

Hon. _____

FORM #257

_____ Judicial District

_____ County Courthouse

Address _____

_____, Montana _____
city zip code

**MONTANA _____ JUDICIAL DISTRICT COURT
_____ COUNTY**

<p>In Matter of the Guardianship of:</p> <p>_____, Minor child.</p> <p>_____, Petitioner.</p>	<p>Dept. No.: _____ Cause No.: _____</p> <p>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER APPOINTING GUARDIAN OF MINOR</p>
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The above matter having come before this Court for hearing on _____, 20__ and upon that hearing, the Court makes the following specific Findings of Fact:

FINDINGS OF FACT

- Petitioner, _____, has petitioned the Court to appoint a fit and proper person as guardian of the minor child, _____, in accordance with Mont. Code Ann. § 72-5-225.
- _____, age _____, was born on _____ and is a minor child.
- Pursuant to Mont. Code Ann. § 72-5-221, venue is proper in this Court because the above-named minor(s)
 - currently resides here in _____ County, Montana
 - currently is present here in _____ County, Montana

4. Pursuant to Mont. Code Ann. § 72-5-225(1), the following persons are interested parties in this action:

- the minor, who is 14 years of age or older
- _____, the person who has had the principal care and custody of the minor during the last 60 days
- _____, mother of the minor, if still living
- _____, father of the minor, if paternity is established and he is still living

Notice of Hearing for Guardianship of Minor was properly mailed or personally delivered to all of the above-named interested parties in accordance with § 72-5-225(1).

5. All previous parental rights of custody have been terminated, suspended, or limited by circumstances or prior court order. In particular, the custody rights of the minor's mother (*choose one*):

have been terminated, suspended, or limited by prior court order dated _____.

have been terminated, suspended, or limited by the following circumstances:

- The mother has waived her rights to custody and consented to Petitioner's guardianship of the minor.
- The mother is incarcerated.
- The mother has disappeared.
- The mother does not have the ability to care for the minor because of a mental or physical disability.
- The mother is deceased.
- Other: (*explain in detail*): _____

The custody rights of the minor's father (*choose one*):

- have not been established as the minor's paternity has not been established.
- have been terminated, suspended, or limited by prior court order dated _____.
- have been terminated, suspended, or limited by the following circumstances:

The father has waived his parental rights to custody and consented to Petitioner's guardianship of the minor.

The father is incarcerated.

The father has disappeared.

The father does not have the ability to care of the minor because of a mental or physical disability.

The father is deceased.

Other (*explain in detail*): _____

6. *Choose one:*

The minor is under 14 years of age.

The minor is 14 years of age or older and nominates Petitioner to be his/her guardian.

The minor is 14 years of age or older and has failed to nominate a guardian.

7. The minor is not emancipated and does not currently have a guardian by instrument of will. No previous court order has appointed a guardian for the minor. There are no currently pending guardianship proceedings involving this minor.

CONCLUSIONS OF LAW

1. This Court has jurisdiction to appoint a guardian in this matter.

2. Venue is appropriate.

3. All previous rights of custody have been terminated, suspended, or limited by circumstances or prior court order.

4. Notice of the time and place of hearing was properly given in accordance with Mont. Code Ann. § 72-5-525.

5. Petitioner qualifies as a fit and proper person to serve as guardian of the minor child.

6. The welfare and best interests of the minor will be served by the requested appointment of guardianship.

7. Bond is not required in this case.

8. Minor's interests have been adequately represented by the parties in this matter and the appointment of an attorney from the Office of the State Public Defender to represent the minor is not necessary in this case.

ORDER

WHEREFORE, it is hereby ordered:

1. That Petitioner, _____, is appointed legal Guardian of _____.
2. That Petitioner will have all the rights and duties specified under Montana law.
3. That Petitioner shall act without bond.
4. That Letters of Guardianship shall issue to Petitioner/Guardian.

DATED this ____ day of _____, ____.

DISTRICT COURT JUDGE