

# INSTRUCTIONS TO RESPOND TO MOTION TO TERMINATE GUARDIANSHIP – MINOR CHILD

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 served with a Motion to Terminate Guardianship regarding a child for whom you are Guardian. A Motion to Terminate Guardianship is a request for the court to end your appointment as Guardian.

## GENERAL INFORMATION

1. The Court requires proof that you received the *Motion to Terminate Guardianship* and a *Summons*. A Sheriff will have to personally serve you with the *Motion* and *Summons* unless the Movant 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 think that your appointment as Guardian should continue, then it is **very important that you file an *Answer to Motion to Terminate Guardianship* 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 Motion to Terminate Guardianship 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 Movant, who is the person requesting the court to end your appointment as Guardian. If that person has a lawyer, you would send the Answer to his or her lawyer, instead.
3. It is **also very important that you appear for the court hearing**. Make sure that the Court and the Movant have your current address and telephone number.
4. 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 “Movant” is the person who filed the Motion to Terminate Guardianship. It is the person who wants your appointment as Guardian to end.

2. The “Respondent” (you) is the person who responds to the Motion.
3. “Guardian” means a person who has been appointed by the court to care for and make decisions on behalf of the minor.
4. "Minor" means a child under the age of 18.
5. “Ward” means the child or children for whom you are Guardian.

## **FORMS**

Check with the District Court Clerk where the Movant 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 MOTION**

### **Step 1: Complete the Answer to Motion to Terminate Guardianship form.**

If you have been served with Motion, or have signed an Acknowledgement and Acceptance of Service form, you should file an *Answer to Motion to Terminate Guardianship* with the District Court Clerk where the Motion was filed. Your Answer is simply telling (in writing) the Judge what you object to and why, and that you do not want the guardianship to be terminated. If you fail to file your Answer, an Order may be entered and the Movant may receive the relief he or she asked for in the Motion to Terminate Guardianship.

- **Answer the Motion to Terminate Guardianship:**
  - ✓ Go through each numbered paragraph in the first section of the Motion to Terminate Guardianship 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 (one for yourself and one for the Movant) after completing and signing the form. The original will be filed with the District Court Clerk (Step 2).

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

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 Movant) before you file the document.
3. Hand deliver, fax, or use first class mail to send a copy of the Answer to the Movant. If the Movant 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 at the hearing).**

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 Movant 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 Motion to Terminate Guardianship.
- ✓ 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 Movant). Hand deliver, fax, or use first class mail to send a copy of the Pretrial Disclosures to the Movant. If the Movant has a lawyer, you would send the Pretrial Disclosures to his or her lawyer instead.

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

You and the Movant must both appear at the hearing. This is very important. If you do not appear at the hearing, the Court will most likely terminate your appointment as Guardian.

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. To terminate your appointment as Guardian, the Movant must show that the child no longer needs a guardian or that a change of guardianship would be in the child’s best interest. For example, the child’s parents might argue that they are now willing and capable of caring for the child. See W.S. 3-3-1101 for more details.
3. To defend your appointment as Guardian, you should present evidence that the child still needs a guardian and that your role as Guardian is still in the child’s best interest. Be prepared to offer evidence such as witnesses (family, friends, teachers, medical providers) and documents (medical records, police records, school records) that show the child still needs you to care for them.