

IN THE IOWA DISTRICT COURT FOR BUENA VISTA COUNTY

IN THE MATTER OF THE
GUARDIANSHIP OF

A Minor

Probate No. [REDACTED]

ORDER ADJUDICATING CHILD TO BE
DEPENDENT AND APPOINTING
GUARDIAN

The verified Petition for Appointment of Guardian (Voluntary) filed by [REDACTED] [REDACTED] having been presented to the Court, and the Court having examined the Petition, affidavits, and the other documents on file, finds that:

1. This being a voluntary Petition, the Court has jurisdiction of this matter and over [REDACTED] [REDACTED] the minor child and proposed ward who is the subject of the Petition filed herein.
2. The proposed ward has been provided with notice of his rights, including his right to representation and to be personally present at all proceedings pursuant to Iowa Code §633.561 and notice of guardianship powers pursuant to Iowa Code §633.562, as set out in the Petition, and determines that, under the circumstances of the case, that appointed counsel is not required for the proposed ward.
3. That consent of the father of the proposed ward is not possible because his whereabouts are unknown.
4. That the mother of the proposed ward does not appear, is a resident of Guatemala and is not present in the United States, has told the proposed Ward not to return to Guatemala to live with her, and has not provided financial support to the proposed Ward since his arrival in the United States.
5. That the mother has consented to the guardianship.
6. That the mother's instruction to the proposed ward to not return to Guatemala to live with her, the mother's instructions to the proposed ward to go to the United States alone, the mother's failure to arrange for her son's safe travel to the United States, and the mother's lack of financial support demonstrate the mother's neglect and her intent to abandon her child.
7. That the mother of the proposed ward has abandoned and neglected the minor child.
8. That the proposed ward is a minor child, age 15 at the time of filing of the Petition, and has no job or other means of supporting himself, nor other person willing and able to support him other than the proposed Guardian and the proposed Guardian's husband.
9. That the proposed ward is dependent within the meaning and intent of the Iowa Code, and is a resident of or present in the State of Iowa.
10. That reunification of the proposed ward with his mother and father is not viable due to the mother's and father's abandonment and neglect of the proposed ward.

11. That it is not in the best interest of the proposed ward to return to his or his parents' home country of nationality or country of last habitual residence as his father and his mother have abandoned and neglected him. Furthermore, if the proposed ward were to return to his parents' home country of nationality or country of last habitual residence, he would be subjected to neglect, extreme poverty, possible homelessness, and dangerous conditions due to high levels of violence in the area in which the proposed ward's mother resides.

12. That [REDACTED] the proposed ward's adult aunt, is now serving as temporary custodian for the proposed ward, is willing to accept the financial and legal responsibilities of support and supervision as permanent Guardian of the proposed ward.

13. That the statements contained in the Petition and the other filings are true, and there is clear and convincing evidence and good cause for the appointment of a guardian of the person of the proposed ward.

14. That such an appointment of a Guardian without further notice will inure to the best interest of the applicant, and, further, that a limited guardianship pursuant to Iowa Code §633.635 is not appropriate.

15. [REDACTED] is fully qualified to serve as guardian and, as an adult relative of the proposed ward, is an appropriate person to so serve.

16. The Court finds that the proposed ward presently has little or no income, and therefore is indigent within the meaning of §§633.561(3) and 633.673. Accordingly, the court finds that court costs of this proceeding should be waived.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. [REDACTED] a minor child, is hereby adjudicated to be dependent.
2. [REDACTED] is appointed to serve as Guardian and custodian of the person of [REDACTED] [REDACTED] with full power and authority, and that the child shall remain under the care of said Guardian pending further order of this Court.
3. No bond shall be required, and upon the filing of the fiduciary's oath as provided by law, Letters of Guardianship shall be issued by the Clerk of this Court to [REDACTED]
4. Since the ward is indigent within the meaning of §§633.561(3) and 633.673, court costs of this proceeding are waived.
5. This Court shall retain jurisdiction of this cause for the purpose of making such further other orders herein for the welfare of the child named herein as may be from time to time found necessary.