

HOUSE BILL NO. HB0349

Temporary guardianship for children.

Sponsored by: Representative(s) Simpson and Martin

A BILL

for

1 AN ACT relating to temporary guardianship; providing for
2 temporary guardianship of minors for educational, medical
3 care and dental care purposes; providing definitions;
4 providing for ex parte orders; providing for notice;
5 providing a conforming amendment; and providing for an
6 effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 3-2-301 through 3-2-303 are created
11 to read:

12

13

ARTICLE 3

14

TEMPORARY GUARDIANSHIP FOR EDUCATIONAL,

15

MEDICAL CARE AND DENTAL CARE PURPOSES

16

17

3-2-301. Definitions.

1

2 (a) As used in this article:

3

4 (i) "Caregiver" means a person, other than a
5 natural parent or legal guardian, who is at least eighteen
6 (18) years of age and is the primary physical custodian and
7 a relative of a minor child;

8

9 (ii) "Child" means a person under eighteen (18)
10 years of age who is in the primary physical custody of a
11 caregiver;

12

13 (iii) "Relative" or "related" means the
14 relationship of parent, stepparent, grandparent, great-
15 grandparent, sibling, stepsibling, half sibling, uncle or
16 aunt.

17

18 **3-2-302. Appointment of temporary guardian for**
19 **educational, medical care and dental care purposes.**

20

21 (a) A caregiver of a child may petition for
22 appointment as a temporary guardian of a child for
23 educational, medical care and dental care purposes. The
24 petition shall be verified by affidavit setting forth:

1

2 (i) The petitioner's full name, place of
3 residence, the length of time he has been a resident of the
4 county in which the petition is filed and his Wyoming
5 driver's license or identification card number;

6

7 (ii) The qualifications of the proposed guardian
8 as a fit and proper person to serve as guardian;

9

10 (iii) The name, birth date and place of birth of
11 the child;

12

13 (iv) The physical address of the child for the
14 previous one (1) year preceding the filing of the petition,
15 if known;

16

17 (v) The full names of the child's natural
18 parents;

19

20 (vi) The last known addresses of the child's
21 natural parents;

22

23 (vii) The name and address of the person or
24 facility having the care, custody or control of the child;

1

2 (viii) A concise statement of the reason for the
3 desired temporary guardianship for educational, medical
4 care and dental care purposes;

5

6 (ix) The facts showing the best interest of the
7 child requires the appointment of a guardian for
8 educational, medical care and dental care purposes in this
9 state; and

10

11 (x) A concise statement setting forth the
12 attempts made by the petitioner and whether the petitioner
13 has been able to contact the natural parents or other
14 person having legal custody of the child to advise them of
15 the petitioner's intent to enroll the child in school, to
16 authorize medical or dental care or seek a temporary
17 guardianship for educational, medical care and dental care
18 purposes.

19

20 (b) A temporary guardian for educational, medical
21 care and dental care purposes may be appointed through an
22 ex parte temporary guardianship order without notice to the
23 child's natural parents if the court finds by a
24 preponderance of the evidence from the petition and

1 testimony, if any testimony is deemed necessary by the
2 court, that temporary guardianship is in the best interest
3 of the child and not detrimental to the interests of any
4 other person and that no other person appears to have
5 authority and willingness to act in the circumstances. The
6 court shall cause the ex parte temporary guardianship
7 order, together with notice of right to a hearing, to be
8 served on the natural parents of the child pursuant to Rule
9 4 of the Wyoming Rules of Civil Procedure.

10

11 (c) The notice of right to a hearing shall clearly
12 inform the child's natural parents that a temporary
13 guardianship for educational, medical care and dental care
14 purposes has been granted to the petitioner and that the
15 natural parents, individually or jointly, have the right to
16 request a full hearing on the temporary guardianship by
17 filing a written request for hearing with the court. A
18 request for full hearing by a natural parent shall be filed
19 with the court and shall be served on the temporary
20 guardian pursuant to Rule 4 of the Wyoming Rules of Civil
21 Procedure. Upon receipt of a request for hearing, the
22 court shall set the full hearing at its earliest
23 convenience.

24

1 (d) Except upon a showing of good cause, an ex parte
2 order appointing a temporary guardian of a child for
3 educational, medical care and dental care purposes shall be
4 limited to not more than one (1) year.

5

6 **3-2-303. Notice to court.**

7

8 If a child subject to an ex parte order appointing a
9 temporary guardian of a child for educational, medical care
10 and dental care purposes is no longer living in the primary
11 physical custody of the caregiver, the caregiver shall
12 within three (3) business days notify the court in writing
13 of the circumstances regarding the change in the primary
14 physical custody and the court may make any order it deems
15 appropriate.

16

17 **Section 2.** W.S. 3-2-106(a) is amended to read:

18

19 **3-2-106. Appointment of a temporary or emergency**
20 **guardian.**

21

22 (a) Upon the filing of a petition for a temporary
23 guardian other than a petition for temporary guardianship
24 for educational, medical care and dental care purposes

1 pursuant to W.S. 3-2-301 through 3-2-303 and after a
2 hearing the court may appoint a temporary guardian subject
3 to any notice and conditions the court prescribes.

4

5 **Section 3.** This act is effective July 1, 2005.

6

7

(END)