BE LEGIBLE**. If the Court is unable to read your documents it may adversely affect your case.
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. 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.
7. 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.**

| CONSERVATORSHIP/ADULT GUARDIANSHIP | |
|--|---|
| Petition or Complaint | Filing Fee |
| Conservatorship/Adult | \$ 72.00 |
| Additional Court Costs | |
| Summons (each) | \$ 8.50 |
| Summon, Notice by Publication (Actual publication is to be done indepently at your own additional expense through a proper publishing source) | \$ 25.00 |
| Court Service (Only available if "Request for Service" is completed and filed) | |
| Within Territorial Jurisdiction | \$ 35.00 |
| Outside Territorial Jurisdiction | \$ 12.00 |
| Service (Independently done, may incur additional expense of Private Process Server. Proof of Service must be filed with the Court.) | |
| Copy Fees (provide all necessary copies of all filings or copy fees will apply to copies made by the Court Clerk.) | \$1.00 first page/\$0.50 each subsequent page |

ADULT GUARDIANSHIP REQUIREMENTS

In order for a guardianship to be applied for, the ward **MUST** be an enrolled Comanche member. The Petitioner must present to the court documentation from two (2) physicians declaring the adult ward incompetent.

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 members. 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 ward.

Guardianship reviews are conducted every six (6) months in cases where Social Security benefits, 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 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.

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

IN THE GUARDIANSHIP: _____)

_____)

(last name, first name of ward) _____)

DOB: _____)

An incompetent person. _____)

Case No.: PG-__-__A

(this side to be completed by court staff)

PETITION FOR EMERGENCY GUARDIANSHIP

COMES NOW, _____, and submits his/her Petition for Emergency Guardianship over the person and property of the incompetent adult, _____, DOB: _____. In support of his/her Petition, Petitioner will show the following:

1. _____ is a (female or male) incompetent Indian adult, enrolled with the Comanche Nation.
2. _____ currently resides at _____.
3. The ward has been declared incompetent by _____ *name of physician* _____ on _____ *date* _____.
4. The ward has been declared incompetent by _____ *name of physician* _____ on _____ *date* _____.
5. This court has jurisdiction over the ward pursuant to Title 4, § 201 of the Comanche Tribal Court Codes.
6. The Petitioner is related to the ward as follows: _____
7. The Petitioner, _____, who is / is not an enrolled Comanche Member resides at _____.

8. The Petitioner states that Permanent Guardianship is proper because

9. The petitioner states that the ward owns the following property, other than clothes, and its alleged value is:

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

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

12. _____ 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 an Emergency Guardianship
over the incompetent adult 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: _____