

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

Procedures for filing a Petition for Appointment of Limited Guardian(s) of a Minor's Property

- No guardian is necessary if the amount the minor will receive is equal to or less than \$25,000, including any associated costs, expenses, and attorneys' fees. If guardianship is required, for example, the insurance company may require a guardian before it will release funds, or property gifted to the minor may need to be sold, a limited guardian may be appointed. The "limited guardian" acts only for a specified period of time, and the guardianship automatically terminates when the guardian files proof with the Court that the guardian has performed his or her duties under the Court's order. Typically, this would mean that a guardian is appointed to take possession of the funds or property and secure them in an appropriate account, or take possession of property and complete the sale of the property. Once the guardian files proof that those tasks are completed, the guardianship terminates and the case is closed.
 - When the value of the property or funds the minor is entitled to receive is equal to or less than \$25,000, the guardianship would terminate when the funds are placed in a Uniform Transfers to Minors Act Account, also called a "custodial" account. The guardian must file proof that the account was opened, and must execute and file with the Court an affidavit attesting to the guardian's understanding of his or her obligations as custodian of the account.
 - When the value of the property or the funds the minor is entitled to receive is more than \$25,000, a limited guardianship may be established if the funds are placed in an annuity or structured financial instrument for the benefit of the minor.
- When filing a Petition for the Appointment of a Limited Guardian of a Minor's Property, you will need to submit the following documents to our office:
 1. The completed 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. The petitioner(s) is/are responsible for obtaining consents from the interested parties or sending notice of the petition to the interested parties. Please see the instruction sheet within this packet for additional information.
 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 how much money the minor is due to receive.
 8. If the minor is to receive more than \$25,000.00, a prospectus must be included for the annuity showing where the funds will be moved to.
 9. 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.
 10. 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 LIMITED 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): _____

d. 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? _____

6. The petitioner(s) intend(s) to place the property or funds in: _____

(specify type of account or instrument where funds or property will be placed and the name of the bank or company).

7. The petitioner(s) believe(s) that a period of _____ days will be necessary to obtain the funds, place them in a custodial account or structured financial instrument, as applicable, and file proof with the Court.

8. All the following statements must be true before the Court of Chancery will consider this petition. Check all 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** a copy of the will and final accounting if the money is coming from someone's estate.
- d. The death certificate (if the minor will receive funds or property as a result of the death of another person).
- e. 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.

- f. Petitioner(s) understands that the minor's money will be placed in a custodial account (for amounts equal to or less than \$25,000) or in an annuity or structured financial instrument (for amounts over \$25,000) for the benefit of the minor.
- g. If the money will be placed in a custodial account, the guardian has executed an affidavit acknowledging his or her obligations in managing that account **OR**
- If the money will be placed in an annuity or structured financial instrument for the benefit of the minor, the guardian acknowledges that the instrument must provide for payment of funds to the minor no earlier than the date the minor reaches majority, and must prohibit the encumbrance, liquidation, sale, or other transfer of the policy before such time.

WHEREFORE, Petitioner(s) respectfully request that:

1. This Court appoint him/her/them as limited 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 petitioner(s) be authorized to deposit all of the minor's funds into a

custodial account, an annuity or structured financial instrument.

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

5. 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

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:
:
:

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 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.

Option 1 – Consent

Any interested party may sign and have notarized a copy of the attached consent form.

Option 2 – Send Notice

If any interested party does not sign the consent form, you must send them a copy of the attached "Notice of Petition". You must send this by registered or certified mail, return receipt requested, or by FedEx, UPS or any other courier service that provides real-time tracking of delivery.

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

To be filed with the Court

You must file the following documents with the Court before the petition will be reviewed by a Judicial Officer:

- a. Any and all consent forms;
- b. The attached "Certificate of Mailing" (if any notices were sent); and
- c. Proof of how the mailing was sent (such as the certified mail receipts from the post office) and any proof you have that the mail was delivered.

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
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Register in Chancery
Sussex County
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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. # _____

CERTIFICATE OF MAILING

1. The petitioner(s), _____, mailed on this date,

_____ a "Notice of Petition" to the following interested parties:

Name	Address

2. Proof of mailing is attached.

Petitioner

Co-Petitioner(if applicable)

<p>I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.</p> <p>Executed on the _____ day of _____ (month) _____ (year).</p> <p>_____</p> <p>(Petitioner's Printed Name)</p> <p>_____</p> <p>(Petitioner's Signature)</p>	<p>I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.</p> <p>Executed on the _____ day of _____ (month) _____ (year).</p> <p>_____</p> <p>(Co- Petitioner's Printed Name)</p> <p>_____</p> <p>(Co- Petitioner's Signature)</p>
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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/We subsequently locate the missing interested party, I/We 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:

_____, : C.M. # _____
A minor :

AFFIDAVIT OF PETITIONER

_____, being duly sworn this ____ day of _____, 20____, does depose and say as follows:

1. I am the parent (or guardian) of _____ (hereinafter “the minor”).
2. I have reviewed the attached Petition and agree with the statements and representations set forth therein.
3. I understand that the funds that are the subject of this guardianship proceeding (hereinafter “the minor’s property”) are exclusively the property of the minor.
4. I understand that if all or a portion of the minor’s property is placed into a Uniform Transfer to Minor Act (“UTMA”) account, I must provide proof of the opening of the account and deposit of the settlement funds into the account within sixty (60) days of entry of the Court’s Order approving the settlement.
5. I understand that if all or a portion of the minor’s property is placed in a UTMA account, I will serve as custodian of that account. I further understand that as the custodian of that account I have a fiduciary duty to use the monies

in the account only for the health, maintenance, education and welfare of the minor and should the monies be used other than for the benefit of the minor, I will be subject to liability for breach of my fiduciary duty.

6. I understand that if some or all of the minor's property is to be placed in a Court approved annuity or structured financial instrument, that the instrument must provide for payment of funds to the minor no earlier than the date the minor reaches the age of maturity, and must prohibit the encumbrance, sale, or other transfer of the annuity or instrument before such time. I further understand that I must file proof of the funding of the annuity or structured financial instrument within sixty (60) days of entry of the Court's Order approving the settlement.

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. # _____

If all of the funds were placed in a Uniform Transfer to Minor Act account, file the following certification:

CERTIFICATION OF OPENING OF ACCOUNT

I/We, _____, Guardian(s), hereby certify that on _____, 20____, a Uniform Transfer to Minor Act (“UTMA”) account for the benefit of _____ [minor’s name] was opened at _____ Bank with _____ serving as custodian(s) of the account. \$_____, representing all of the funds at issue in this guardianship proceeding, was deposited into the UTMA account. Proof of the opening of the account and deposit of the funds is attached hereto as Exhibit A.

Petitioner’s Signature

Co-Petitioner’s Signature (if applicable)

Dated: _____

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF:

A Minor

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:
:
:

C.M. # _____

If all of the funds were placed in an annuity or other structured financial instrument, file the following certification:

**CERTIFICATION OF PURCHASE OF ANNUITY OR OTHER
STRUCTURED FINANCIAL INSTRUMENT**

I/We, _____, Guardian(s), hereby
certify that on _____, 20____, an annuity for the benefit of
_____ [minor's name] in the amount of \$_____
was purchased, representing all funds at issue in this guardianship
proceeding. Proof of the purchase of the annuity (or other structured financial
instrument) is attached hereto as Exhibit A.

Petitioner's Signature

Co-Petitioner's Signature (if applicable)

Dated: _____