

# INSTRUCTIONS TO RESPOND TO PETITION FOR APPOINTMENT OF GUARDIAN OF A MINOR

These standard instructions are for informational purposes only and are not meant to be legal advice about your specific case. If you choose to represent yourself, you are bound by the same procedures and rules as a lawyer.

Use these Instructions **ONLY** when you have been named as the Respondent/Defendant in a Petition for Guardianship.

## GENERAL INFORMATION

1. The Court requires proof that you received the *Petition for Appointment of Guardian of a Minor* and a *Summons*. A Sheriff will have to personally serve you with the *Petition* and *Summons* unless the Petitioner gives you file-stamped copies of the papers and you sign an *Acknowledgment and Acceptance of Service* form. You must sign the *Acknowledgment* form in the presence of a notary.
2. If you and the Petitioner(s) already agree about how you want the guardianship arrangement to be handled, you may complete and sign a *Parental Consent to Appointment of Guardian of Minor* form. This form must be signed in the presence of a Notarial Officer (notary public).
3. If you do not agree to the Petitioner(s) having guardianship of your child, then it is **very important that you file an *Answer to Petition for Appointment of Guardian of a Minor with the court***, as described below. Generally, if you were served within the State of Wyoming, you will have 20 days after you are served with the Petition for Appointment of Guardian of a Minor to file your Answer. If you were served outside the State of Wyoming, you generally will have 30 days to file an Answer. On the same day that you file the Answer with the District Court Clerk, you must send a copy of that Answer to the Petitioner, who is the person that is asking to be named the child's guardian. If that person has a lawyer, you would send the Answer to his or her lawyer, instead.
4. It is **also very important that you appear for the court hearing**. Make sure that the Court and the Petitioner(s) have your current address and telephone number.
5. You can read **Common Questions about Guardianship for a Minor** at <http://www.legalhelpwy.org/index.php/get-legal-help/self-help-2/family-law/guardianships/guardianship-of-a-minor-child/common-questions/> . This may help you to better understand the Guardianship process.

## COMMON TERMS

1. The “Petitioner” is the person who filed the Petition for Appointment of Guardian of a Minor.
2. The “Respondent” is the person answering the Petition (that would be you).
3. “Guardian” means a person who has been appointed by the court to exercise the powers granted by the court. The term includes a plenary (full), limited, emergency and standby guardian, but does not include a Guardian Ad Litem.
4. "Minor" means a child under the age of 18. There is an instance where a child under age 18 is not considered a minor, and that would be if he or she had been emancipated, but if that were the case, then there would be no need for a guardian.
5. “Ward” means the minor child or children for whom a guardian is being requested.

## FORMS

Check with the District Court Clerk where the Petitioner filed the case to determine if that court has any special requirements. You can find a directory of the District Courts at:

<https://www.courts.state.wy.us/district-courts/district-court-locations/>.

## STEPS FOR ANSWERING OR RESPONDING TO THE PETITION

### Step 1: Complete the Answer form.

If you have been served with the Petition, or have signed an Acknowledgement and Acceptance of Service form, you should file an *Answer to Petition for Appointment of Guardian of a Minor* with the District Court Clerk where the Petition was filed. Your Answer is simply telling (in writing) the Judge what you object to and why, and that you do not want a guardian appointed for the minor child(ren). If you fail to file your Answer, an Order may be entered and the Petitioner may receive the relief he or she asked for in the Petition for Appointment of Guardian of a Minor.

- **Answer to Petition for Appointment of Guardian of a Minor:**

- ✓ Go through each numbered paragraph in the first section of the Petition for Appointment of Guardian of a Minor and decide whether you agree (admit), do not agree (deny), or do not have enough information to agree or not agree. The paragraphs you must respond to are usually found before you see the word “WHEREFORE.”

- ✓ Respond to Paragraph 1: Enter the number of each paragraph you admit to. (Example: 1 and 3)
- ✓ Respond to Paragraph 2: Enter the number of each paragraph you deny. (Example: 1, 2, and 3)
- ✓ Respond to Paragraph 3: Enter the number of each paragraph you cannot answer. (Example: 3)
- ✓ Sign the Answer.
- ✓ Complete the Certificate of Service section of the Answer on the same day you file the Answer with the District Court Clerk. (See Step 2.)
- ✓ Make at least two copies after completing and signing the form (one for yourself and one for the Petitioner). The original will be filed with the District Court Clerk. (See Step 2.)

**Step 2: File Your Papers with the Court and send a copy to the Petitioner.**

You must complete all of the following steps **in a single day**:

1. Fill out and sign the Certificate of Service section on the last page of the Answer.
2. File the completed and signed original Answer with the District Court Clerk, but be sure to make at least two copies of the Answer (one for yourself and one to send to the Petitioner) before you file the document.
3. Hand deliver, fax, or use first class mail to send a copy of the Answer to the Petitioner. If the Petitioner has a lawyer, you would send the Answer to his or her lawyer instead.

**Step 3: Complete your *Pretrial Disclosures* Form (if you plan to use witnesses or evidence).**

Prior to the hearing, the judge may order that you send a list of your witnesses and other evidence to the court and opposing party a certain number of days before the hearing or by a specific date. If you do not follow these instructions, the judge may not allow you to use your witnesses or other evidence. You can use the *Pretrial Disclosures* form to prepare your witness and evidence lists for the other parties. You will file this form with the District Court Clerk and send a copy to the Petitioner in the same manner as you did in Step 2 above. You do not have to file the Pretrial Disclosure form and the Answer at the same time, but you must file it at least 30 days before the first hearing, or by the date specified by the judge.

- **Pretrial Disclosures form**

- ✓ Fill in the information at the top of the first page. The names, case number and court information should match the information on the Petition for Appointment of Guardian of a Minor.
  - ✓ Enter the names and contact information for any witnesses in the first table on page 4.
  - ✓ For each witness, check whether you expect to use them or if you will only use them if necessary.
  - ✓ In the second table, enter a name for each piece of evidence (“Document or Exhibit”) you might want to show the court. Example: “Exhibit A: Ward’s Medical Records.”
  - ✓ Enter a short description (“Summary of Evidence”) for each piece of evidence. Example: “These medical records describe the child’s special care needs.”
  - ✓ For each piece of evidence, check whether you expect to use it or if you will only use it if necessary.
  - ✓ Sign the Pretrial Disclosures form.
  - ✓ Complete the Certificate of Service section on the same day you file the document.
1. Make at least two copies of the completed form (one for yourself and one for the Petitioner). Hand deliver, fax, or use first class mail to send a copy of the Pretrial Disclosures form to the Petitioner. If the Petitioner has a lawyer, you would send the form to his or her lawyer instead.

**Step 4: Go to the Hearing.**

You and the Petitioner must appear at the hearing. This is very important. If you do not appear at the hearing, the Court will most likely allow the Petitioner to become the guardian of your child.

1. There is a chance that the Court will send you a letter before the court date. If you receive this, make sure to follow the instructions exactly.
2. It is the duty of the Petitioner to present evidence showing that you, as the parent/respondent are aware of the proceedings and that you agree to the Guardianship. If you do not agree or consent to the Guardianship, the Petitioner must present evidence showing that you, as the parent, are either unwilling or unable to take care of your child, and the Court must find that you are unfit as a parent. Be prepared to offer evidence such as witnesses (family, friends, teachers, medical providers) showing that you have provided for your children and are a fit parent.

3. If the Court appoints a Guardian, the Court will issue Letters of Guardianship as a formal notice of the appointment and will provide you with a copy of the Order Appointing Guardian for Minor.
4. If the Court awards Guardianship to the Petitioner, this does not mean that you do not have any more rights to your child. You can ask for visitation with the child(ren). And if your circumstances change, so that you believe you are in a better position to have your child(ren) back, then you may file a Motion to Terminate Guardianship and request another hearing. At this hearing, you will want to put on evidence (witnesses, documentation) that you are able to provide a stable life for your child, and show what you have done differently since the last hearing.