

Packet 17

Termination of Guardianship – Minor

Forms and Procedures

For Wyoming

RESPONDENT

Published by  
Wyoming Supreme Court  
2301 Capitol Avenue  
Supreme Court Building  
Cheyenne, WY 82002

**LIST OF FORMS – PACKET 17**  
**TERMINATION OF GUARDIANSHIP – RESPONDENT**

1. List of Forms - Respondent
2. Information and Instructions for Response to Termination of Guardianship
3. Acknowledgement and Acceptance of Service
4. Answer to Motion to Terminate Guardianship
5. Pretrial Disclosures
6. Request for Setting
7. Order Setting Hearing

\* Other forms may be required by your Court.

# 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.

STATE OF WYOMING )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

IN THE DISTRICT COURT  
\_\_\_\_ JUDICIAL DISTRICT

IN THE MATTER OF THE )  
GUARDIANSHIP OF )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
Minor child(ren). )

Probate No. \_\_\_\_\_

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**ACKNOWLEDGEMENT AND ACCEPTANCE OF SERVICE**

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I, (Print Respondent's Name) \_\_\_\_\_, hereby acknowledge receipt of a copy of the *Summons* and *Motion to Terminate Guardianship* filed in this case. In accepting service of process, I retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the *Summons* or in the service of the *Summons*. I understand that I must answer or otherwise plead within 20 days from this date (30 days if copies of the papers were received outside of Wyoming) and that if I fail to file an answer or other pleadings with the Clerk of this Court and serve the same upon the Movant in accordance with the Wyoming Rules of Civil Procedure within the time limits stated, I will be in default and Movant may be afforded the relief demanded in the *Motion to Terminate Guardianship* without a trial or other hearing.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Respondent's Signature)

Respondent's Phone Number: \_\_\_\_\_

Respondent's Address: \_\_\_\_\_

Respondent's City/State/Zip Code: \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notarial Officer

My Commission Expires:

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on each of the following:

*Must be sent to every party to the case or their attorney if represented. Print the other party's or other party's attorney's **Name** and **Address**. You must indicate **Method of Service**.*

Other Party/Other Party's Attorney's Name and Address	Method of Service
	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Faxed to this number: _____ <input type="checkbox"/> Placed in United States Mail
	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Faxed to this number: _____ <input type="checkbox"/> Placed in United States Mail
	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Faxed to this number: _____ <input type="checkbox"/> Placed in United States Mail
	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Faxed to this number: _____ <input type="checkbox"/> Placed in United States Mail

\_\_\_\_\_  
Your signature

\_\_\_\_\_  
Print name



STATE OF WYOMING )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

IN THE DISTRICT COURT  
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\_\_\_\_\_) )  
Minor child(ren). )

Probate No. \_\_\_\_\_

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**ANSWER TO MOTION TO TERMINATE GUARDIANSHIP (MINOR)**

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The Respondent sets forth the following as the answers and responses to the *Motion to Terminate Guardianship* (“Motion”):

1. Respondent admits the allegations in Paragraphs \_\_\_\_\_  
(list paragraphs that you believe are accurate)  
of the *Motion*.
2. Respondent denies the allegations in Paragraphs \_\_\_\_\_  
(list paragraphs that you believe are not accurate)  
of the *Motion*.
3. Respondent does not have information sufficient to either admit or deny the  
allegations in Paragraphs \_\_\_\_\_ of the *Motion*.  
(list paragraphs)

**WHEREFORE**, Respondent respectfully requests that the court find in favor of Respondent, that the *Motion to Terminate Guardianship* be denied and for such other relief as the court deems proper.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Signature of Respondent)

\_\_\_\_\_  
(Printed Name of Respondent)

\_\_\_\_\_  
(Phone Number)

\_\_\_\_\_  
(Address – to receive mailings)

\_\_\_\_\_  
(City, State, Zip)

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date) the original of this ANSWER TO MOTION TO TERMINATE GUARDIANSHIP was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by  Hand Delivery OR  Faxed to this number \_\_\_\_\_ OR  by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Print name and address of other party)

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Your signature

\_\_\_\_\_  
Print Name

STATE OF WYOMING )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

IN THE DISTRICT COURT  
\_\_\_\_ JUDICIAL DISTRICT

IN THE MATTER OF THE )  
GUARDIANSHIP OF )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
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\_\_\_\_\_) )  
Minor child(ren). )

Probate No. \_\_\_\_\_

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### PRETRIAL DISCLOSURES

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**NOTE:** Unless otherwise directed by the court, these disclosures must be made **at least 30 days before trial**. Within 14 days thereafter, unless a different time is specified by the court, a party may serve **and promptly file with the Clerk of District Court** a list disclosing (i) any objections to the use under Rule 32 (a) of a deposition designated by another party under Rule 26(a)(3)(B), and (ii) any objection, together with the grounds therefore, that may be made to the admissibility of materials identified under Rule 26(a)(3)(C). Objections not so disclosed, other than objections under Rules 402 and 403 of the Wyoming Rules of Evidence, are waived unless excused by the court for good cause.

Petitioner, \_\_\_\_\_ (print name), OR  Respondent, \_\_\_\_\_ (print name), submits the following pretrial disclosures, pursuant to Wyoming Rule of Civil Procedure 26(a)(3), required in pretrial proceedings. This information must be made available to the opposing party or the opposing party's counsel and the Court at least thirty (30) days before the trial.

A. The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.

B. The designation of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically (i.e. by a court reporter), a transcript of the pertinent portions of the deposition testimony.

C. An appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises.

**NOTE: *Supplementation of disclosures and responses.*** Wyoming Rules of Civil Procedure 26(e)(1) states that: A party who has made a disclosure or responded to a request for discovery with a disclosure or response is under a duty to supplement or correct the disclosure or response to include information thereafter acquired, if ordered by the court or in the following circumstances:

A party is under a duty to supplement at appropriate intervals, its disclosures if the party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature \_\_\_\_\_

Printed name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Phone Number: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on each of the following:

Must be sent to every party to the case or their attorney if represented. Print the other party's or other party's attorney's **Name** and **Address**. You must indicate **Method of Service**.

Other Party/Other Party's Attorney's Name and Address	Method of Service
	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Faxed to this number: _____ <input type="checkbox"/> Placed in United States Mail
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	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Faxed to this number: _____ <input type="checkbox"/> Placed in United States Mail

\_\_\_\_\_  
Your signature

\_\_\_\_\_  
Print name

(check one)



Name of Witness	Address and Telephone Number	Expect to call witness to testify	<i>May</i> call witness to testify if the need arises

Additional sheets of paper are attached if needed

(check one)



Document or Exhibit	Summary of Evidence	Expect to offer	<i>May</i> offer if the need arises

Additional sheets of paper are attached if needed

STATE OF WYOMING )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

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Minor child(ren). )

Probate No. \_\_\_\_\_

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### REQUEST FOR SETTING

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\_\_\_\_\_ (name),  Movant  Respondent,  
respectfully requests a time and date for a hearing/trial of the above-captioned matter on the  
*Motion to Terminate Guardianship*, or on the \_\_\_\_\_  
\_\_\_\_\_. Time requested for the hearing/trial: Hours \_\_\_\_\_ Minutes \_\_\_\_\_.

**Notice:** Any party requesting the reporting of a particular matter by the official court reporter shall make a request to the appropriate official court reporter as soon as possible, but no later than **three (3) working days** before the matter is set for hearing. You can provide notice to the court reporter by phone or by submitting a written request. Please note that if providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the hearing. The Clerk of District Court will be able to inform you which court reporter to contact. The three-day notice requirement will not be waived by the Court. The notice is required for all civil matters including jury trials. If a hearing is not recorded by an official court reporter, a transcript of the hearing will not be available. It is very difficult to appeal the Judge's decision if you do not have a transcript of everything that is said at the trial. Rule 904 of the Uniform Rules of the District Courts of the State of Wyoming.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature  
Phone Number: \_\_\_\_\_  
Address: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on each of the following:

*Must be sent to every party to the case or their attorney if represented. Print the other party's or other party's attorney's **Name** and **Address**. You must indicate **Method of Service**.*

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\_\_\_\_\_  
Your signature

\_\_\_\_\_  
Print name



STATE OF WYOMING )  
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Minor child(ren). )

Probate No. \_\_\_\_\_

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**ORDER SETTING HEARING**

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THIS MATTER, having come before the Court on a Request for Setting; and the Court having considered the same and being otherwise fully advised, hereby finds said matter should be set for a hearing.

IT IS THEREFORE ORDERED, that a hearing on the *Motion for Termination of Guardianship* (or other items indicated in the Request for Setting) is hereby scheduled for Courtroom No. \_\_\_\_\_ of the \_\_\_\_\_ County Courthouse, located at \_\_\_\_\_, Wyoming on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, commencing at \_\_ : \_\_ o'clock \_\_.M., (\_\_\_\_\_) minutes/hour(s)/day(s) have been set aside for the trial of this matter. There will be no continuances or canceling of the hearing date based on telephone calls.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DISTRICT COURT JUDGE

Copies sent to:

Movant/Movant's Attorney's Name and Address

\_\_\_\_\_  
\_\_\_\_\_

Respondent/Respondent's Attorney's Name and Address

\_\_\_\_\_  
\_\_\_\_\_