

FORM XIV-1 – PETITION TO APPOINT A GUARDIAN

1. **Please read the instructions.** Read all of these instructions before completing this packet to make sure you understand what the Court needs from you to decide if it should appoint you as a guardian. A “guardian” is a person the Court may appoint to care for a minor child (under age 18) or an incompetent person (an adult over age 18 years old) who cannot take care of themselves and/or their money and property. If the Court appoints you as a guardian, the minor child or incompetent person will become your “ward.”

The following sections of the Shoshone and Arapaho Law and Order Code apply.

2. **Who may serve.** The following lays out the requirements to serve as a Guardian under § 14-3-6:

A. You must be at least twenty-one (21) years of age, live on or have significant contacts with the Wind River Indian Reservation, or be an enrolled member of the Northern Arapaho or the Eastern Shoshone Tribe to become the guardian of a minor child (a child under age 18) or an incompetent person (an adult over 18 years old).

B. The Court will give preference to the relatives of the minor child or incompetent person, with relatives who have a closer relationship to the person or a person with whom the minor child or incompetent adult is living at the time of filing this Petition.

C. A child over the age of ten (10) years may be allowed to tell the Court whom he or she would like to live with. The court will decide what is in the child’s best interests when choosing a guardian.

3. **Responsibilities.** The responsibilities of an appointed Guardian under § 14-3-4 are as follows:

A. *Welfare of the ward.* The guardian must care for the health, safety and welfare of the ward and provide for his or her education and medical care as needed.

B. *Management of ward’s property.* The guardian will be allowed to invest, manage and dispose of property of the ward and spend such funds belonging to the ward that are necessary to support, care for and that are in the best interests of ward.

C. *Initial accounting of ward’s property.* Within 45 days after the Court appoints you as guardian, if any of the ward’s property which is believed by you to be worth more than \$1000, you **must** prepare and submit to the Court an inventory and appraisal of the property of the minor or incompetent person (Form XIV-3). If the ward does not own anything which may be worth more than \$1000, you do not have to submit this form.

D. *Annual accounting for wards with significant property.* If you are appointed to take care of the property of a ward and they have property or money with a value over \$1,000.00, you **must** submit an accounting of the property/money to the court (Form XIV-5) every year before December 31st. The accounting must include vouchers, receipts,

statements, cancelled checks and any other proof of spending on behalf of the ward as well as proof of any deposits or withdrawals from any accounts of the ward. The guardian is responsible to exercise a high degree of care in managing the ward's property and money, and is "liable" to the ward for any losses of property/money because the guardian did not competently carry out his or her duties. (Meaning, if the guardian mismanages the ward's funds, the ward may be able to bring a lawsuit against them to recover the mismanaged funds.)

E. *Paid guardianships.* If you wish to be paid to act as a guardian, you must make a request to the court every year. Guardians are not paid unless the court approves it in advance. If you do not ask the court for payment for the year, you will not receive it for the entire year.

4. **Discharge.** Removal and/or replacement of Guardians is laid out under § 14-3-14:
 - A. *Period indefinite.* A guardian shall serve until discharged by the Court.
 - B. *Age of majority.* If a competent minor (a ward under 18) reaches the age of majority, the guardian must ask the court to terminate the guardianship and order management of all the property of the minor be turned over to them.
 - C. *Incompetency ends.* If an incompetent person is deemed no longer incompetent, the guardian, the person or a relative of the person may ask the court to determine if the person's capacity is restored and discharge the guardian.
5. **Create your petition.** Fill in the blanks below to create your Petition for Appointment of Guardian. After you have completed this form, take it to Tribal Court for filing (109 Norkok, Ft. Washakie, WY 82514).
6. **Filing fee.** You must pay a \$50.00 filing fee. This must be in the form of a money order, made payable to "Wind River Tribal Court."
7. **Request a guardianship hearing.** You must also file the Request for Hearing (Form XIV-1A) at the same time. The Court Clerk will file your petition and have the Judge set a hearing date and time. The Clerk will give notice of the hearing to you and to any others who may be interested in the guardianship and the proposed ward. You and the others should receive notice by personal service or mail not less than five (5) days before the hearing. The Clerk must have your current address (where you live AND where you receive your mail), as well as your telephone number on file. The Clerk must also have the mailing address for all interested parties.
8. **The Code.** The Shoshone and Arapaho Law and Order Code sets out all the requirements for asking the Court to appoint you as a guardian. The Code can be provided to you upon request of the Court Clerk.
9. **Regarding legal advice.** If you need legal advice filling out the Petition, you may contact Legal Aid of Wyoming at 1-877-432-9955. If you qualify for services, someone will be

assigned to help you. The Court Clerk cannot provide you with legal advice; they may only help you understand this form so you can fill it out properly.

WIND RIVER TRIBAL COURT

Shoshone and Arapaho Tribes
Wind River Indian Reservation
P.O. Box 608
Fort Washakie, Wyoming 82514
307-332-6702

IN THE MATTER OF GUARDIANSHIP OF: _____)
)
)
NAME OF PROPOSED WARD _____) Case No. _____
)
DATE OF BIRTH _____)

PETITION FOR APPOINTMENT OF GUARDIAN

_____ (print your name), Petitioner, asks this Court for an order appointing _____ (print your name or name of person who wants to be the guardian) as the guardian of _____ (print name of person needing a guardian). The Petitioner is an adult person over the age of twenty-one years old, and is the _____ (print relationship to the proposed ward, Ex., mother, father, grandmother, uncle, friend) of _____ (name of person needing a guardian).

I. Incompetent Person or Minor Child

Please check one:

- The proposed ward is an incompetent person because of physical or mental sickness or deficiency, advanced age, or chronic use of alcohol and/or drugs **OR**
- The proposed ward is a minor child (under age 18)

IV. Real and Personal Property of the Minor or Incompetent Person (Ex. Clothing, vehicles, land, house, horses, cows, attach additional pages if necessary)

V. Reasons the Minor or Incompetent Person needs a Guardian

The Minor/Incompetent Person (circle one) requires a guardian for the following reasons (attach additional pages if necessary; if you have MEDICAL documentation supporting your claim, please attach that as well):

- 1. _____
- 2. _____
- 3. _____

Because of the above reasons, it is in the best interests of _____ (name of person needing a guardian) that a guardian be appointed. Petitioner asks this Court to set a hearing to determine if a guardian is necessary and, if so, issue Letters of Guardianship appointing the above Petitioner as guardian of the above minor/incompetent person.

DATED this ____ day of _____, 20____.

Petitioner (Sign your name)

Print your name

STOP

FOR THE CLERK

Subscribed and sworn to before me this _____ day of _____, 20_____.

(seal)

Court Clerk/Notary Public

My commission expires: