

## ANSWER TO COMPLAINT/PETITION/MOTION INSTRUCTIONS FOR COMPLETING DOM REL 85

If you have been served with a Petition for Guardianship of the Person, Guardianship of the Property or Guardianship of the Person and Property for either an adult or minor child, you must file an answer if you want to participate in the case. You should file an answer if you disagree with anything in the papers filed by the other side, and if you want the Court to hear your side of the story. **If you do not file an answer, the Court may give the other side what he or she has asked for without hearing what you have to say.** If the case is uncontested, you still may want to file an answer because that will speed up the process.

If you are filing an answer, you must file in the county where the Petition was filed. If you think the other side filed in the wrong county, you can ask the court, in writing, to move the case to a different county. This is a situation that may require a lawyer's assistance.

### YOU MAY NEED AN ATTORNEY IF:

- the case is contested and any other interested persons has a lawyer.
- the minor child/disabled person has a large estate or a large amount of property or income.
- you think the court will need information that you cannot get.
- you think that the disabled person, parent/parents and interested person will object to the appointment of guardian.

### > STEP 1 — Completion of Form DOM REL 85.

**Page 1: (Caption)** Fill in the name of the disabled person or the person that you are asking a guardianship for. Also, fill in **your** address and **your** telephone number.

- **Check the box for the type of guardianship that you are requesting:**
  - Guardianship of the Person: Makes decisions only about the person's medical care, residence, food, clothing, shelter, and other subjects, which affect their person.
  - Guardianship of the Property: Makes decisions only about the person's money, income, property of any kind, stocks and bonds, and other financial matters.
  - Guardianship of the Person and Property: Makes decisions for disabled person's property and personal care.

**(1<sup>st</sup> Paragraph):** Place your name after the word “I” and the name of the Complaint, Petition, or Motion that you are answering.

**Lines 1 through 16:** You must answer each numbered paragraph of the papers filed by the other side. Check off all statements that apply in your case. Check only one (1) block in each section AND DO NOT leave any blank sections. If the filed papers have more than sixteen (16) numbered paragraphs, attach a separate page so that every numbered paragraph is answered.

**Line 17:** If you have other facts that you want the Court to consider, write them here. If there is not enough space, you may attach a separate piece of paper, but be sure to follow the instructions below. **DO NOT WRITE ON THE BACK OF ANY FORM.**

**FOR THESE REASONS:** Check each box that applies to you. **Be sure to SIGN the form.**

**CERTIFICATE OF SERVICE:** You **MUST** mail a copy of the answer and **everything** you are filing to the other side. If the other side has an attorney, mail the papers to that attorney. Fill in the certificate of service on page 4.

**> STEP 2 — Filing Your Forms.**

File the completed forms with the Clerk of Court or Trust Clerk. You should have at least 3 copies of your papers when you are filing your papers: one for the Court, one for the other side, and one for yourself. **Be sure you mail copies of everything you file to the other side.**

**> STEP 3 – Appointment of an Attorney**

After the Court receives the Petition and your Answer, the Court will appointment an attorney to represent the disabled person.

**> STEP 4 — Hearing.**

After the Court has received the Petition, Answer and appointed an attorney for the disabled person, the Court will schedule a hearing. It is very important that you attend this hearing and bring with you all papers and witnesses to prove your case. If the disabled person or another interested person is contesting the request for a guardianship, you should contact an attorney prior to the hearing.