**The Family Court of the State of Delaware**

In and For [ ]  New Castle County [ ]  Kent County [ ]  Sussex County

**CONSENT ORDER – GUARDIAN OF THE PERSON**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| File Number: |       |  | Case Number: |       |

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  **Petitioner** | v. |  | **Respondent** |
|  |  |  |
| Name: |       |  |  | Name: |       |  |
|  |  |  |  |  |  |  |
| Street Address: |       |  |  | Street Address: |       |  |
|  |  |  |  |  |  |  |
| Apartment: |       |  |  | Apartment: |       |  |
|  |  |  |  |  |  |  |
| P.O. Box Number: |       |  |  | P.O. Box Number: |       |  |
|  |  |  |  |  |  |  |
| City/State/Zip Code: |       |  |  | City/State/Zip Code: |       |  |
|  |  |  |  |  |  |  |
| Date of Birth: |       |  |  | Date of Birth: |       |  |
|  |  |  |  |  |  |  |

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| --- | --- | --- |
|  |  |  |
| **2nd Petitioner (if any)** |  | **2nd Respondent (if any)** |
|  |  |  |
| Name: |       |  |  | Name: |       |  |
|  |  |  |  |  |  |  |
| Street Address: |       |  |  | Street Address: |       |  |
|  |  |  |  |  |  |  |
| Apartment: |       |  |  | Apartment: |       |  |
|  |  |  |  |  |  |  |
| P.O. Box Number: |       |  |  | P.O. Box Number: |       |  |
|  |  |  |  |  |  |  |
| City/State/Zip Code: |       |  |  | City/State/Zip Code: |       |  |
|  |  |  |  |  |  |  |
| Date of Birth: |       |  |  | Date of Birth: |       |  |
|  |  |  |  |  |  |  |

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| IN THE INTEREST OF THE FOLLOWING CHILD(REN): |
|  |
| **Complete the table below for each child for which petitioner wants guardianship.** |
|  |
| Attach additional sheets if necessary. |

|  |  |  |
| --- | --- | --- |
|  |  |  |
| **Child’s Name:** |       |  |  | **Child’s Name:** |       |  |
|  |  |  |  |  |  |  |
| Date of Birth: |       |  |  | Date of Birth: |       |  |
|  |  |  |  |  |  |  |
| State of Birth: |       |  |  | State of Birth: |       |  |
|  |  |  |  |  |  |  |
| City of Birth: |       |  |  | City of Birth: |       |  |
|  |  |  |  |  |  |  |
| Gender: | (check one) [ ]  Male [ ]  Female |  |  | Gender: | (check one) [ ]  Male [ ]  Female |  |
|  |  |  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
|  |  |  |
| **Child’s Name:** |       |  |  | **Child’s Name:** |       |  |
|  |  |  |  |  |  |  |
| Date of Birth: |       |  |  | Date of Birth: |       |  |
|  |  |  |  |  |  |  |
| State of Birth: |       |  |  | State of Birth: |       |  |
|  |  |  |  |  |  |  |
| City of Birth: |       |  |  | City of Birth: |       |  |
|  |  |  |  |  |  |  |
| Gender: | (check one) [ ]  Male [ ]  Female |  |  | Gender: | (check one) [ ]  Male [ ]  Female |  |
|  |  |  |  |  |  |  |

|  |
| --- |
| Petitioner’s relationship to the child(ren): |
|  |
| Select one relationship from the choices below. |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| [ ]  | non-relative |  |  |  |  |
|  |  |  |  |  |  |
| [ ]  | brother or sister | [ ]  | grandparent or great-grandparent | [ ]  | aunt or uncle |
|  |  |  |  |  |  |
| [ ]  | grandaunt or granduncle | [ ]  | half-brother or half-sister | [ ]  | stepparent |
|  |  |  |  |  |  |
| [ ]  | stepgrandparent | [ ]  | stepaunt or stepuncle | [ ]  | first cousin |
|  |  |  |  |  |  |
| [ ]  | stepbrother or stepsister | [ ]  | first cousin once removed |  |  |
|  |  |  |  |  |  |
| [ ]  | other relative (please explain): |       |  |

|  |
| --- |
| The parties agree that: |
|  |
| [ ]  the guardianship is necessary for the reason(s) listed on the petition. |
|  |
| [ ]  the guardianship is necessary for the following reason(s): |
|  |
|  |  |  |  |
|  |  |       |  |
|  |  |  |  |

|  |
| --- |
| The parties in the above entitled cause agree upon the following arrangement and do consent to the |
|  |
| entry of an Order providing for same: |
|  |
| GUARDIANSHIP AWARDED TO: |       |
|  |  |
| with the powers and duties set forth in 13 *Del. C.* § 2340, a copy of which is attached to this order. |
|  |
| Respondent(s) shall have visitation as follows: |
|  |
|  |  |  |
|  |       |  |
|  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| BE IT REMEMBERED, that on this date, |       | , |       | , |
|  |
| (“Petitioner”), who, being duly sworn by me according to the law personally appeared before me, a |
|  |
| Notary Public for the State and County declared above, did depose and say: We, the undersigned, |
|  |
| hereby agree upon the following guardianship agreement for the above-named child(ren). We signed |
|  |
| this consent agreement voluntarily and of our own free will. |

|  |
| --- |
|  **THE RESPONDENTS ACKNOWLEDGE THAT EACH WAS ADVISED THAT IF HE/SHE IS** |
|  |
|  **INDIGENT AND WISHES TO HAVE COURT APPOINTED COUNSEL REPRESENT HIM/HER IN** |
|  |
|  **THIS ACTION, COUNSEL MAY BE APPOINTED FOR HIM/HER. HE/SHE FREELY AND** |
|  |
|  **VOLUNTARILY WAIVES HIS/HER RIGHT TO COUNSEL.** |

|  |
| --- |
|  **THE RESPONDENTS EACH ACKNOWLEDGE THAT BY SIGNING THIS DOCUMENT AND** |
|  |
|  **AUTHORIZING ITS FILING, HE/SHE IS ENTERING AN APPEARANCE AND AGREEING TO** |
|  |
|  **WAIVE SERVICE OF PROCESS OF THE PETITION FOR GUARDIANSHIP.** |

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|  **Each respondent acknowledges that by agreeing to the reason(s) for the guardianship, if** |
|  |
|  **respondent later seeks to rescind (end) the guardianship, respondent will be required to** |
|  |
|  **show that the guardianship is no longer needed for that reason(s).** |

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|  **This agreement of the parties is subject to review of the parties’ criminal histories by a** |
|  |
|  **hearing officer before entry as an order of the court.** |

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|  **NOTICE – This agreement of the parties, if filed by a person not meeting the definition of** |
|  |
|  **“relative” in 13 *Del. C.* § 2302, is subject to an assessment conducted by the Department of** |
|  |
|  **Services for Children, Youth and Their Families or a licensed agency, as required by 13 *Del.*** |
|  |
|  ***C.* § 2324A.** |

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|  **If signed by a Commissioner, the parties hereby waive their right to a Review of a** |
|  |
|  **Commissioner’s Order as this Order is entered pursuant to this voluntary agreement.** |

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| --- | --- | --- | --- | --- |
|       |  |       |  |       |
| Child Sign(*if over 14 years of age*) |  | Petitioner Sign |  | Respondent Sign |
|  |  |  |  |  |
|       |  |       |  |       |
| Child Print(*if over 14 years of age*) |  | Petitioner Print |  | Respondent Print |
|  |  |  |  |  |
|       |  |       |  |       |
| Additional Child(ren) Sign(*if necessary*) |  | 2nd Petitioner Sign(*if any*) |  | 2nd Respondent Sign(*if any*) |
|  |  |  |  |  |
|       |  |       |  |       |
| Additional Child(ren) Print(*if necessary*) |  | 2nd Petitioner Print(*if any*) |  | 2nd Respondent Print(*if any*) |

|  |  |
| --- | --- |
| SWORN TO AND SUBSCRIBED before me this date, |       |
|  |
|  |       |
|  |      Mediation Officer/Notary Public/Clerk of Court |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| SO ORDERED this |       | day of |       | , |       |
|  |
|  |       |
|  |      Judge/Commissioner |

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| --- |
| **TITLE 13** |
|  |
| Domestic Relations |
|  |
| CHAPTER 23. Guardianship of a Child |
|  |
| Subchapter IV. Powers and Duties of a Guardian |
|  |
| **§ 2340. Powers and duties of the guardian of the child [effective January 27, 2024].** |
|  |
| (a) The Court shall grant to the guardian of the child such powers, rights and duties which are |
|  |
|  necessary to protect, manage and care for the child. |
|  |
| (b) The guardian of the child may exercise the same powers, rights and duties respecting the  |
|  |
|  care, maintenance and treatment of the child as a parent would, except that the guardian  |
|  |
|  of the child is not liable to third persons for acts of the child solely by reason of the  |
|  |
|  guardianship relationship. |
|  |
| (c) Except as modified by the order of guardianship and without qualifying the foregoing, a  |
|  |
|  guardian of the person has the following powers and duties: |
|  |
| (1) The guardian is entitled to custody of the child and may establish the child’s place  |
|  |
|  of abode. |
|  |
| a. Notwithstanding the guardian’s authority under this subsection, if there is a  |
|  |
|  proposed relocation of a child for a period of 60 days or more involving either  |
|  |
|  a move outside Delaware or a move that materially affects a parent’s existing  |
|  |
|  visitation arrangement or order, the guardian must obtain at least 1 of the  |
|  |
|  following: |
|  |
| 1. Leave of court. |
|  |
| 2. The consent of the child’s parents. |
|  |
| b. When considering a guardian’s request to relocate a child, the Court shall  |
|  |
|  apply the relocation factors under § 734 of this title. |
|  |
| (2) The guardian shall provide the child with: |
|  |
| a. A physically and emotionally healthy and safe living environment and daily  |
|  |
|  care; |
|  |
| b. Education; and |
|  |
| c. All necessary and appropriate medical treatment, including but not limited to  |
|  |
|  medical, dental and psychiatric examinations, treatment or surgery. |
|  |
| (3) The guardian shall make decisions regarding: |
|  |
| a. Education; |
|  |
| b. Travel; |
|  |
| c. All necessary and appropriate medical treatment, including but not limited to  |
|  |
|  medical, dental and psychiatric examinations, treatment or surgery; |
|  |
| d. The child’s right to marry or enlist in the armed forces; |
|  |
| e. Representation of the child in legal actions; and |

|  |
| --- |
| f. Any other matter that involves the child’s welfare and upbringing. |
|  |
| (4) The guardian shall: |
|  |
| a. Be responsible for the health, education and welfare of the child; |
|  |
| b. Comply will all terms of any Court order to provide the child’s parents with  |
|  |
|  visitation, contact or information. |
|  |
| (d) The Court, in its discretion, may expressly limit the duties and powers of the guardian as  |
|  |
|  set forth in this chapter. |
|  |
| (e) No bond shall be required from any guardian appointed under this chapter. |
|  |
| 73 Del. Laws, c. 150, §  1; 73 Del. Laws, c. 360, §  5; 84 Del. Laws, c. 128, § 13 |