

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

Case No: _____

In the Matter of the Guardianship of,

**MOTION TERMINATING
GUARDIANSHIP**

Minor Child/ren

Based on the Points and Authorities set forth below, I request that this court terminate the above entitled Guardianship for the following reasons.

I am the minor child/ren's _____.
Relationship to minor child/ren

1. The best interests of the protected children would be served by termination.
2. _____ is the child's parent and is a fit and proper person to care and provide for the minor children.

Points and Authorities

ORS 125.085 permits the Court to remove a fiduciary upon the motion of any person entitled to file an objection to a petition under ORS 125.075 or upon the Court's own motion. The biological parent of the minor child/ren is entitled to file a motion to terminate these proceedings.

ORS 125.090 permits the Court to terminate protective proceedings after determining that the best interests of the protected person would be served by termination of the proceedings.

In protective proceedings, ORS 125.090(1) provides that a motion can be filed to terminate the proceedings at any time. The statute also provides that if the fiduciary opposes the motion, the fiduciary has the burden of proving "by clear and convincing evidence" that the protected person continues to need a fiduciary.

For all the foregoing reasons, it is requested that the guardianship be immediately terminated.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Dated: _____.

Signature of Requester

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

Case No: _____

In the Matter of the Guardianship of,

**NOTICE OF FILING MOTION
TERMINATING
GUARDIANSHIP**

Minor Child/ren

To: _____, Guardian

NOTICE IS HEREBY GIVEN that on _____, a Motion to Terminate Guardianship in the above proceeding was filed. A copy of that motion accompanies this notice.

Objections must be filed in this guardianship proceeding in the above court on or before _____.

Due Date for Filing Objections

[Due date must be a minimum of 15 days from the day this Notice is served- ORS 125.075(2)]

Written objections may be made by mailing or delivering the objection to Linn County Circuit Court, 300 Fourth Avenue, PO Box 1749, Albany, OR 97321.

Date

Signature of Filer

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

Case No: _____

In the Matter of the Guardianship of,

**PROOF OF SERVICE OF
NOTICE OF FILING**

Minor Child/ren

I, _____, parent in the above proceeding, certify that:

Notice of Filing of the Motion to Terminate Guardianship and a copy of the Motion to Terminate Guardianship were mailed on _____, to the following people or institution, at their last-known addresses:

<u>Name:</u>	<u>Address:</u>	<u>Entitled to Notice:</u>
_____	_____	Current Guardian
_____	_____	Other Parent
_____	_____	Other
_____	_____	Other

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Dated: _____.

Signature of Requester

Name (printed)

Contact Address

City, State, ZIP

Contact Phone