

PACKET TO TRANSFER GUARDIANSHIP FROM ANOTHER STATE

ATTENTION:

The following instructions are provided as a general guideline to help guardians who are transferring a guardianship from a court in another state to Montgomery County Probate Court. These instructions are not comprehensive and may not apply in every case.

The employees of the Court are not allowed to give legal advice. This means that they cannot give you advice that is specific to your case and cannot help you fill out these forms. If you need case-specific advice or help filling out forms, you are strongly encouraged to speak with an attorney who is experienced in guardianship matters.

PRE-FILING INSTRUCTIONS

Please answer the following questions before you complete and file this packet:

Provide the case name and number of the guardianship:

Case Name: _____

Case No: _____

Provide the name and state of the court you are transferring the guardianship from:

Court Name: _____

State: _____

NOTE: If you are transferring the guardianship from a court in Florida, Kansas, Michigan, Texas, or Wisconsin, you may **not** use this packet.

FILING INSTRUCTIONS

PART ONE: File a Petition to Transfer Guardianship in the court you are transferring the guardianship from.

Depending on the other court's requirements, you may need to file additional documents. You must contact the other court to find out what its requirements are.

Once you have met the other court's requirements, the other court will file a Provisional Order to Transfer Guardianship.

PART TWO: Request a certified copy of the order appointing you as guardian and a certified copy of the Provisional Order to Transfer Guardianship from the other court. File the following documents with Montgomery County Probate Court.

—	Petition to Accept Transfer of Guardianship	MC Form 120	Write the ward's name on the case name blank. Leave the case number blank. Complete the rest of the form. Sign on the Attorney's Signature blank and/or the Guardian's Signature blank.
---	---	-------------	---

—	Next of Kin of Ward	MC Form 123	Write the ward's name on the case name blank. Leave the case number blank. Complete the rest of the form. Sign on the Guardian's Signature blank.
—	Waiver of Notice and Consent to Transfer of Guardianship	MC Form 124	If any next of kin are waiving notice of the petition: Write the ward's name on the case name blank. Leave the case number blank. Complete the rest of the form. Any next of kin who are waiving service must print their name and sign on the signature blank.
—	Affidavit – Search for Address	MC Form 110	If you are unable to determine the address of any next of kin: Write the ward's name on the case name blank. Leave the case number blank. Complete the rest of the form. Sign on the Affiant's Signature blank, in the presence of a notary public or deputy clerk.
—	Certified copy of order appointing you as guardian		
—	Certified copy of Provisional Order to Transfer Guardianship		
—	Provisional Order to Accept Transfer of Guardianship	MC Form 121	Write the ward's name on the case name blank. Leave the case number blank. The Judge will complete and file this form.

PART THREE: Request a certified copy of the Provisional Order to Accept Transfer of Guardianship from Montgomery County Probate Court. File the certified copy of the order with the other court.

Depending on the other court's requirements, you may need to file additional documents with the other court. You must contact the other court to find out what its requirements are.

Once you have met the other court's requirements, the other court will file a Final Order to Transfer Guardianship.

PART FOUR: Request a certified copy of the Final Order to Transfer Guardianship from the other court. File the following documents with Montgomery County Probate Court.

—	Certified copy of Final Order to Transfer Guardianship		
—	Final Order to Accept Transfer of Guardianship	MC Form 122	Provide the case name and number. The Judge will complete and file the rest of this form.