

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Guardianship terminations and orders.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to guardianships; providing for the
2 termination of guardianships as specified; authorizing court
3 orders related to the termination of guardianships as
4 specified; making conforming amendments; specifying
5 applicability; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 3-3-1107 is created to read:

10

11 **3-3-1107. Termination of guardianships; factors to**
12 **consider; orders; appointment of guardian ad litem.**

13

1 (a) Upon the filing of a petition for termination of a
2 guardianship by a parent, the court shall consider the best
3 interests of the child. In determining the best interests of
4 the child, the court shall consider, but is not limited to,
5 the following factors:

6

7 (i) The relative competency and fitness of the
8 parent;

9

10 (ii) The current physical and mental ability of the
11 parent and the guardian to care for the child;

12

13 (iii) The facts and circumstances of any parental
14 absence leading to the guardianship;

15

16 (iv) The amount of involvement the parent had with
17 the child during the guardianship;

18

19 (v) The length of time the child has resided with
20 the guardian, and the extent to which a close and substantial
21 relationship has been established between the child and the
22 guardian. For purposes of this paragraph, "close and
23 substantial relationship" means a relationship where the

1 guardian and child have formed an emotional bond and created
2 a parent-child type relationship;

3

4 (vi) The quality of the relationship the child has
5 with both the parent and the guardian;

6

7 (vii) The ability of the parent and the guardian to
8 meet the child's physical, emotional, developmental,
9 educational and special needs;

10

11 (viii) The ability of the parent and guardian to
12 provide adequate care for the child, including arranging for
13 the child's care by others as needed;

14

15 (ix) The parent's and guardian's willingness to
16 accept all responsibilities of parenting;

17

18 (x) How the child interacts and communicates with
19 the parent and the guardian;

20

21 (xi) The need for stability and continuity in the
22 child's education, family life and community life;

23

1 (xii) Geographic distance between the guardian's
2 residence and the parent's residence;

3

4 (xiii) The well-reasoned preference of the child,
5 based on the child's age, experience, maturity and judgment;

6

7 (xiv) Any other factor the court deems necessary
8 and relevant.

9

10 (b) The court may consider the factors in subsection (a)
11 of this section without first making a finding of parental
12 fitness or a finding that the guardianship is no longer
13 necessary.

14

15 (c) The court may enter any order necessary to facilitate
16 or modify any termination of a guardianship that is in the
17 child's best interests, including:

18

19 (i) Establishing an integration plan for the
20 child's return to the parent upon the termination of the
21 guardianship, including a graduated visitation schedule for
22 the parent;

23

1 (ii) Granting the guardian visitation rights;

2

3 (iii) Requiring the child's parent to attend a
4 parenting class or other appropriate education or treatment
5 designed to address problems that contributed to the
6 necessity for a guardianship and to pay all or part of the
7 cost of the class, education or treatment in accordance with
8 the court's determination of the parent's ability to pay.

9

10 (d) Upon the filing of a petition for termination of a
11 guardianship the court may appoint a guardian ad litem in
12 accordance with the Wyoming Rules of Civil Procedure to
13 exercise and represent the child's rights in the termination
14 proceeding.

15

16 (e) After a petition for termination is filed, all
17 proceedings are governed by the Wyoming Rules of Civil
18 Procedure and the Wyoming Rules of Evidence.

19

20 **Section 2.** W.S. 3-3-1101(a)(v) and 3-3-1105(b) and by
21 creating a new subsection (c) are amended to read:

22

23 **3-3-1101. Cause for termination.**

1

2 (a) A guardianship shall cease, and a conservatorship
3 shall terminate, upon the occurrence of any of the following
4 circumstances:

5

6 (v) Upon determination by the court that the
7 conservatorship or guardianship is no longer necessary for
8 any other reason and, for a guardianship, after the court
9 considers the factors listed in W.S. 3-3-1107(a).

10

11 **3-3-1105. Petition to terminate.**

12

13 (b) If any petition for termination of guardianship or
14 conservatorship is denied, no other petition for termination
15 may be filed by the ward until six (6) months have elapsed
16 since the denial of the former petition.

17

18 (c) A guardianship may be modified or terminated at any
19 time upon the petition of any party to the petition for a
20 guardianship.

21

1 **Section 3.** This act shall apply to petitions to terminate
2 guardianships filed on or after the effective date of this
3 act.

4

5 **Section 4.** This act is effective July 1, 2019.

6

7

(END)