

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, Ste. 11600 Wilmington, DE 19801 302-255-0544	Register in Chancery Sussex County 34 The Circle Georgetown, DE 19947 302-856-5775
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**Procedures for filing a Petition for Appointment of Plenary Guardian(s) of a  
Minor's Property**

- A plenary, or unrestricted, guardianship is one that lasts until the minor turns 18 years old and files a petition to transfer funds at majority. Until the guardianship terminates, the funds must be held in a specially-titled guardianship account. Under a plenary guardianship, the Court will continue to monitor the account, will require the guardian to file annual bank statements, may require the guardian to file an accounting, and will restrict the account **so that the funds cannot be spent except with a Court order.** There also are restrictions regarding the bank where a guardianship account may be opened.
- A petitioner must have “good cause” to file for plenary guardianship rather than limited guardianship.
- When filing a Petition for the Appointment of a Guardian of a Minor's Property, you will need to submit the following documents to our office:
  1. The complete petition, the court clerk cannot complete the petition for you. The petitioner(s) will need to have their signature(s) 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(s) can be notarized by a court clerk in the Register's Office.
  2. The minor's birth certificate.
  3. Affidavit of proposed guardian's history (separate one for each petitioner).
  4. Personal information sheet (separate one for each petitioner).
  5. Notice to the interested parties (i.e. the other parent, siblings over the age of eighteen or grandparents if immediate family is no longer living).
    - Notarized consents or
    - If you are unable to obtain a consent, notice will need to be sent by certified mail. You will then need to complete the enclosed affidavit of mailing and file the green cards with our office.

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 that the minor is due to receive money.
  8. If the minor is fourteen years or older, he/she will need to sign a consent to the petition, with their signature notarized. The minor's picture school ID can be used if he/she is not yet eligible to obtain a driver's license.
  9. 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.
- Should your petition to become guardian(s) be granted, you will receive additional documents and information from the Court. Among other things, you will be required to execute a bond in an amount set by the Court.
  - Please Note: There is additional information and forms available on the Court's website at <https://courts.delaware.gov/chancery/guardianship/index.aspx>.

**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

IN THE MATTER OF:

\_\_\_\_\_,  
A Minor

:  
:  
: C.M. # \_\_\_\_\_  
:

**PETITION TO APPOINT PLENARY GUARDIAN(S) OF A  
MINOR'S PROPERTY**

1. Information about the person(s) who wish(es) to be appointed guardian(s):

a. Name(s): \_\_\_\_\_

b. Current address(es): \_\_\_\_\_  
\_\_\_\_\_

c. Telephone Number(s): \_\_\_\_\_

c. Relationship(s) 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? \_\_\_\_\_

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6. If granted guardianship, when do you anticipate receiving the property or money? \_\_\_\_\_

7. The reasons why this Court should establish a plenary guardianship rather than a limited guardianship are: \_\_\_\_\_

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8. All of the following statements must be true before the Court of Chancery will consider this petition. Check all of 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** attached is the death certificate (if the minor will receive funds or property as a result of the death of another person)
- d.  Petitioner(s) consents to the Register in Chancery of the Court being his/her/their agent for acceptance of service on behalf of the Petitioner(s) as to any claim arising out of the guardianship if, by reason of the guardian's absence(s) from this State, he/she/they cannot personally be served.
- e.  Petitioner(s) understands that the minor's money will be placed into a guardianship bank account at this Delaware bank, \_\_\_\_\_, and the funds shall remain in the account until the minor turns eighteen (18) at which time a Petition to Transfer Funds at Majority must be filed with the Court. Petitioner(s) understands and agrees that funds may not be withdrawn from the guardianship account without a court order authorizing such withdrawal.

WHEREFORE, Petitioner(s) respectfully request that:

1. This Court appoint him/her/them as plenary guardian(s) of the minor's property.

2. The guardian(s) shall have the authority to receive \$\_\_\_\_\_ from the Insurance Company/Estate. If requested, the guardian(s) shall execute a release to the payor for the amount received.

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

4. There be paid by the petitioner(s) the court costs of this petition.

\_\_\_\_\_  
Signature of Co-Petitioner

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Address  
\_\_\_\_\_

\_\_\_\_\_  
Address  
\_\_\_\_\_

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
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:

\_\_\_\_\_,  
A Minor

:  
:  
: C.M. # \_\_\_\_\_  
:

**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, hereby consent to the appointment of  
\_\_\_\_\_ [name(s) of proposed guardian(s)]  
as the \_\_\_\_\_ [specify limited or plenary] guardian of my  
property.

\_\_\_\_\_  
Minor's signature

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

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 FOR GUARDIANSHIP**

It is the petitioner's(s') responsibility to notify interested parties when a petition for guardianship is filed with the Court. This includes notifying all of the parties you listed in paragraph three of the guardianship petition. Under Rule 180(e)(3), interested parties entitled to notice include natural or adoptive parents, any court-appointed guardian, any attorney who has represented the minor child within the last two years, any siblings who have reached the age of majority, and the minor's grandparents if one or both parents are deceased or cannot be contacted.

Each interested party may sign and have notarized a copy of the attached "Consent to Petition." If any interested party does not sign the form, you must send via certified mail, return receipt requested, a copy of the completed "Notice of Petition" to all interested parties who did not sign a consent form.

You must file the following documents with the Court:

- a. Any and all consent forms;
- b. The attached "Affidavit of Mailing"; and
- c. The certified mail return receipts and/or the green cards that have been returned to you.

Any interested party who has not signed a notarized consent must receive notice of your petition by certified mail at least thirteen (13) days before the Court will consider your 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.

If you do not know the address for an interested party, you must make every attempt to locate the address and file the enclosed affidavit of efforts to locate address of interested party with the Register's Office.



**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

IN THE MATTER OF:

\_\_\_\_\_,  
A Minor

:  
:  
:  
:  
:

C.M. # \_\_\_\_\_

**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 \_\_\_\_\_ (i.e. mother,  
brother), hereby consent to the appointment of \_\_\_\_\_  
[name(s) of proposed guardian(s)] as guardian(s) of the minor's property without  
further notice.

\_\_\_\_\_  
Interested Party's signature

Address: \_\_\_\_\_

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., Ste. 11600  
Wilmington, DE 19801  
302-255-0544

Register in Chancery  
Sussex County  
34 The Circle  
Georgetown, DE 19947  
302-856-5775

IN THE MATTER OF:

\_\_\_\_\_, :  
A minor : C.M. # \_\_\_\_\_  
:

**NOTICE OF PETITION FOR THE APPOINTMENT OF GUARDIAN(S)  
OF THE MINOR'S PROPERTY**

Dear Interested Parties:

This is a notice that I am/we are applying for guardianship of the minor's property. If you object to my/our 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

\_\_\_\_\_  
Co-Petitioner's Signature

Dated: \_\_\_\_\_

**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

IN THE MATTER OF:

\_\_\_\_\_,  
A Minor

:

:

:

:

C.M. # \_\_\_\_\_

**AFFIDAVIT OF MAILING**

1. The petitioner(s), \_\_\_\_\_, mailed on this date, \_\_\_\_\_ a "Notice of Petition" to the following interested parties by certified mail:

Name	Address

2. Certified mail return receipts and/or returned green cards are attached.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Co- Petitioner

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. # \_\_\_\_\_  
:

**AFFIDAVIT OF EFFORTS TO LOCATE  
ADDRESS OF INTERESTED PARTY**

I/We, \_\_\_\_\_,  
petitioner(s) in the above matter, hereby confirm that I/We have been unable, after  
exercising reasonable diligence, to locate an address for interested party,  
\_\_\_\_\_ [Name of  
interested party or missing person], in order to provide that interested party with  
notice of the filing of the guardianship petition.

My/Our last contact with \_\_\_\_\_ [Name  
of interested party or missing person] was on or around \_\_\_\_\_  
[month/year] and to the best of my/our knowledge, the last contact he/she had with  
the minor was on or around \_\_\_\_\_ [month/year].

My/Our efforts have included the following [please check all that apply]:

- performing an internet search for the address of the interested party;
- asking other interested parties if they know of the missing person's  
current whereabouts;
- messaging the missing person through electronic means;

Other: \_\_\_\_\_

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

If I subsequently locate the missing interested party, I will notify the Court of his/her address.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Co-Petitioner

STATE OF \_\_\_\_\_ :

COUNTY OF \_\_\_\_\_ :

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

\_\_\_\_\_  
Notary Public/Chancery Court Clerk

**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 person with an alleged disability/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 person with an alleged disability/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 person with an alleged disability or 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 person with an alleged disability or 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**

A person with an alleged disability/Minor: \_\_\_\_\_

**AFFIDAVIT OF PROPOSED GUARDIAN’S HISTORY**

Please Note: If there is more than one proposed guardian, each person will need to complete a separate form.

Proposed Guardian’s Name: \_\_\_\_\_

1. Have you ever declared bankruptcy?  Yes  No

If so, when? \_\_\_\_\_

If so, what type? \_\_\_\_\_

2. Have you ever been convicted of a misdemeanor?  Yes  No

If so, 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 so, 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.

STATE OF \_\_\_\_\_ :

COUNTY OF \_\_\_\_\_:

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

\_\_\_\_\_  
Notary Public/Chancery Court Clerk

\_\_\_\_\_  
Proposed guardian’s signature



**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**  
**IN THE MATTER OF:**

\_\_\_\_\_,  
A Minor

:  
:  
: C.M. # \_\_\_\_\_  
:

**ORDER TO APPOINT PLENARY GUARDIAN(S) OF THE**  
**MINOR'S PROPERTY**

WHEREAS, the Petition for Appointment of Plenary Guardian(s) of the  
Minor's Property having been presented and duly considered by the Court,

IT IS HEREBY ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, as follows:

1. \_\_\_\_\_ is/are hereby appointed  
plenary guardian(s) of the property of \_\_\_\_\_, minor,  
and that the guardian(s) is/are directed to receive the sum of approximately  
\$ \_\_\_\_\_ from the life insurance policy/estate of  
\_\_\_\_\_. If requested, the guardian(s) may  
execute a release in favor of the payor for the amount received. If the amount that  
will be received by the guardian is not now known, the guardian shall inform the  
Court of the amount within \_\_\_\_ days of the date of this order.

2. Before entering upon his/her duties as guardian pursuant to this Order,  
\_\_\_\_\_ shall execute a bond to be taken in the name of the State of  
Delaware in the amount of \$ \_\_\_\_\_ with/without surety as a condition  
for the faithful performance of his/her duties as guardian. The bond shall be filed

within seven days of the date of this Order. Any person or entity presented with a valid order from the Court may use that order as proof that the bond has been executed and filed.

3. The guardian(s) shall open an interest bearing account or certificate at \_\_\_\_\_ Bank, located in Delaware, entitled: "COURT OF CHANCERY GUARDIANSHIP OF \_\_\_\_\_, MINOR, \_\_\_\_\_ GUARDIAN(S), WITHDRAWALS ONLY BY ORDER OF THE COURT" and deposit the funds to be received. The guardian(s) may not make ANY withdraws from the account WITHOUT first having a Court Order to do so. The guardian(s) may roll over or reinvest the sums in similar accounts or certificates in the same bank and under the same limitations on withdrawals.

4. The guardian(s) shall, within thirty (30) days of the date of this order, submit proof to the Register in Chancery's Office that the bank account(s) provided for in this Order have been opened in accordance with the provisions of this Order.

5. Subject to the further order of the Court, the guardianship funds of minor may not be used for everyday living expenses such as food, shelter, clothing, etc.

6. Upon the minor reaching the age of majority, the guardian and former

minor shall file with the Court a Petition to Transfer Funds at Majority. No funds will be released from the guardianship account until the Petition to Transfer Funds at Majority is approved by the Court.

7. The guardian(s) consent to the Register in Chancery being his/her/their agent for the acceptance of service of process on behalf of the petitioner(s) as to any claim arising out of the guardianship if, by reason of the guardian's absence(s) from this state, he/she/they cannot personally be served.

8. The Register in Chancery or her designee as Administrator of the Account may from time to time inspect any account established for the benefit of the minor, and the financial institution holding said account(s) is authorized and directed to allow said inspection, and to supply a statement of the account, if requested, for the guardianship file. If the account is titled incorrectly, the financial institution is directed to make such corrections as per the original Order of this Court, and send a corrected copy to the guardian(s) and the Register in Chancery's Office.

9. The guardian(s) shall provide the Register in Chancery with the most recent bank statement, in lieu of an accounting, by January 15<sup>th</sup> of each year.

10. The guardian(s) must notify the Register in Chancery's Office of any address or phone number change within thirty days of occurrence.

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Chancellor/Vice Chancellor/Master