

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.

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

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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

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17 **3-2-301. Definitions.**

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2 (a) As used in this article:

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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;

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

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

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

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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:

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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;

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7 (ii) The name, birth date and place of birth of
8 the child;

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10 (iii) The physical address of the child for the
11 previous one (1) year preceding the filing of the petition,
12 if known;

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14 (iv) The full names of the child's natural
15 parents;

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17 (v) The last known addresses of the child's
18 natural parents;

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20 (vi) A concise statement of the reason for the
21 desired temporary guardianship for educational, medical
22 care and dental care purposes; and

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1 (vii) A concise statement setting forth the
2 attempts made by the petitioner and whether the petitioner
3 has been able to contact the natural parents to advise them
4 of the petitioner's intent to enroll the child in school,
5 to authorize medical or dental care or seek a temporary
6 guardianship for educational, medical care and dental care
7 purposes.

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9 (b) A temporary guardian for educational, medical
10 care and dental care purposes may be appointed through an
11 ex parte temporary guardianship order without notice to the
12 child's natural parents if the court finds by a
13 preponderance of the evidence from the petition and
14 testimony, if any testimony is deemed necessary by the
15 court, that temporary guardianship is in the best interest
16 of the child and not detrimental to the interests of any
17 other person and that no other person appears to have
18 authority and willingness to act in the circumstances. The
19 court shall cause the ex parte temporary guardianship
20 order, together with notice of right to a hearing, to be
21 served on the natural parents of the child at their last
22 known address, if any, by certified mail, return receipt
23 requested.

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1 (c) The notice of right to a hearing shall clearly
2 inform the child's natural parents that a temporary
3 guardianship for educational, medical care and dental care
4 purposes has been granted to the petitioner and that the
5 natural parents, individually or jointly, have the right to
6 request a full hearing on the temporary guardianship by
7 filing a written request for hearing with the court. A
8 request for full hearing by a natural parent shall be filed
9 with the court and shall be sent by the natural parent via
10 certified mail to the temporary guardian. Upon receipt of
11 a request for hearing, the court shall set the full hearing
12 at its earliest convenience.

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

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19 **3-2-303. Notice to court.**

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21 If a child subject to an ex parte order appointing a
22 temporary guardian of a child for educational, medical care
23 and dental care purposes stops living with the caregiver,
24 the caregiver shall within three (3) business days notify

1 the court in writing of the circumstances regarding the
2 change in living arrangements and the court may make any
3 order it deems appropriate.

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

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7 **3-2-106. Appointment of a temporary or emergency**
8 **guardian.**

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10 (a) Upon the filing of a petition for a temporary
11 guardian other than a petition for temporary guardianship
12 for educational, medical care and dental care purposes
13 pursuant to W.S. 3-2-301 through 3-2-303 and after a
14 hearing the court may appoint a temporary guardian subject
15 to any notice and conditions the court prescribes.

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

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19 (END)