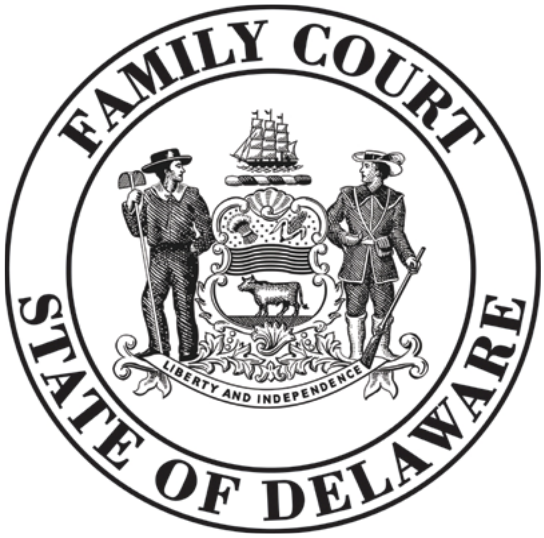
ANSWER TO GUARDIANSHIP INSTRUCTION PACKET



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ANSWER TO
GUARDIANSHIP INSTRUCTION PACKET

Use the **Answer to Petition for Guardianship Packet** **ONLY** when:

- ❑ You have been named as the Respondent in a Petition for Guardianship.

If you and the Petitioner(s) already agree about how you want the guardianship arrangement to be handled, you may file a **Consent Order** (located in the forms packet). To file a Consent Order, you and the Petitioner write down how you want the guardianship arrangement to work and a Judicial Officer will sign your agreement and make it an order of the Court. To obtain a Consent Order, you or the Petitioner must have filed all of the following forms. Each form is described in detail in the **Guardianship Instruction Packet** on the page number listed in parenthesis after it. You must file the **Petition for Guardianship** (page 9), the **Custody Separate Statement** (page 13), the **Information Sheet** (page 13) and the **Consent Order-Guardian of the Person** (page 14).

To make this Instruction Packet easier to read, it will explain Guardianship as if the Petitioner wanted to file for Guardianship of one child. If the Petitioner would like to have Guardianship of more than one child and all of the children have the same Mother **AND** the same Father, the Petitioner may file for Guardianship of all the children on the same petition. Please note that if the children have different fathers or mothers, the Petitioner must file for Guardianship on separate petitions. For example, if two of the children have one father and one of the children has a different father, the Petitioner would be required to file two petitions, one for each father.

HOW TO USE THE PACKET

This packet contains general information about the process of filing an Answer to a Petition for Guardianship, basic instructions on how to complete the Court forms you must file, and samples of the completed Court forms.

You should read the instructions and sample forms carefully **before** filling out any forms. **ONLY FILE THE BLANK FORMS INCLUDED IN THE FORMS PACKET.** The sample forms included in this Instruction Packet are simply to help you understand how to fill out the real forms in the Forms Packet.

YOU DO NOT HAVE TO COMPLETE ALL THE SECTIONS AT ONCE. For example, you do not have to file the forms in Section 2 at the same time as the forms in Section 1. Read the information carefully to ensure you know what you are supposed to do and when.

Please look for the shaded written instructions and the following symbols throughout the packet. They will help guide you.

READ THIS SECTION CAREFULLY

THIS DOCUMENT MUST BE FILED

FILL IN THE BLANKS OR WRITE INFORMATION HERE

YOU DO NOT HAVE TO TAKE THESE STEPS NOW.

TIPS AND REMINDERS …

- ✓ Make sure to read any **Answers to Frequently Asked Questions** on Guardianship. They will help you to better understand the Guardianship process.

- ✓ Remember who is the Petitioner and who is the Respondent.
  - ➢ The **PETITIONER** is the person who filed the Petition for Guardianship.
  - ➢ The **RESPONDENT** is the person replying (responding) to the Petition, in other words, you.

- ✓ Remember that just because you fill out the forms correctly does not necessarily mean the Court will give you (grant) what you want. It is up to *you* at the court hearing to prove why the Court should give you what you want.

- ✓ Representing yourself may take a lot of time, may be difficult and may be confusing. The Court will expect you to follow the same rules that attorneys must follow. **If at any point throughout the Court process you are not sure about representing yourself, you should talk to an attorney.**

- ✓ Please remember that **COURT STAFF CANNOT GIVE YOU LEGAL ADVICE.** Should you have a question about what options you have or what you should do, you should talk to an attorney. Just because you talk to an attorney does not necessarily mean that you must hire that attorney to represent you. Ask the attorney if he/she is willing to meet with you and answer your questions without having to hire that attorney for full representation. Before you meet with the attorney, ask what fees may be involved for such limited services.

- ✓ If you would like assistance in finding an attorney, you can call the **Lawyer Referral Service** in New Castle County, 302-478-8850, and in Kent and Sussex Counties, 1-888-225-0582. (You may call the same telephone numbers and ask for the **Legal Help Link** to find out if you qualify for free legal assistance.)

- ✓ Always bring your photo identification with you (such as your driver's license, or a state-issued photo identification card) whenever you get a Court form notarized.

- ✓ **THERE IS A LOT OF PAPER IN A COURT CASE AND HAVING THE COURT MAKE YOU COPIES CAN BE VERY EXPENSIVE**.

PLEASE READ AND REMEMBER THESE IMPORTANT TIPS

REMEMBER

- **Keep a copy of every document and court paper.**
- **Keep all notes, documents and court papers together and organized in a folder with the most recent papers on top.**
- **Bring the folder with your papers with you every time you go to Court.**
- **When you file a document with the Court, bring the required number of copies of each paper and an extra copy for you to have "clocked-in." Keep the clocked-in copy in your folder so you have proof of the time and date you filed each document. You may make copies at the Resource and Self-Help Centers but there is a small fee.**
- **When you complete a document or form for filing with the Court, always include the full case name and file and petition numbers (if there are any).**
- **When you must mail something, we suggest that you use regular mail AND "certified mail, return receipt requested" so that you have proof that the other party received the envelope. If you cannot afford to pay for "certified mail" we suggest you get a "certificate of mailing" at the post office to prove that you mailed the envelope to the other party. You may purchase stamped envelopes at the Resource and Self-Help Centers and the Court will mail your Court papers for you by regular mail. You are responsible for certified mailing.**

GUARDIANSHIP

The Definition of Guardianship

Guardianship is the possession by a non-parent of the **powers, rights**, and **duties** which are necessary to protect, manage and care for a child. A Guardian has the legal authority to take care of the child as if he/she were the child's parent until the child turns 18 years of age.

Included in a Guardianship Order is a **Custody Order**. Therefore, a Guardian has the same legal authority to care for the child as a parent would. However, unlike a parent, the Guardian cannot be held liable by a third party for something the child has done wrong simply because he/she is the guardian. Additionally, the Court also has the right to limit any of the powers and duties granted to a Guardian.

Who Can Be a Guardian?

Any person at least 18 years old may be the Guardian of a child. However, if the Petitioner is not a relative (immediate family member, grandparent, aunt, uncle or first cousin), and you do not consent, the Division of Family Services must approve the placement.

The Responsibilities of a Guardian

Assuming the Court places no limitations in the Guardianship Order, the Guardian will be responsible for providing for the child both physically and emotionally. The Guardian must provide a healthy and safe living environment, an education and all the necessary and appropriate medical treatment, including but not limited to medical, dental and psychiatric care. Furthermore, the Guardian will be responsible for making the following decisions:

- Education;
- Travel;

- Medical treatment;
- Right to marry or enlist in the military;
- Representation in legal matters;
- Welfare and upbringing; **AND**
- Where the child will live.

The Responsibilities of the Child's Parent after Guardianship is Granted

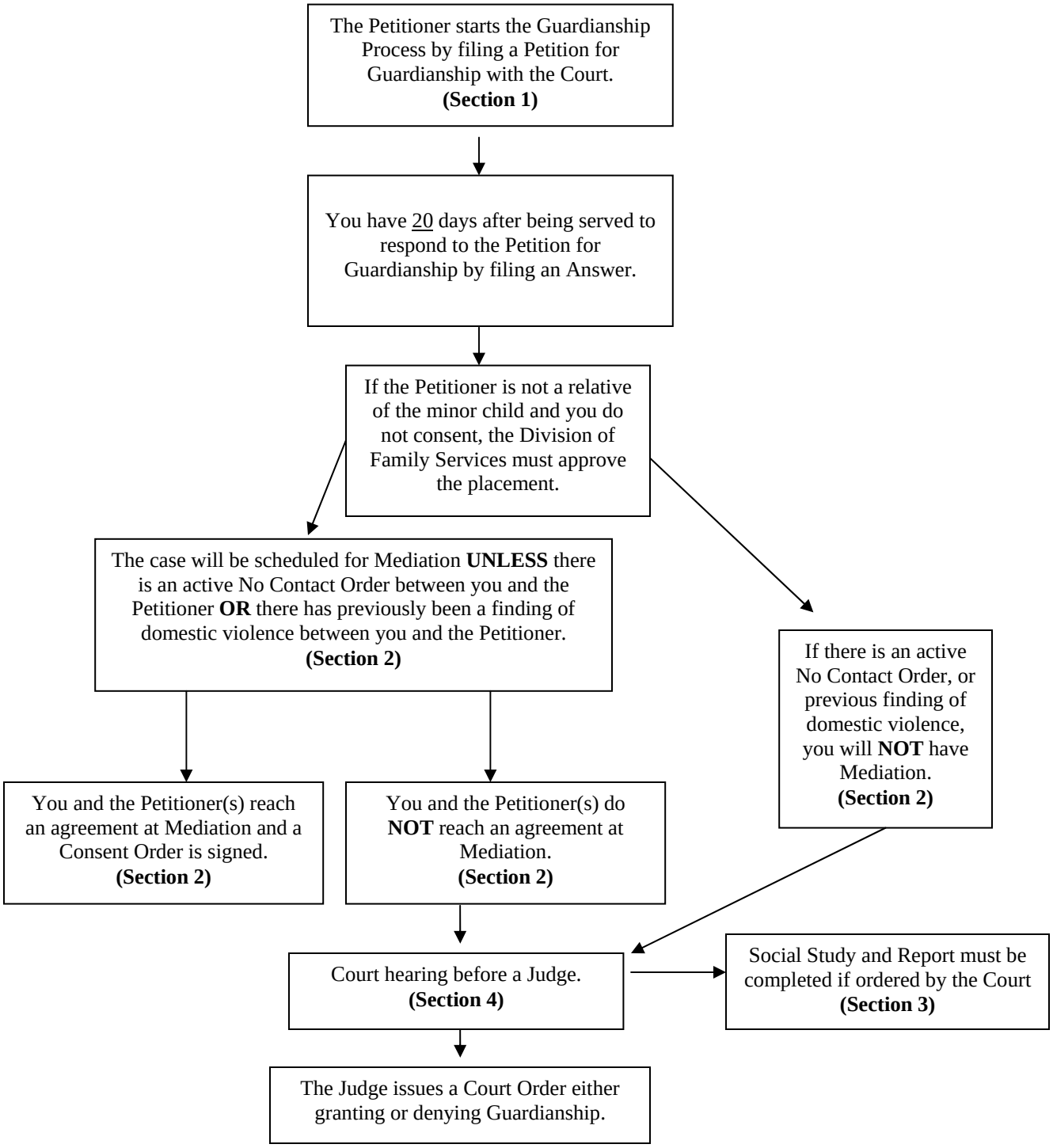
Because a parent's parental rights are not terminated when a non-parent is given guardianship, the Court will determine the following:

- How much, if any, contact the parent(s) should have with the child after the Guardianship is granted;
- How much, if any, information about the child the Guardian should share with the parent(s); **AND**
- A visitation schedule, if appropriate, so that the parent(s) may spend time with the child.

In addition, the child will continue to have the right to inherit from his/her parent(s) and the parent(s) will continue to have the right to inherit from the child. If the Guardian wishes to have the child inherit from him/her, then the Guardian must state that desire in a will. For more information on wills and inheritance rights, you should talk to an attorney. Wills and inheritance rights are not handled in Family Court.

The parent may have to continue to provide financial support to the child. In other words, the parent(s) may be required to pay child support to the guardian. Child support is handled in a separate proceeding. If the Court grants the Petitioner guardianship, the Petitioner must file a separate Petition for Child Support in order for the Court to consider their request for child support.

GUARDIANSHIP PROCESS



SECTION 1

STARTING THE GUARDIANSHIP PROCESS

After the Petitioner files a Petition for Guardianship, you will be **served** with notice of the petition. This means that you will receive a **Summons** (a Court document explaining your rights and responsibilities) and **copies** of the petition and any other paperwork the Petitioner filed. Service can be accomplished in the following ways:

- You can be personally served. This means that a person designated by the Court will hand the papers to you directly at your home or your job.
- You can be served by mail. This means the papers will be mailed to you by certified mail.
- You can be served by publication which means the Petitioner must publish notice of the Petition for Guardianship in a local newspaper. If you read a notice in the newspaper naming you as a Respondent, You must come to Family Court and obtain copies of all the papers that have been filed by the Petitioner.

Regardless of how you receive notice of the petition, it is **VERY IMPORTANT** to read all documents **carefully** so you can properly respond to the allegations in the Petition for Guardianship.

The Petitioner can only file for guardianship if the following jurisdictional requirements are met. If the statements on the following page are not true, you should request that the Court dismiss the Petition for Guardianship. Please see page 13 for information on how to file a Motion to Dismiss.

- ❑ There is **NO** Guardianship Order in place in Delaware or anywhere else. (If there is an existing Guardianship Order regarding the child and you want to **change the Order**, see page 32); **AND**
- ❑ The child had been living in Delaware for **AT LEAST 6 CONSECUTIVE MONTHS BEFORE** the Petitioner filed the Petition for Guardianship. (There are exceptions to this 6 month requirement. If the child has not lived in Delaware for at least 6 months, talk to an attorney to see if an exception applies in your situation.); **AND**
- ❑ The Petitioner is at least 18 years of age and is not a parent of the child.

FILING AN ANSWER IS YOUR WAY OF TELLING YOUR SIDE OF THE STORY TO THE COURT. The Court will use the information in your Answer when deciding whether or not the Petitioner should be granted guardianship. If you **do not** file an Answer, the Court will not know how you feel regarding the Petition for Guardianship. It is **VERY IMPORTANT** that you file an Answer, so the Court knows how you feel about the guardianship petition.

To respond to the Petition for Guardianship, you **MUST** file the **ORIGINAL** with the Court and mail **ONE (1) COPY** of each form below to **each** Petitioner **within 20** days of receiving the Petition:

Answer form. (file one original and mail one copy to the Petitioner)

- A sample Answer may be found on page 17.
- In your Answer you may do the following:

- **Admit** (you agree the statement is true) or **deny** (you believe the statement is false) any statements made by the Petitioner in the Petition for Guardianship. If the Petitioner numbered his/her statements, write down the number and then state whether you admit or deny that statement. If the Petitioner did not number his/her statements, write down the statement itself and then state whether you admit or deny that statement. If you deny the statement, explain to the Court **why** the Petitioner's statement is not true. **If you do not respond to a statement, the Court will assume you agree that the statement is <u>true</u>.** If you believe a statement is false, you **must deny** it.

➢ When responding to the Petition for Guardianship, you want to give the Court information so that it can decide why the child is **NOT dependent or neglected** and why it is **NOT** in the child's **"best interest"** for the Petitioner to be given guardianship of the child.

  - A child is **dependent** when a parent is **unable** to provide adequate care for the child.
  - A child is **neglected** when a parent has the ability to care for the child, but **does not** or **will not** provide adequate care.

➢ The child's "best interest" is the legal standard the Court must follow when deciding who should have custody of a child. (See Title 13 of the <u>Delaware Code</u>, section 722.) The Court will want to know about the following things when deciding what is in the child's "best interest." Explain to the Court how the following things apply in your situation.

1. The <u>wishes of the child's parents</u> as to his/her custody and living arrangements;
2. The <u>wishes of the child</u> as to his/her custody and living arrangements;

3. The interaction of the child with his/her parents, brothers and sisters, grandparents and any people living in the child's home or affecting the child's best interest;
4. The child's adjustment to his/her home, school and community;
5. The mental and physical health of all individuals involved;
6. How well each parent has in the past and continues to satisfy their parental rights and responsibilities with respect to their children;
7. Evidence of domestic violence; and
8. The criminal history of any party or adult member of a household, including guilty pleas, pleas of no contest and criminal convictions.

The Court can also choose to consider other information pertaining to the best interest of the child.

- If you need more space to write, you may attach additional pages to the Answer form. Be sure to state on the form that you have attached more pages, so the Court and the Petitioner will know to look for additional information. Also, number each additional page that you attach by writing the page number at the bottom of the page.
- You must sign your Answer in the presence of a notary public or authorized Court staff.

BELOW ARE OPTIONAL FORMS

ONLY file the following forms if the situation applies to you.

If the jurisdictional requirements on page 10 have not been met, file:

Motion to Dismiss *(file original and one copy)*

- A sample may be found on page 21.
- On this form, you will ask the Court to dismiss the Petition for Guardianship. You **MUST** explain which **specific** jurisdictional requirement was not met.
- When you file the Motion to Dismiss, you must also file a **Notice of Motion** form and a blank **Order form**. For more information on filing a Motion, please see the Motion Overview located in the Resource Center.
- The Motion form, the Notice of Motion form and the blank Order form are not included in the Forms Packet. They are available in the Resource Centers located in each courthouse and on the Family Court website.

If you and the Petitioner agree on the guardianship, file:

Consent Order-Guardianship *(file original)*

- File this document only if **you and the Petitioner have already agreed** on how the custody matter should be decided.
- A sample Consent Order-Guardianship can be found on page 19.
- On this form you will describe for the Court the following things:
  - Who will have Guardianship of the child
  - Where the child will be living,

- Whether the parent(s) will have visitation with the child, and
- What the visitation schedule will be.

➢ When describing the visitation schedule, be as **specific** as possible. Explain the places, dates and times that visitation will occur. Also, explain to the Court who will be responsible for driving the child to and from the visitations. Avoid agreements that simply state that "visitation shall be by mutual agreement of the parties." While this may make it easier for you and the Petitioner to reach an agreement now, it gives you no guidance in how visitation will occur should you and the Petitioner be unable to reach a mutual agreement regarding visitation at a later date. It may be better to decide on the details of visitation now, rather than have to come back to Court to resolve your differences in the future. For more information you may refer to the Visitation Overview located in the Resource Center.

➢ You and the Petitioner must both sign and have notarized the Consent Order.

➢ Before you file the Consent Order, you and the Petitioner **may** have to meet with a court employee to review the terms of your agreement.

➢ Once you have filed your agreement with the Court, it will be forwarded to a Judicial Officer who will review your agreement. If the Judicial Officer finds that the agreement is in the best interest of the child, then he/she will sign the agreement and it will become a court order, called a **Consent Order**.

➢ Once the Judicial Officer signs the Consent Order, it is a court order and you and the Petitioner **MUST** follow the instructions in the Order. The Court will mail a copy of the signed order to you and the Petitioner.

- If circumstances change in the future, you may be able to change the terms of the Consent Order. See page 32 for more information on changing a guardianship order.

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If you, the Respondent, is in the military, file:

Waiver of Rights under the Servicemembers' Civil Relief Act *(file one original and one copy)***.**

- A sample may be found on page 22.
- **ONLY** file this form if you **ARE** in the military and would like to **WAIVE** your rights under the Servicemembers' Civil Relief Act.
- This Waiver allows the Court to proceed with the guardianship process if you are unavailable because of military duties.
- If you are in the military, you **MUST** file a Waiver of Rights under the Servicemembers' Civil Relief Act, an Affidavit of Appearance **OR** an Answer. If you do not file one of the above, the Court will not schedule your Guardianship Hearing until a Waiver of Rights under the Servicemembers' Civil Relief Act is filed **OR** an attorney is appointed for you.

BE SPECIFIC WHEN COMPLETING THE FORMS and make sure you respond to all of the Petitioner's allegations. **Remember,** that if you fail to respond to any allegation, the Court will assume you agree that the allegation is true. When you complete a form, write in blue or black ink **AND** write neatly.

File the forms at the Family Court **in the County where the child currently lives or in the County in which at least one parent lives**.

- In Kent and Sussex Counties you may file your papers at the Resource Centers on the first floor of the Family Court buildings.

- In New Castle County, you may file your papers at Family Court Intake on lower level one of the New Castle County Courthouse or, **IF,** you have all of the forms completed, you do **NOT** have any questions, you have made the necessary copies and you do **NOT** need any papers notarized, you may file your papers at the **Central Filing and Payment Center** located on the first floor of the New Castle County Courthouse. There is no staff assistance at the **Central Filing and Payment Center**.
- If you file your papers by mail, the addresses for each courthouse are available on the Family Court website. The Court does **NOT** accept filings that are faxed or e-mailed.

REMEMBER to mail a copy of all the papers that you file with the Court to the Petitioner. You **MUST** fill out the **Affidavit of Mailing** on the bottom of the form telling the Court that you have mailed a copy of the papers you filed to the Petitioner or the Petitioner's attorney (if there is one). If you do not mail a copy of the Answer form to the Petitioner, the Court **may not consider** the information on that form. If there was more than one Respondent you **MUST ALSO** mail a copy of the Answer that you file to <u>each of the Respondents</u> and indicate you have done so on the Affidavit of Mailing.

SECTION 2 BEGINS AFTER THE
SAMPLE FORMS FOR SECTION 1.

YOU SHOULD BEGIN SECTION 2
ONCE YOU HAVE FILED THE FORMS
IN SECTION 1.

Section 2

MEDIATION

After all of the Respondents have been served with the Petition for Guardianship and each of the Respondents has had an opportunity to file an Answer, the Court normally will schedule your custody matter for **Mediation**. **<u>ALL PARTIES</u> are required to attend**.

- The Court will **NOT** schedule Mediation if there is an active **No Contact Order** involving you and the Petitioner or there has been a previous finding of domestic violence such as the following:
  - A Protection from Abuse Order; **OR**
  - An adjudication of criminal charges.

  If there is an active No Contact Order involving you and the Petitioner, you will **NOT** attend Mediation and the Court will schedule a Court Hearing before a Judge.
- The Court will **NOT** schedule mediation if one of the parties is a sex offender as defined by Delaware law. If one of the parties is a sex offender as defined by Delaware law, you will **NOT** attend Mediation and the Court will schedule a Court Hearing before a Judge.
- Mediation is **NOT** a Court Hearing. At Mediation, a Mediator (a neutral third party) will **try to help** you and the Petitioner reach an agreement about guardianship. The Mediator will ask you and the Petitioner(s) to tell how you both think the matter should be resolved and will work with you to find a solution that is agreeable to both of you. In other words, the Mediator is there to help you and the other party work together in deciding what arrangement is best for the child. Therefore, come with a “spirit of cooperation.”

CONSENT ORDERS

- If, at the end of Mediation, you and the other party reach an agreement, the Mediator will type your agreement into a document and you and the Petitioner will sign the agreement. The Mediator will also sign the agreement. Then, you will be allowed to leave and the Mediator will give your signed agreement to a Judicial Officer. The Judicial Officer will decide whether your agreement should become a court order**,** called a **Consent Order.**
- If the Judicial Officer decides your agreement should become a Consent Order, the Judicial Officer will sign the agreement and the Consent Order will be mailed to you and the Petitioner. You will **NOT** have to go to a Hearing with a Judge. Most often, the Judicial Officer will sign a Consent Order proposed by a Mediator.
- Once a Consent Order is signed by a Judicial Officer, it is a court order and you and the Petitioner **MUST** follow the terms of the Order.
- If circumstances change in the future, you may be able to change the terms of the Consent Order by filing to modify guardianship. See page 32 for more information.

IF YOU REACHED AN AGREEMENT AT MEDIATION, THIS IS THE *END* OF THE PACKET. OTHERWISE, GO TO SECTION 3.

Section 3

SOCIAL STUDY AND REPORT

Only Complete This Section If The Court Orders That A Social Study And Report Be Completed.

If The Court Does Not Order A Social Study And Report, <u>Go To Section 4</u>.

After the Petitioner files a Petition for Guardianship, the Court may order that a **Social Study and Report** be done to help the Court decide whether the Petitioner should be granted guardianship. If a Social Study and Report is **NOT** ordered, then you should skip this section and begin reading Section 4.

A Social Study and Report is a report that provides detailed information about the Petitioner and the child that will **help the Court to determine whether the Petitioner should become the child's guardian**. A worker from a child-placing agency will talk to all of the people involved with the case including the you, the Petitioner and the child. The worker will then write a report and submit it to the Court. The report will include information about the following:

- The child and the child's background;
- The proposed guardian, and their home where the child will be living;
- The child's physical and mental condition;
- The suitability of the placement;
- Whether all of the requirements under Delaware law have been met; **AND**
- The agency's recommendation regarding whether the guardianship should be granted.

Because the Social Study and Report must contain a lot of information, the worker investigating and preparing the report will probably need to get some information from you. The worker will likely ask you for the **names of people** that he/she can speak with to find out more information about **you**, the **child** and the **child's situation**. Furthermore, the worker may want to **visit your home**. The worker may also ask you to provide him/her with **documents and papers** that are needed to prepare the report. It is **VERY** important that you cooperate with the worker and comply with his/her requests to the best of your ability. Remember, that the information in the report will guide the Court when deciding whether the Petitioner should be awarded guardianship.

If the Court requires that a Social Study and Report be completed, **the Petitioner** must **select** a licensed child-placing agency to do the Social Report and Study and complete an Order of Reference. You will receive a copy of the Order of Reference.

- The agency preparing the Social Study and Report has **4 months** to file the completed Report with the Court.
- The Court may allow the agency more time to complete the Social Study and Report, but **ONLY IF** the additional time is reasonable and is to enable the agency to complete the report.

Section 4

HEARING WITH A JUDGE

SCHEDULING THE HEARING

A **Court Hearing** will be scheduled by the Court **ONLY** if:

- The Mediation was unsuccessful (no agreement was reached) **OR** Mediation was not required.

You do not need to file any additional paperwork to have your hearing scheduled. The Court will notify you when your hearing is scheduled, by mailing you a **Notice** to inform you of the time and date of the **Court Hearing.**

Some judges may schedule a **pre-trial hearing**. The purpose of this hearing is to discuss the status of your case prior to scheduling a full evidentiary hearing where you will present evidence and call witnesses.

If you cannot attend the scheduled hearing, you must file the following form:

Motion for Continuance *(file one original and mail one to the Petitioner)*

- A sample may be found on page 31.
- If, once you receive your Notice, you cannot attend the scheduled hearing, you must contact the Court **IMMEDIATELY** by filing a **Motion for Continuance.** **DO NOT** call the Court. On this Motion, you must state **very specific reasons** why you cannot attend the hearing. You must have a legal and unavoidable reason for needing to reschedule the hearing. You cannot request a continuance simply because it is not convenient for you to attend

the hearing on the scheduled day. Before you file the Motion for a Continuance, you must contact the Petitioner regarding the continuance and then **tell the Court in the Motion how the Petitioner feels about the continuance**. Because the law is very strict when it comes to rescheduling hearings, these Motions are not always granted.

- You will be notified by the Court if your Motion for Continuance has been granted. **UNLESS THE COURT GRANTS YOU A CONTINUANCE, YOU <u>MUST</u> APPEAR AT COURT THE DAY OF YOUR SCHEDULED HEARING**. If you fail to appear at your hearing, the Court can enter an order granting the Petitioner everything that he/she wants. You would not be given any say in how the guardianship arrangement would work.

THE DAY OF THE HEARING

The Court Hearing is a Trial in front of a Judge. At the Court Hearing, you and the Petitioner will each be given an opportunity to tell your side of the case and ask witnesses questions. During the Court Hearing, the Judge expects you to follow a certain procedure. It is important that you are familiar with this procedure so you know what you are allowed to do, when you are allowed to talk, and how to tell your side of the story**.**

Family Court has developed a **Court Hearing Procedure Overview** that explains generally what the Court Hearing procedure is and should answer many of the questions you have about the procedure. Family Court also has developed a series of **Answers to Frequently Asked Questions on Your Court Hearing** to help you prepare and organize for your Court Hearing. It is helpful to read this information before your scheduled hearing. All Overviews and Frequently Asked Questions are available in the Resource Centers located in each courthouse.

At the hearing, it is up to **YOU** to prove to the Judge **WHY** it is **NOT** in the child's best interest for the Court to grant the Petitioner guardianship and that the child(ren) are **NOT** dependent or neglected. The best interest standard is explained on pages 11-12 of this Instruction Packet and dependency/neglect are explained on page 11. Review that information before the hearing, so you are prepared to present your case to the Court.

After both sides have presented all of their evidence, one of two things can happen. The Judge can **announce his/her decision** at the end of the hearing, in which case you will leave the Courthouse knowing what the Guardianship arrangement is. **OR**, the Judge can **reserve decision**. When the Judge reserves decision, he/she considers all of the information presented during

the hearing and issues a written order explaining the guardianship arrangement sometime after the hearing. Regardless of how the Judge issues the order, you should receive a copy of the Judge's decision, or the Court Order, in the mail.

Once the Court has entered a Guardianship Order, you and the Petitioner should follow the terms of the Order. In other words you should do what the Order tells you to do. The Court will not enforce any agreements made by the parties that are not in a Court Order. If circumstances change, you and the Petitioner can change the Order by filing the proper petition.

SECTION 5 WILL BEGIN AFTER THE SAMPLE FORM FROM SECTION 4.

Section 5

CHANGING AND ENDING GUARDIANSHIP

Once the Court enters a Guardianship Order, it will not end until one of the following happens. In other words, once you become the guardian of a child, you will continue to be that child's guardian until one of the following occurs:

- The child dies;
- The guardian dies;
- The child is adopted;
- The child turns 18 years old; **OR**
- The Court determines that the Order should end.

Before the Court can decide that a guardianship should end, someone must file a Petition asking the Court to terminate the Guardianship Order. Even if all parties agree that the guardianship order should end, the Court will make the final determination based on the best interest standard. Please see pages 11-12 for an explanation of the best interest standard.