

Form 01

ORDER CONFIRMING GUARDIANSHIP

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS hereinafter referred to as
“DIFC Courts”

IN THE COURT OF FIRST INSTANCE

DIFC Wills and Probate Registry

BE IT KNOWN that [Name and surname]

of [address]

deceased on [date]

domiciled in [domicile]

AND BE IT FURTHER KNOWN that the last Will of the deceased was proved and registered in the Dubai International Financial Centre Wills and Probate Registry.

IN THE matter of [name of child]

UPON the Application of [NAME OF GUARDIAN] by Notice dated []

AND UPON PRODUCTION of the death certificate dated [...] of the [name of testator] and any other such documents as required by the DIFC Wills and Probate Registry,

AND UPON the production of the will of [name of testator] dated **

IT IS declared that [name of Guardian] having ID/Passport Number [...] is the guardian of [name of child having Passport Number [...]] and that he/she has all the rights, duties, powers, responsibilities and authority which under the laws of the UAE a guardian has in relation to the child and his property, defined as ‘Guardianship.’ Guardianship rights encompass a full parental role, combining custody and guardianship as defined herein below.

(a) “Guardianship” means all the rights, duties, powers, responsibilities and authority the laws of the UAE grants a guardian (a father) in relation to the child [and his property]¹ and includes the right to remove the child from the DIFC and the UAE.

(b) It is acknowledged that the guardian is of age of majority (21 years) and has declared him-/herself capable of undertaking the guardianship requirements.

(c) Guardianship of the minor provides the following rights to the guardian (irrespective of whether the guardian is male or female):

- (1) Care for all of the minor's affairs including: guarding, protecting, raising, educating, and supervising him; directing his life, raising him in good standards. This includes representation of the minor in front of all Dubai and UAE authorities and the right of signature on behalf of the minor.
- (2) Safekeeping the minor’s birth certificate, ID, passport and all other relevant documents relating to the minor.
- (3) [Safeguarding the minor’s financial interests, managing and investing the inheritance of and all other assets belonging to the minor until the minor reaches the age of majority (21 years) in accordance with the UAE laws. This may include guardianship of the minor’s property, including the care for all matters relating to the minor's property, its preservation, management and investment.]²
- (4) The guardian shall have the right with the Court’s permission to disburse from the minor’s money, to the extent granted to him through the will by the testator.
- (5) Guardianship shall also include custodianship.

(d) Guardianship of the minor includes the following duties to the guardian (irrespective of whether the guardian is male or female):

- (1) The duty not to engage in any conduct or action contrary to public order and UAE law.
- (2) The guardian is not allowed to lend or donate the minor’s money or the property of the minor. In the event this disposal occurs, the disposal shall be void and impose liabilities and guarantees.

¹The Court may wish to vary this order with reference to the Will and the WPR Rules which may be amended from time to time.

² The Court may wish to vary this order with reference to the Will and the WPR Rules which may be amended from time to time.

- (3) The guardian shall not be entitled to dispose of the minor's immovable property without the DIFC Courts' permission, whether a disposal that transfers titles or creates a right in rem.
- (4) The guardian shall not be allowed, without the DIFC Courts' permission, to lease immovable property of the minor for a period extending beyond the minor reaching the age of majority.
- (5) The guardian shall draft and maintain an inventory of the minor's assets and produce the inventory to the relevant Courts and authorities, upon request.
- (6) All further decisions on Guardianship, including stripping someone of his Guardianship or determining its termination, shall be taken by the DIFC Courts.

DATED [date]

[signed and sealed]

Form 02

ORDER CONFIRMING INTERIM GUARDIANSHIP

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS hereinafter referred to as
“DIFC Courts”

IN THE COURT OF FIRST INSTANCE

DIFC Wills and Probate Registry

BE IT KNOWN that A.B. [Name and surname].

of [address]

deceased on [date]

domiciled in [domicile]

AND BE IT FURTHER KNOWN that the last Will of the deceased was proved and registered in the Dubai International Financial Centre Wills and Probate Registry.

IN THE matter of [name of child]

UPON the Application of [NAME OF INTERIM GUARDIAN] by Notice dated []

AND UPON PRODUCTION of the death certificate dated [...] of the [name of testator] and any other such documents as required by the DIFC Wills and Probate Registry,

AND UPON the production of the will of [name of testator] dated **

IT IS declared that [name of Guardian] having passport Number [...] is the Interim Guardian of [name of child] having passport Number [...] and that he/she has all the rights, duties, powers, responsibilities and authority which under the law of the UAE a custodian has in relation to the child and his property, and is defined as ‘Interim Guardianship’.

(a) It is acknowledged that the interim guardian is of legal age and has declared him/herself capable of undertaking the interim guardianship requirements.

(b) “Interim Guardianship” means all the rights, duties, powers, responsibilities and authority the laws of the UAE grants a custodian of a minor (irrespective of whether the custodian is male or

female) in relation to the minor and his property and does not include the right to remove the child from the UAE.

(c) Interim Guardianship of the minor provides the following rights to the interim guardian (irrespective of whether the interim guardian is male or female):

(1) Care for all of the minor's day-to-day affairs including: supervising, guarding, protecting, raising, educating; directing his life and raising him in good standards. This includes representation of the minor in front of all Dubai and UAE authorities and the right of signature on behalf of the minor.

(2) Safekeeping the minor's birth certificate, ID, passport and all other relevant documents relating to the minor.

(3) The interim guardian shall have the right, with the DIFC Court's permission, to disburse from the minor's money to the extent allowed by the testator through the will.

(4) The interim guardian shall have the right, with the expressed DIFC Court's permission, to remove the child from the DIFC and the UAE.

(d) Interim Guardianship of the minor provides the following duties to the interim guardian (irrespective of whether the interim guardian is male or female):

(1) Duty not to engage in any conduct or action which would be contrary to public order and UAE law.

(2) The interim guardian shall draft and maintain an inventory of the minor's assets and produce this inventory to the relevant Courts and authorities, upon request.

(3) The Interim Guardianship is limited in time and scope, and will only be valid pending court proceedings to determine the permanent guardian of the minor.

(4) All further decisions on guardianship, including stripping someone of his Interim Guardianship or determining its termination, shall be taken by the DIFC Courts.

C.D. [Name and surname] of [address]

and E.F. [Name and surname] of [address]

DATED [date]

[signed and sealed]