

INSTRUCTIONS FOR FILLING OUT FORM

PURPOSE. This form is to be used when you are an interested party to the Guardianship and there are grounds to terminate the guardianship.

FORMS INVOLVED. The first form is a **Petition to Terminate Guardianship of a Minor(s)**. You will need to fill in the necessary information with help from the instructions below and then file the forms with the appropriate court.

A guardian of a minor not otherwise incompetent or the minor himself may petition the Court within one year after the date the minor reaches the age of majority to have the guardian discharged and the estate turned over to the minor. The Court may grant such discharge ex parte upon the receipt of sufficient competent evidence that the minor has reached the age of majority unless it appears to the Court that the minor is otherwise incompetent, in which case the Court will order a hearing with notice to make a determination of competency.

A parent can also file a petition to terminate a guardianship of their minor children if they can demonstrate and prove to the Court that there is no longer a need for the guardianship such as significant changes in the parents home since the guardianship had been granted.

BURDEN OF PROOF. By filing a petition to terminate the guardianship you as the moving party have the burden of proving your claim by preponderance of evidence. This means that by representing your self in a legal matter it is your responsibility to prove your case. Don't expect the judge to prove your case for you. Proving something by a preponderance of the evidence means evidence with greater weight or that is more convincing than the evidence of the opposing party(s). You will need to prove the allegations in the petition by testifying, calling witnesses and/or introducing documents that prove your claim. You as the petitioner have the burden of proving by a preponderance of the evidence the following to the court:

1. That the minor child(ren) has reached the age of majority, or
2. That there has been significant changes in parents home since the guardianship was first granted. If the grounds for guardianship were that the parents home was unsuitable for the minor child(ren) then evidence of such should be brought to court. If the grounds for guardianship were that the parents were unfit then evidence of fitness should be brought to court. This could include evidence of sobriety or parenting classes. Basically you need to show whatever the grounds for the initial guardianship have been rectified.

INSTRUCTIONS FOR FILLING OUT THE FORM. To fill out this form follow these instructions. The numbers to each instruction below is the number on the blank line on the form where the information for that number needs to be inserted on the form.

Instructions for filling out the Petition:

(1) on this line insert the name(s) of the minor child(ren) you are seeking to have the guardianship terminated and their date of birth (This information should be on all prior

guardianship pleadings for reference).

(2) on this line insert your name. You must be either the minor child under the guardianship or a relative of such person subject to the guardianship.

(3) on this line insert how you are related/next of kin next of kin to the minor child(ren) you are seeking to remove the guardian. If you are the person subject to the guardianship you can insert "self"

(4) insert your mailing address.

(5) in detail tell why the guardianship should be terminated. See Burden of Proof section above before filling in this part of the petition. Attach copies of any relevant documents to the Petition.

(6) on this line insert the day.

(7) on this line insert the month.

(8) on this line insert the year.

(9) on this line insert your name by signing.

4. That it would be in the best interest of the above named minor child(ren) that the guardianship be terminated.

WHEREFORE, Petitioner(s) prays that this Court order that:

A. Petitioner's petition be granted and the guardianship of the above named minor child(ren) be terminated;

B. This matter be set for hearing and the court; and

C. For such other and further relief the Court finds just and equitable.

Dated this (6)_____ day of (7)_____, (8)_____.

(9)_____
 Petitioner(s)