

## Guardianship Documents Checklist

To obtain Legal Guardianship, you must PETITION to the Court to be appointed or to appoint someone as Legal Guardian for a minor child. **The Petitioners must have been residents of the CNMI for at least one (1) year prior to filing the Petition. Pursuant to 8 CMC § 1421(a)(7), Single Petitioners must earn a salary of at least \$25,000 per annum and married petitioners must earn a combined salary of at least \$35,000 per annum.** Please visit or call the Family Court Division at (670) 236-9840 if you have any questions about forms or procedures.

	<b>Name of Document</b>	<b>Signed by</b>	<b>Fee</b>	<b>Comments</b>
<input type="checkbox"/>	<i>Petition for Appointment of General Guardianship</i>	Petitioner  <i>Note: Petitioner is the person who will appear in court.</i>	\$150.00	Your Petition must include the following information: residency status, citizenship, immigration status, relationship to minor child, employment status, source of income, home arrangements (whether you live in a house or an apartment, # of bedrooms, # of other minor children or family members living with you), purpose of guardianship, and the names and addresses of the living parents, grandparents, and adult siblings of the minor child. <b>NOTE:</b> You must attach an original copy of the child(ren)'s birth certificate(s) and a copy of a valid ID of the
<input type="checkbox"/>	<i>Consent of Father and Mother</i>	Natural Mother and Father	Notary Fee	This Consent includes a declaration stating that the natural mother and father are adults of sound mind and are not suffering from any mental illness or disease. The Consent also states that the natural parents are voluntarily giving consent without threat, duress, or coercion from any person. Said Consent must be notarized.
<input type="checkbox"/>	<i>Consent to be Appointed as Legal Guardians</i>	Legal Guardian	Notary Fee	This consent includes a certification that the legal guardians sought to be appointed are adults, have been residents of the CNMI for at least one year, have knowledge of the Petition for Appointment of Guardianship for the minor child(ren), and approve and consent to the Petition. Said consent must be notarized.
<input type="checkbox"/>	<i>Order Prescribing Notice</i>	Judge	None	The Petition and Consent forms will be reviewed by the Judge for his approval. If approved, the Judge will issue an Order allowing Petitioner to publish notice of the guardianship in a newspaper of general circulation in the CNMI <b>at least once</b>

				before the hearing date. Petitioner must also post notice on the Courthouse bulletin for a period of <b>10 days</b> .
<input type="checkbox"/>	<i>Notice of Hearing</i>	Clerk	None	Once the Judge issues an Order Prescribing Notice, the Clerk of Court will set your hearing date.
<input type="checkbox"/>	<i>Declaration of Publication of Notice of Hearing</i>	Petitioner	Publication costs	After receiving notice of the hearing date, you can then publish notice of the hearing in a local newspaper. Once you have published notice of the hearing at least once, complete and sign this document and turn it into the Clerk of Court's office. <b>NOTE:</b> You MUST attach the original copy of the newspaper article.
<input type="checkbox"/>	<i>Declaration of Posting of Notice of Hearing</i>	Petitioner	None	Once you have posted notice of the guardianship petition and hearing date on the Courthouse bulletin for no less than 10 days, complete and sign this document and turn it into the Clerk of Court's office.
<input type="checkbox"/>	<i>Motion for Hearing and Order Prescribing Notice of Hearing on Petition for Appointment of Guardianship</i>	Petitioner	\$10.00	This Motion asks the Court to enter a Hearing and Order on Petitioner's Petition for Appointment of Guardianship.
<b>GUARDIANSHIP FOR INCOMPETENT PERSON</b>				
<input type="checkbox"/>	<i>Petition for Appointment of Guardianship for Incompetent Person</i>	Petitioner	\$150.00	Your Petition must include the following information: your personal information, relationship to incompetent person, birth certificate of incompetent person, and a copy of incompetent's medical records referencing his/her condition.
<input type="checkbox"/>	<i>Order Setting Hearing on Petition for Appointment of Guardian for Incompetent Person</i>	Judge	None	If the Judge approves your Petition, he will issue an order setting a hearing on the guardianship. Petitioner must serve this order on the alleged incompetent person at least 10 days before the hearing. The incompetent person must appear at the scheduled hearing unless he/she provides an affidavit or testimony by a licensed physician stating that he/she is physically incapable of attending the hearing. Petitioner must also serve or mail notice of the hearing to the spouse, parents and children, or adult siblings of the alleged incompetent person residing in the CNMI.

				Service must occur at least 10 days before the scheduled hearing.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Follows same procedure as General Guardianship:</b> <i>Notice of Hearing;</i> <i>Declaration of Publication of Notice of Hearing;</i> <i>Declaration of Posting of Notice of Hearing</i>			
<b>GUARDIANSHIP FOR MINOR'S ESTATE</b>				
<input type="checkbox"/>	<i>Petition for Appointment of Guardian of Estates</i>	Petitioner	\$150.00	Your Petition must include the following information: your personal information, relationship to minor child, birth certificate of minor child, death certificate of minor's natural parent(s), and a copy of any life insurance benefits listing minor child as beneficiary.
<input type="checkbox"/>	<i>Order Prescribing Notice and Notice of Hearing</i>	Judge	None	<p>If the Judge approves your Petition, he will issue an Order that Petitioner must serve the living grandparents and adult beneficiaries of the deceased. If they live off-island, they must be served by registered mail, return receipt requested.</p> <p>Petitioner must also post notice of the hearing on the Courthouse bulletin board for a period of at least ten (10) days and publish at least one notice of the hearing in the local newspaper.</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Follows same procedure as General Guardianship:</b> <i>Notice of Hearing;</i> <i>Declaration of Publication of Notice of Hearing;</i> <i>Declaration of Posting of Notice of Hearing</i>			

**Court Filing Fees as of June 2013:**

- Complaint/Petition \$150.00
- Amended Complaint/Petition \$25.00 (1<sup>st</sup> time); \$50.00 (2+ times)
- Verified Ex-parte Motions/Notice of Motions \$10.00
- Photocopying of any document \$0.75/page
- Authentication Fee (Judge's original signature) \$25.00  
*Only applies to Orders after the hearing*
- Certification Fee \$20.00  
*Clerk certifying document with stamp and seal*

Note: If you cannot afford the filing fees, you may obtain a fee waiver request from the Family Court Division.