

IN THE WINNEBAGO TRIBAL COURT

IN RE GUARDIANSHIP AND ) CASE # \_\_\_\_\_  
CONSERVATORSHIP OF )  
)  
) **PETITION FOR GUARDIANSHIP**  
) **AND CONSERVATORSHIP (ADULT)**  
\_\_\_\_\_  
Alleged Ward )

Pursuant to Title 18 of the WINNEBAGO TRIBAL CODE, I am requesting a guardianship, conservatorship, or both, and state under oath and penalty of perjury the following:

1) Information about the person over whom the guardianship or conservatorship (the "Ward") is being requested:

Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Is the Ward a member of the Winnebago Tribe? Yes / No  
Is the Ward eligible to be a member of the Winnebago Tribe? Yes / No  
Physical address of the Ward: \_\_\_\_\_  
P.O. Box address of the Ward: \_\_\_\_\_  
Persons with whom Ward is currently residing: \_\_\_\_\_  
Name of the Ward's Mother: \_\_\_\_\_  
Address of the Ward's Mother: \_\_\_\_\_  
Name of the Ward's Father: \_\_\_\_\_  
Address of the Ward's Father: \_\_\_\_\_  
Name of the Ward's legal guardian (if different): \_\_\_\_\_  
Address of the Ward's legal guardian: \_\_\_\_\_  
Name of any person having principal care and custody of the Ward within 60 days before filing of this Petition (if different): \_\_\_\_\_  
Address of person listed above: \_\_\_\_\_

2) Information about person requesting the guardianship or conservatorship (the "Petitioner"):

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Relationship to the Ward: \_\_\_\_\_  
I am a member of the Winnebago Tribe: Yes / No  
I am eligible to be member of the Winnebago Tribe: Yes / No  
I reside within the Winnebago Indian Reservation: Yes / No

3) I am asking to be appointed as the Ward's:  
( ) Guardian, meaning authority to make legal decisions for the Ward.  
( ) Conservator, meaning authority to control the finances of the Ward.  
( ) Both Guardian and Conservator.

4) For the Court to enter an order of Guardianship over an adult, the Petitioner must show that the Ward is a person whose decision-making capacity is so impaired that the person is unable to care for the person's personal safety or to attend to or provide for necessities if the person such as food, shelter, clothing, or medical care, without which physical injury or illness might occur. For the Court to enter an order of Conservatorship, the Petitioner must show that the Alleged Ward is a person whose decision-making capacity is so impaired that the person is unable to make, communicate, or carry out important decisions concerning the person's financial affairs. The following detailed facts show why it would be in the best interest of the Ward listed above that a guardianship and/or conservatorship order be entered:

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5) I am providing the following information required by Title 18:

A) I have been convicted of a felony in any jurisdiction: Yes / No

B) I have acted as guardian or conservator in any jurisdiction for any person within three years of the filing of the petition in this matter: Yes / No

C) I have reviewed and have a working knowledge of the powers and duties imposed upon a guardian and/or a conservator, as applicable. Yes / No

D) I have acted in a fiduciary capacity pursuant to a power-of-attorney for any person in any jurisdiction within three years of the filing of this Petition: Yes / No

E) I have been listed in an elder abuse or sex offender registry in any jurisdiction at any time, or any enterprise in which I have an interest has ever been listed in an elder abuse or sex offender registry in any jurisdiction at any time: Yes / No

F) I have been appointed as guardian or conservator for any person within three years prior to the filing of this Petition, and I have failed to file any Report of Guardian or Conservator in any jurisdiction later than three months after the report was due: Yes / No

G) I have ever been removed as a guardian or conservator for any person in any jurisdiction at any time: Yes / No

H) I have ever received anything of value exceeding a total of \$100 in any one year, by gift, devise, or bequest from any individual, or estate of an individual, to whom I am not related by

blood or marriage, and for whom the enterprise or myself served at any time as guardian, conservator, trustee, or attorney-in-fact: Yes / No

I) I have been named as a personal representative, trustee, or other type of beneficiary of any individual to whom I am not related by blood or marriage and for whom I served as guardian, conservator, trustee, or attorney-in-fact: Yes / No

J) I have an interest in any enterprise providing housing, health care, or comfort care services to any individual: Yes / No

6) If I answered "Yes" to any of the questions listed in Paragraph 5 above, a full description of the reasons for the "Yes" answer is below:

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7) *This section is to be completed only if requesting a conservatorship order:*

Estimated present value of Alleged Ward's real estate: \_\_\_\_\_

Estimated value of Alleged Ward's personal property: \_\_\_\_\_

Estimated gross annual income of Alleged Ward: \_\_\_\_\_

Total amount of money payable to the Alleged Ward by any third party, entity, or agency of the Winnebago Tribe of Nebraska tribal government, or federal, or state government, if any: \_\_\_\_\_

8) I ( ) am / ( ) am not requesting a emergency guardianship and/or conservatorship order to be immediately entered in the above matter. I believe an emergency guardianship and or conservatorship, to be entered without hearing and notice to any party, is necessary for the following reasons:

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9) I ( ) am / ( ) am not requesting a temporary guardianship and/or conservatorship order to be entered in the above matter, prior to a final hearing, but not before notice to all parties and a hearing is held. I believe an temporary guardianship and/or conservatorship is necessary for the following reasons:

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10) I ( ) am / ( ) am not requested to be compensated as Guardian and/or Conservator from the assets of the Ward.

11) I understand that if appointed as guardian and/or conservator, I will be required to file reports regarding the Ward on a regular basis. Failing to file those reports could result in me being removed as guardian and/or conservator. I further understand that if I steal, divert, or grossly abuse the funds or property of the Ward, I could be subject to civil sanctions including a penalty of up to \$5,000 in addition to being required to reimburse the funds or property taken.

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

\_\_\_\_\_  
Date

Subscribed to and sworn before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

S E A L

\_\_\_\_\_  
Notary Public