



An Overview of Juvenile Guardianships

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- **CCIP** = **C**hildren's **C**ourt **I**mprovement **P**rogram
- Federal grant began in 1995; expanded in 2005.
- Organized under the highest court in all 50 states.
- Goal: develop and implement recommendations to enhance the court's role in achieving stable, permanent homes for children in foster care.

Types of Guardianships

§ 48.977



CHIPS/JIPS

§ 48.9795

Formerly Ch. 54



Any Child

Types of Guardianships

Chapter 54 Guardian of Estate and Adult Guardianship



Types of Guardianships

- Other guardianship statutes include:
 - § 48.831 – Appointment of guardian for child without a living parent for adoptability finding.
 - Narrow scope—procedurally necessary for declaring the child available for adoption.
 - Child welfare agency is named guardian pending adoption.
 - § 48.978 – Appointment of standby guardian of a child.
 - Standby guardian assumes duties upon the incapacitation, debilitation, or death of a parent
 - Must be a significant risk of occurring within two years of filing
 - Any other living parent must be whereabouts unknown or is refusing, unwilling, unable to act as guardian

Another Type of “Guardianship”

- § 48.979 – Delegation of parental powers.
 - Similar to power of attorney.
 - Limited: individual to whom parental powers is granted does not receive guardianship authority.
 - Revocable: by parties at any time, without court intervention.
 - Intended to be short term.
 - Form is available in the statute (not circuit court form).
 - Does not require court approval, EXCEPT:
 - Where the child is subject to an existing juvenile case.
 - Where the power is being delegated to a non-relative for a period of more than one year.
 - Where the child is an Indian child or there is reason to know that the child may be an Indian child.

§ 48.977 Guardianships

- Limited to:
 - Juveniles in need of protection/services (JIPS).
 - Uncontrollable behavior grounds ONLY.
 - Children in need of protection/services (CHIPS).
 - EXCEPT: failure to immunize grounds.
 - Child must be placed outside of the home by court order OR child welfare agency recommends placement with guardian in dispositional court report.



§ 48.977 Guardianships

- Conditions:
 - Termination of parental rights (TPR) is NOT in the child's best interests.
 - The child must live with the guardian.
 - Guardian must be willing and able to serve for an extended period of time (18 years old).
 - Parents are refusing, neglecting, or unable to fulfill duties as guardian.
 - Child welfare agency has made reasonable efforts to return child, but reunification is unlikely/contrary to the best interests of the child OR return to the home would be contrary to the welfare of the child.

§ 48.623 Subsidized Guardianships

- Available only in § 48.977 guardianships.
- Requirements:
 - TPR is not in child's best interests.
 - Proposed guardian is in need of financial assistance to care for the child.
 - Determination by child welfare agency with signed agreement.
 - Proposed guardian and the child are related OR have a prior existing relationship.
 - Child has been living with proposed guardian for at least six months.
- CHIPS/JIPS case terminates or is dismissed.
- Successor guardian may be named.

Types of Guardianships

| <i>Differences</i> | <i>§ 48.977</i> | <i>§ 48.9795</i> |
|------------------------------------|---|---|
| CHIPS/JIPS finding |  | |
| Child must live with guardian |  | |
| Subsidized payments |  | |
| Procedure for successor guardian | Subsidized |  |
| Four types of guardianship options | |  |
| Annual report | |  |

§ 48.9795 Guardianships

- 2019 WI Act 109
 - Effective August 1, 2020
- Creates 4 types of minor guardianships of the person:
 - 1) Full
 - 2) Limited
 - 3) Temporary
 - 4) Emergency

§ 48.9795 Filing

- Who may file?
 - § 48.9795(4)
 - Anyone, including the child if age 12 or older
 - If the child/juvenile is subject to a CHIPS, UCHIPS, TPR, Delinquency, or JIPS:
 - Any party to that proceeding or anyone else authorized by the court in that case to do so may file petition.
 - Must be consistent with the permanency goals.
 - May not change the requirements of any court order in the underlying case.

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Name

Date of Birth

☐ Amended

Petition for Appointment of Guardian

☐ Full

☐ Temporary

☐ Limited

☐ Emergency

Guardianship

(§48.9795, Wis. Stats.)

Case No. _____

Statute number

I STATE ON INFORMATION AND BELIEF:

1. Child's Address

Child has previously been adopted? ☐ Yes ☐ No

Parent 1's Name and Address

☐ Parent 1 is deceased

Parent 2's Name and Address

☐ Parent 2 is deceased

Guardian's Name and Address

Legal Custodian's Name and Address

Additional Interested Person(s) Name and Address

Use GN-3290 to Petition for Guardianship of the Estate (Minor Guardianship).

2. The appointment of a guardian is being requested for the child. As the petitioner, I am interested as:

3. The person or agency nominated as the guardian of the child is _____.

Address: _____

Phone: _____

☐ 4. The person nominated as the successor guardian of the child is _____.

Address: _____

Phone: _____

5. The child ☐ is not ☐ may be subject to §48.028, Wis. Stats., or the federal Indian Child Welfare Act (25 USC 1901 to 1963). For an Indian child, use the Indian Child Welfare Act version of this Petition (IW-1501).

Tribe's name and address: _____

6. I am requesting a(n):

☐ Full guardianship

The facts and circumstances establishing that the child's parents are unfit, unwilling, or unable to provide for the care, custody, and control of the child or other compelling facts and circumstances demonstrating that a full guardianship is necessary are: ☐ See attached

☐ Limited guardianship

The facts and circumstances establishing that the child's parents need assistance in providing for the care, custody, and control of the child and a statement of the specific duties and authority under §48.9795 (2) (d), Wis. Stats., sought by the petitioner for the proposed guardian and the specific parental rights and duties that the petitioner seeks to have transferred are: ☐ See attached

☐ Temporary guardianship

The facts and circumstances establishing that the child's particular situation, including the inability of the child's parents to provide for the care, custody, and control of the child for a temporary period of time, requires the appointment of a temporary guardian; the reasons for the appointment of a temporary guardian; and the powers requested for the temporary guardian are: ☐ See attached

☐ Emergency guardianship

The facts and circumstances establishing that the welfare of the child requires the immediate appointment of an emergency guardian are: ☐ See attached

☐ A temporary order appointing an emergency guardian without a hearing is requested until a hearing on the emergency guardianship petition is held. ☐ See attached

7. The facts and circumstances establishing that the proposed guardian is fit, willing, and able to serve as the child's guardian are: ☐ See attached

☐ 8. I request that one or both parents be ordered to pay child support in an amount to be determined by the court.

9. The child ☐ is or ☐ is not involved in another pending matter or subject to a court order under §§48.13, 48.133, or 48.14 or ch. 938, Wis. Stats., including guardianship, child in need of protection or services, unborn child in need of protection or services, juvenile in need of protection or services, delinquency, termination of parental rights, adoption, or other related proceedings.

If the child is involved, provide details regarding any other cases: _____

☐ 10. This Petition for Appointment of a Guardian is filed with a Petition for Protective Placement prior to transfer of the child directly from a hospital to a nursing facility or community-based residential facility under §50.06, Wis. Stats.

☐ 11. A Petition for Minor Guardianship of the Estate has been or will be filed separately.

12. The Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (GF-150 form) is attached to this Petition.

I request that [Name] _____ be appointed guardian of the child.

I shall provide notice of the hearing and a copy of this petition to the child, his or her parents, the guardian, the legal custodian, and any other interested persons at least 7 days before the date of the hearing. Proof of personal service, certified mail, or written admission of service of the person served is required.

GN case

Petitioner

§ 48.9795 Notice

- Who must receive notice?
 - Full, Limited, or Temporary Guardianship:
 - Child (12 or older)
 - Child's counsel and guardian ad litem
 - Parent
 - Guardian
 - Legal or physical custodian
 - Any alleged father
 - Nominated guardian
 - Fiduciary (if no living parent and named in will)
 - County child welfare agency (if receiving public benefits or services)
 - Tribe and Indian custodian, if Indian Child Welfare Act applies
 - Any other person as required by the court
- By personal service or certified mail, at least seven days before the Initial Hearing (***minimum* 10 days for ICWA**).

§ 48.9795 Notice

- Who must receive notice?
 - Emergency Guardianship:
 - Child (12 or older)
 - Child's counsel and guardian ad litem
 - Parent
 - Guardian
 - Legal custodian
 - Nominated guardian
 - By most practical means possible, as soon as possible.
 - Including personal service, email, telephone.

JD-1724 – Notice of Hearing

| | |
|---|---|
| STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY | |
| IN THE INTEREST OF _____ Name _____ Date of Birth | Notice of Hearing (Juvenile) Case No. _____ |

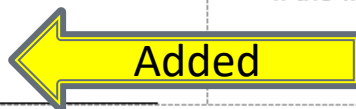
This case is scheduled for a hearing as indicated below:

| NOTICE OF HEARING | | |
|---|---------------|--------------------------------------|
| Date _____ | Time _____ | Location (Include Room No.) _____ |
| Circuit Court Judge/Circuit Court Commissioner _____ | | |

- ☐ Temporary Physical Custody
- ☐ Waiver of Juvenile Jurisdiction
- ☐ Plea
- ☐ Hearing on Petition
- ☐ Motion(s)
- ☐ Pre-trial
- ☐ Fact Finding
 - ☐ Court
 - ☐ Jury _____ person(s)
- ☐ Disposition
- ☐ Extension
- ☐ Change of Placement
- ☐ Revision
- ☐ Permanency Hearing
- ☐ Guardianship
- ☐ Other: _____

- If this hearing is for waiver of juvenile jurisdiction, the juvenile must be represented by counsel and any request for a substitution of judge must be filed before the close of the working day before the day the waiver hearing is scheduled.
- You have the right to have an attorney present. A juvenile 14 or under alleged to be delinquent must be represented by an attorney.
- If a child/juvenile wants to be represented by an attorney, or the juvenile is required to be represented by an attorney, the State Public Defender may appoint an attorney. Based on ability to pay, the parents may be ordered to reimburse the state or county for the cost of an attorney.
- If the Indian Child Welfare Act applies to this case, use form IW-1724.

☐ See attached



§ 48.9795 Timelines

- Initial Hearing for a full, limited, or temporary guardianship must be held within 45 days of the petition being filed.
 - An emergency guardianship should be heard as soon as possible.
- Fact-Finding Hearing OR Fact-Finding and Dispositional Hearing must be heard within 30 days of the Initial Hearing.
- Hearings can be adjourned for good cause under §48.315.

Full Guardianship

- Parents are unfit, unwilling, or unable to provide care, custody, and control of the child.
- All of the duties and authority under § 48.023.
 - “...to make important decisions in matters having a permanent effect on the life and development of the child and the duty to be concerned about the child's general welfare...”
 - Authority to determine reasonable visitation of the child by others.
 - Right to change the residence of the child from one state to another state.
 - Duty to immediately notify the court of any change of address for the child.
 - Duty to file the required Annual Report on the Condition of the Child.
- No expiration date (age 18).

Notice to File Annual Report – JN-1554



| | | |
|---|--|--|
| STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY | | |
| IN THE INTEREST OF _____ Name _____ Date of Birth | <input type="checkbox"/> Amended Notice to File Annual Report on the Condition of the Child (\$48.9795, Wis. Stats.) Case No. _____ | |

To: []

Address: []

GUARDIAN OF THE CHILD:

Please complete the enclosed Annual Report on the Condition of the Child (\$48.9795, Wis. Stats.) and file with the court by: [Due date]

Send completed form to: [Clerk address phone number]

Note: JN-1550, Annual Report on the Condition of the Child (\$48.9795, Wis. Stats.) is also available in computer fillable format from the court website at <https://www.wicourts.gov/forms1/circuit/index.htm>.

Please complete all available fields and print the completed form.

DISTRIBUTION:

1. Guardian

Annual Report on the Child – JN-1550

| | |
|--|---|
| STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY | |
| IN THE INTEREST OF _____ Name _____ Date of Birth | <div style="text-align: center;"><input type="checkbox"/> Amended Annual Report on the Condition of the Child (§48.9795, Wis. Stats.) Case No. _____</div> |

| | |
|-----------|--|
| 1. | LOCATION AND ADDRESS OF THE CHILD |
| | A. The child lives at [Street, City, County, State, Zip] _____ |
| | <input type="checkbox"/> B. The child's or guardian's address has changed within the last year. A Notice of Change of Address (JN-1552) <input type="checkbox"/> was previously filed with the court. <input type="checkbox"/> is attached. |

| | |
|-----------|---|
| 2. | HEALTH AND LIVING CONDITIONS OF THE CHILD |
| | A. <input type="checkbox"/> The child lives with me. <input type="checkbox"/> The child does <u>not</u> live with me. I personally observe the living conditions and care of the child <input type="checkbox"/> daily. <input type="checkbox"/> weekly. <input type="checkbox"/> monthly. <input type="checkbox"/> Other: _____ |
| | B. Has the child's health changed in the last year? <input type="checkbox"/> No change <input type="checkbox"/> Improved <input type="checkbox"/> Worsened Please explain the child's health condition: _____ |

| | | |
|-----------|--|--|
| 3. | RECOMMENDATIONS REGARDING THE CHILD | <input type="checkbox"/> See attached |
| | _____ _____ _____ | |

| | |
|--|--|
| | <div style="text-align: center;">▶ _____ Guardian's Signature _____ Name Printed or Typed _____ Guardian's Address _____ Email Address _____ Guardian's Telephone Number</div> |
| | <div style="text-align: center;">_____ Date</div> |

Limited Guardianship

- Parents need assistance in providing for the care, custody, and control of the child.
- Limits the duties and authority of a full guardianship.
- An Annual Report of the Child may be required to be filed at the discretion of the court.
- Expiration date is required.
 - May be extended.

Limited Guardianship

- Examples: Child moves out of state to live with a relative, parent is incarcerated for a few years, military service deployment. Can be used for private TPRs until the adoption is finalized. Guardian may be given healthcare and/or school authorities.

Temporary Guardianship

- The child's particular situation requires appointment of temporary guardian.
 - Includes the inability of the child's parents to provide for the care, custody, and control of the child for a temporary period of time.
- Guardian's authority is limited to those acts that are reasonably related to the reasons for the appointment that are specified in the petition for temporary guardianship.
- Temporary guardianship cannot exceed 180 days.
 - One-time extension up to an additional 180 days.
- Examples: a parent's health condition, upcoming surgery and long recovery, short incarceration sentence.

Emergency Guardianship

- Petitioner must demonstrate that the welfare of the child requires the *immediate* appointment of an emergency guardian.
- Emergency guardianships cannot exceed 60 days and cannot be extended.
- Examples: Child's medical procedure is needed, parent may remove child from proposed guardian's care, or something that requires an immediate guardian for less than 60 days.

Temporary Order Appointing an Emergency Guardian

- Court can also issue a temporary order appointing an emergency guardian until a hearing on the petition is held.
- The Temporary Order expires on the date of the Emergency Guardianship hearing which should be scheduled as soon as possible.

Temporary Order for Emergency Guardianship – JN-1520

| | |
|--|--|
| STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY | |
| IN THE INTEREST OF _____ Name _____ Date of Birth | <div style="text-align: right;"><input type="checkbox"/> Amended</div> <div style="text-align: center; font-weight: bold; margin-top: 10px;"> Temporary Order Appointing an Emergency Guardian (§48.9795, Wis. Stats.) </div> <div style="text-align: right; margin-top: 10px;">Case No. _____</div> |
| THE COURT FINDS: | |
| 1. A Petition for an Emergency Guardianship has been filed in this case by [Name] _____ on [Date] _____. | |
| 2. A hearing on the Petition is scheduled for [Date] _____. | |
| 3. The Petition for Emergency Guardianship requests a temporary order appointing an emergency guardian without a hearing until a hearing on the emergency guardianship petition is held. | |
| 4. Good cause <input type="checkbox"/> has <input type="checkbox"/> has not been shown that a temporary order appointing an emergency guardian is required until a hearing is held on the emergency guardianship petition. | |
| 5. This order does not change the placement of a child under the supervision of a court pursuant to §§48.13, 48.133, or §48.14 (1) to (10) or (12), Wis. Stats., or ch. 938. | |
| THE COURT ORDERS: | |
| The Request to issue a Temporary Order Appointing an Emergency Guardian is: | |
| <input type="checkbox"/> 1. GRANTED. | |
| | A. [Name] _____ is appointed as a Temporary Emergency Guardian of the child. <input type="checkbox"/> |
| | B. This Order expires on the date of the hearing on the Petition for Emergency Guardianship [Date] _____. |
| | C. The Emergency Guardian has the following duties and authority: _____ <input type="checkbox"/> See attached |
| <input type="checkbox"/> 2. DENIED for the following reason(s): _____ | |
| <input type="checkbox"/> 3. Other: _____ | |
| THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL. | |
| DISTRIBUTION: | |
| 1. Court 2. Emergency Guardian | 3. Child 4. Child's Parents 5. Guardian ad Litem/Adversary Counsel 6. Guardian/Legal Custodian 7. Tribe (if any) 8. Indian Custodian (if any) |
| 9. Additional Interested Persons (if any) | |

Guardian ad Litem / Counsel

- A Guardian ad Litem must be appointed for the child.
- The court may appoint counsel for the child or any party. See § 48.23 (4).
 - This is unclear whether the child would be appointed an attorney through the county or State Public Defender.
 - SPD may appoint if the judge orders it or contacted by the child.

GAL Duties

- Conduct a diligent investigation, which may include:
 - Meeting with the child, proposed guardian, and/or other interested persons.
 - Visiting the home of child and/or guardian.
- Inspect reports and records relating to the child's family and proposed guardian.
 - See Order Appointing GAL or Attorney - JD-1798
- Report of the Guardian ad Litem - JN-1514 is available to provide information on GAL duties, wishes of the child, and recommendations

Key Provisions

- A child 12 or older or a parent can nominate a proposed guardian - JN-1510.
 - A parent can also nominate a successor guardian.
- Proposed guardian must file a Statement of the Proposed Guardian at least 96 hours prior to the initial hearing on the petition - JN-1512.
 - Statement of Acts under Chapter 54.

Key Provisions

- Court can order:
 - Reasonable rules of parental visitation,
 - Amount of support to be paid by the child's parent(s), and/or
 - Successor guardian.
- None of these guardianship orders can change the placement of a child under the supervision of the court pursuant to Chapter 48 or 938.

ICWA

- ICWA is incorporated into §48.9795.
- Registered mail notice must be sent to the parents, Indian custodian, and tribe.
- Findings related to serious damage (QEW Testimony), active efforts, and placement preferences are required.
 - An Emergency Guardianship only requires an imminent harm finding.
- ICWA findings are included in the forms, with ICWA forms created where applicable.

Review of Conduct of Guardian JN-1560

- Petitioner must prove by clear and convincing evidence that the guardian:
 - Abused or neglect the child or knowingly permitted others to do so,
 - Failed to disclose information that would have prevented appointment of the person as guardian,
 - Failed to follow or comply with the court's order, or
 - Failed to perform any of his or her duties as guardian.

Review of Conduct of Guardian Remedies – JN-1561

- Remove the guardian.
- Remove the guardian and appoint a successor guardian.
- Order the guardian to carry out the following duties.
- Order the guardian to pay any costs of the proceeding, including costs of service and attorney fees, if the court finds that the guardian's conduct was egregious.
- Modify the guardian's duties and authority.

Post-Disposition Request – JN-1540

| | |
|---|---|
| STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY | |
| IN THE INTEREST OF _____ Name _____ Date of Birth | <div style="text-align: center;"> <input type="checkbox"/> Amended Request to <input type="checkbox"/> Modify <input type="checkbox"/> Terminate <input type="checkbox"/> Extend Limited or Temporary <input type="checkbox"/> Reconsider or Modify Emergency Guardianship (§48.9795, Wis. Stats.) </div> <div style="text-align: center; margin-top: 10px;"> Case No. _____ </div> |

I STATE ON INFORMATION AND BELIEF:

| | | | | | | | | | | | | | |
|--|---|--------------------------|---|--------------------------------------|--|--------------------------------------|--|--------------------------------------|--|---|--|--|--|
| 1. | I am interested as: _____ | | | | | | | | | | | | |
| 2. | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 55%; padding: 5px;">Child's Address _____</td> <td style="width: 45%; padding: 5px;">County where child currently resides _____</td> </tr> <tr> <td style="padding: 5px;">Parent 1's Name and Address _____</td> <td style="padding: 5px;"><input type="checkbox"/> Parent 1 is deceased.</td> </tr> <tr> <td style="padding: 5px;">Parent 2's Name and Address _____</td> <td style="padding: 5px;"><input type="checkbox"/> Parent 2 is deceased.</td> </tr> <tr> <td style="padding: 5px;">Guardian's Name and Address _____</td> <td></td> </tr> <tr> <td style="padding: 5px;">Legal Custodian's Name and Address _____</td> <td></td> </tr> <tr> <td style="padding: 5px;">Guardian ad Litem's Name and Address (if any) _____</td> <td></td> </tr> </table> | Child's Address _____ | County where child currently resides _____ | Parent 1's Name and Address _____ | <input type="checkbox"/> Parent 1 is deceased. | Parent 2's Name and Address _____ | <input type="checkbox"/> Parent 2 is deceased. | Guardian's Name and Address _____ | | Legal Custodian's Name and Address _____ | | Guardian ad Litem's Name and Address (if any) _____ | |
| Child's Address _____ | County where child currently resides _____ | | | | | | | | | | | | |
| Parent 1's Name and Address _____ | <input type="checkbox"/> Parent 1 is deceased. | | | | | | | | | | | | |
| Parent 2's Name and Address _____ | <input type="checkbox"/> Parent 2 is deceased. | | | | | | | | | | | | |
| Guardian's Name and Address _____ | | | | | | | | | | | | | |
| Legal Custodian's Name and Address _____ | | | | | | | | | | | | | |
| Guardian ad Litem's Name and Address (if any) _____ | | | | | | | | | | | | | |
| 3. | The child <input type="checkbox"/> is not <input type="checkbox"/> may be <input type="checkbox"/> is subject to the federal Indian Child Welfare Act or §48.023, Wis. Stats. Tribe/address: _____ | | | | | | | | | | | | |
| 4. | The Court previously entered a(n) Order for: <input type="checkbox"/> Full <input type="checkbox"/> Limited <input type="checkbox"/> Temporary <input type="checkbox"/> Emergency Guardianship. | | | | | | | | | | | | |

Request to Extend

- Applies to limited and temporary guardianship only
- Request may be made by the petitioner in the original guardianship
 - Burden of proof is on the petitioner
- Showings:
 - Good cause
 - For **temporary** guardianship: only one extension allowed for 180 days
- Standard: Clear and convincing evidence

Request to Extend; Request to Reconsider or Modify Emergency JN-1540

- ☐ 6. I request to **Extend**:
- ☐ A. a Limited guardianship
- ☐ B. a Temporary guardianship.

JN-1540, 05/20 Request to Modify, Extend Limited/Temporary, Reconsider/Modify Emergency, Terminate Guardianship (§48.9795, Wis. Stats.)

§§48.9795 (2)(d)2, (5)(a), (9), Wisconsin Statutes

This form shall not be modified. It may be supplemented with additional material.

Page 1 of 2

| | |
|--|--|
| (A Temporary guardianship can be extended only one time and the extension cannot exceed 180 days.) | |
| | The facts and circumstances which support this request are: <input type="text"/> <input type="checkbox"/> See attached |
| | The current guardianship order expires on [Date] <input type="text"/> . |
| | I request the court extend the guardianship order until [Date] <input type="text"/> . |
| <input type="checkbox"/> 7. | I request to Reconsider or Modify an Emergency Guardianship because: <input type="text"/> <input type="checkbox"/> See attached |
| I request a rehearing be scheduled within 30 days after the filing of this Request. | |

Request to Modify

- Applies to limited, temporary, or full guardianship only
- Request may be made by any interested person or any other person approved by the court
 - The burden of proof is on the requestor
- Showings:
 - Substantial change in circumstance since last order affecting the guardianship
 - The proposed modification is in the best interests of the child
- Standard: Clear and convincing evidence
- Modification may not change placement of the child is otherwise under the supervision of a court in another Ch. 48 or Ch. 938 case

Request to Modify – JN-1540

| | |
|-----------------------------|--|
| <input type="checkbox"/> 5. | I request to Modify the guardianship. There has been a substantial change in circumstances since the last order affecting the guardianship that was entered. The facts and circumstances which support this request are: <input type="text"/> <input type="checkbox"/> See attached |
| | I propose the following modification: <input type="text"/> <input type="checkbox"/> See attached |
| | The proposed modification would be in the best interests of the child because: <input type="text"/> <input type="checkbox"/> See attached |
| | Any other information that affects the advisability of the court's disposition: <input type="text"/> <input type="checkbox"/> See attached |
| | I request: |
| <input type="checkbox"/> A. | the Court modify the guardianship based upon all required written waivers of objection, having been signed and filed with the court. |
| <input type="checkbox"/> B. | a hearing be scheduled on this Request to Modify the Guardianship Order. I shall provide notice of the hearing and a copy of this request to all interested persons at least 7 days before the date of the modification hearing. |

Terminating Guardianship

- The term of guardianship order expired.
- The child married.
- The child died.
- The child's residence changes from this state to another state and a guardian is appointed in the new state of residence.
- The guardian died, or resigned and the resignation is accepted by the court, and a successor guardian was not appointed.
- The court removed the guardian and a successor guardian was not appointed.
- The child was adopted.

Request by Parent/Child to Terminate Guardianship

- Request can be made in any type of § 48.9795 guardianship.
- Request may be made by a parent or the child.
 - The burden of proof is on the requestor.
- Showings:
 - Substantial change in circumstance since last order affecting the guardianship.
 - Parent is fit, willing, and able to carry out the duties of a guardian.
 - No compelling facts or circumstances exist demonstrating that a guardianship is necessary.
 - Termination of guardianship is in the best interests of the child.
- Standard: Preponderance of the evidence.

Request to Terminate – JN-1540

| | | |
|-----------------------------|---|--|
| <input type="checkbox"/> 8. | I request to Terminate the guardianship. | |
| | <input type="checkbox"/> A. | The term of the guardianship order expired. |
| | <input type="checkbox"/> B. | The child married. |
| | <input type="checkbox"/> C. | The child died. |
| | <input type="checkbox"/> D. | The child's residence changes from this state to another state and a guardian is appointed in the new state of residence. |
| | <input type="checkbox"/> E. | The guardian died, or resigned and the resignation is accepted by the court, and a successor guardian was not appointed. |
| | <input type="checkbox"/> F. | A petition for review of conduct of the guardian requesting removal of the guardian has been filed. |
| | <input type="checkbox"/> G. | The court removed the guardian and a successor guardian was not appointed. |
| | <input type="checkbox"/> H. | The child was adopted. |
| | <input type="checkbox"/> I. | The <input type="checkbox"/> child or <input type="checkbox"/> child's parent requests to terminate the guardianship. |
| | 1. | There has been a substantial change in circumstances since the last order affecting the guardianship that was entered. The facts and circumstances which support this request are: <input type="text"/> <input type="checkbox"/> See attached |
| | 2. | The parent is fit, willing, and able to carry out the duties of a guardian or that no compelling facts or circumstances exist demonstrating that a guardianship is necessary because: <input type="text"/> <input type="checkbox"/> See attached |
| | 3. | The termination of the guardianship would be in the best interests of the child because: <input type="text"/> <input type="checkbox"/> See attached |
| | 4. | I request: <input type="checkbox"/> A. the Court terminate the guardianship based upon the written waivers of objection signed by all interested persons entitled to receive notice, which have been filed with the court. <input type="checkbox"/> B. a hearing be scheduled on this Request to Terminate the Guardianship Order. |
| | | I shall provide notice of the hearing and a copy of this request to the child, the child's parents, the guardian, and any other persons required by the court at least 7 days before the date of the termination hearing. |
| <input type="checkbox"/> 9. | Other: | <input type="text"/> |

STATE OF WISCONSIN, CIRCUIT COURT, _____

COUNTY _____

IN THE INTEREST OF

Name

Date of Birth

☐ Amended

**Letters of Guardianship and
Dispositional Order Appointing Guardian**
☐ Full ☐ Limited ☐ Temporary
Guardianship
(§48.9795, Wis. Stats.)

3 types

Case No. _____

To Order Minor Guardianship of the Estate, use GN-3330.

THE COURT FINDS:

1. A Petition for Appointment of Guardian has been filed with the court requesting a
☐ Full ☐ Limited ☐ Temporary Guardianship.

(For Letters of Guardianship and Dispositional Order Appointing an Emergency Guardianship, use form JN-1521.)

2. A hearing on the Petition for Appointment of Guardian was held on [Date] _____.

3. The person nominated as the guardian of the child is:

Name _____
Address _____
Phone _____

- ☐ 4. The person nominated as the successor guardian of the child is:

Name _____
Address _____
Phone _____

5. An inquiry has been made on the record to each participant in this proceeding as to whether each participant knows or has reason to know that the child is an Indian child. The provisions of the Indian Child Welfare Act do not apply.

(For an Indian child, use the Indian Child Welfare Act version - IW-1530.)

ICWA form

6. This order does not change the placement of a child under the supervision of a court pursuant to §§48.13, 48.133, or §48.14 (1) to (10) or (12) or ch. 938, Wis. Stats.

Dispositional Order

THE COURT ORDERS:

The Petition for Appointment of Guardian is

- ☐ 1. **GRANTED**. The petitioner has proved the allegations in the petition by clear and convincing evidence and the appointment of guardian is in the best interests of the child.
- A. The Court appoints [Name] _____ as guardian of the child.
- ☐ The person named as the successor guardian of the child is _____.
- B. The Court orders the following type of guardianship:
- ☐ **Full Guardianship**
- All of the duties and authority specified in §48.023, Wis. Stats., the duty and authority to make important decisions in matters having a permanent effect on the life and development of the child and the duty to be concerned about the child's general welfare, including but not limited to:
 - The authority to consent to marriage, enlistment in the U.S. armed forces, major medical, psychiatric and surgical treatment, and obtaining a motor vehicle operator's license.
 - The authority to represent the child in legal actions and make other decisions of substantial legal significance concerning the child but not the authority to deny the child the assistance of counsel as required by Chapter 48.
 - The right and duty of reasonable visitation of the child.
 - The rights and responsibilities of legal custody except when legal custody has been vested in another person or when the child is under the supervision of the department of corrections under §§938.183, 938.34 (4h), (4m), or (4n), or §938.357 (3) or (4), Wis. Stats., or the supervision of a county department under §938.34 (4d), (4m), or (4n), Wis. Stats.
 - Subject to an order of a court of competent jurisdiction, the authority to determine reasonable visitation with the child.
 - The right to change the residence of the child from this state to another state.
 - The duty to immediately notify the court that appointed the guardian of any change in the address of the guardian or child and to make an annual report to that court on the condition of the child. The report shall include the location of the child, the health condition of the child, and any recommendations regarding the child.

Dispositional Order

☐ Limited Guardianship

- The following duties and authority shall apply to the guardian.

(Please select the duties or authority of the guardian under this limited guardianship.)

- ☐ The authority to consent to marriage, enlistment in the U.S. armed forces, major medical, psychiatric and surgical treatment, and obtaining a motor vehicle operator's license.
- ☐ The authority to represent the child in legal actions and make other decisions of substantial legal significance concerning the child but not the authority to deny the child the assistance of counsel as required by Chapter 48.
- ☐ The right and duty of reasonable visitation of the child.
- ☐ The rights and responsibilities of legal custody except when legal custody has been vested in another person or when the child is under the supervision of the department of corrections under §§938.183, 938.34 (4h), (4m), or (4n) or §938.357 (3) or (4), Wis. Stats., or the supervision of a county department under §938.34 (4d), (4m), or (4n), Wis. Stats.
- ☐ Subject to an order of a court of competent jurisdiction, the authority to determine reasonable visitation with the child.
- ☐ The right to change the residence of the child from this state to another state.
- ☐ The duty to immediately notify the court that appointed the guardian of any change in the address of the guardian or child and to make an annual report to that court on the condition of the child. The report shall include the location of the child, the health condition of the child, and any recommendations regarding the child.
- ☐ Other: _____

- The guardian's authority is limited in the following manner: (Please select any limitations that apply.)

- ☐ The parent [Name] _____ retains power to make the following decisions within the parent's ability to exercise effectively: _____.
- ☐ The physical custody of a guardian is limited to allow shared physical custody between the guardian and parent [Name] _____ since it is in the best interests of the child.
- ☐ Other: _____

- The Limited Guardianship expires on: [Date] _____.

☐ Temporary Guardianship

- The temporary guardian's authority shall be limited to those acts that are reasonably related to the reasons for the appointment that are specified in the petition for temporary guardianship.

(Please list the duties and authority of the temporary guardian below.)

| | |
|--------------------------|--|
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |

☐ See attached

- The Temporary Guardianship expires on [not to exceed 180 days]: _____.

STATE OF WISCONSIN, CIRCUIT COURT, _____

____ COUNTY

IN THE INTEREST OF

☐ Amended_____
Name_____
Date of Birth

**Letters of Guardianship and
Dispositional Order Appointing an
Emergency Guardian
(§48.9795, Wis. Stats.)**

Case No. _____

THE COURT FINDS:

1. A Petition for Appointment of Guardian has been filed with the court requesting an Emergency Guardianship.
For Letters of Guardianship and Dispositional Order Appointing Guardian for Full, Limited, or Temporary Guardianship, use form JN-1530.
2. A hearing on the Petition for Appointment of an Emergency Guardian was held on [Date] _____.
3. The person nominated as the guardian of the child is:
Name _____
Address _____
Phone _____
4. An inquiry has been made on the record to each participant in this proceeding as to whether each participant knows or has reason to know that the child is an Indian child.
☐ A. The provisions of the Indian Child Welfare Act do not apply.
☐ B. The child is subject to the federal Indian Child Welfare Act or §48.028, Wis. Stats., AND
an emergency guardianship ☐ is ☐ is not necessary to prevent imminent physical damage or harm to the Indian child.
5. Any temporary emergency guardianship orders are terminated.
6. This order does not change the placement of a child under the supervision of a court pursuant to §§48.13, 48.133, or §48.14 (1) to (10) or (12), Wis. Stats., or ch. 938, Wis. Stats.

Emergency Order – JN-1521

THE COURT ORDERS:

The Petition for Appointment of an Emergency Guardian is

- ☐ 1. **GRANTED**. The petitioner has demonstrated to the court that the welfare of the child requires the immediate appointment of an emergency guardian.

A. The Court appoints [Name] _____ as guardian of the child.

B. The Court orders an Emergency Guardianship.

- The emergency guardian's authority shall be limited to the following acts, which are reasonably related to the reasons for the appointment. *(Please list the duties and authority of the emergency guardian below.)*

☐
☐
☐
☐

- The Emergency Guardianship expires on [Date] _____. [Not to Exceed 60 days]

☐ C. Reasonable rules of parental visitation for:

☐ Parent 1 [Name] _____

Rules: _____

☐ See attached

☐ Parent 2 [Name] _____

Rules: _____

☐ See attached

☐ D. The amount of support to be paid by the child's parent(s):

☐ Parent 1 [Name] _____

☐ \$ _____ per month commencing on [Date] _____.

Payable by ☐ wage assignment ☐ directly between parties.

☐ Parent 2 [Name] _____

☐ \$ _____ per month commencing on [Date] _____.

Payable by ☐ wage assignment ☐ directly between parties.

☐ E. Other: _____

F. Upon receiving information that provides reason to know the child is an Indian child, the party shall inform the Court.

- ☐ 2. **DENIED** and this matter is dismissed. The welfare of the child does not require the immediate appointment of an emergency guardian.

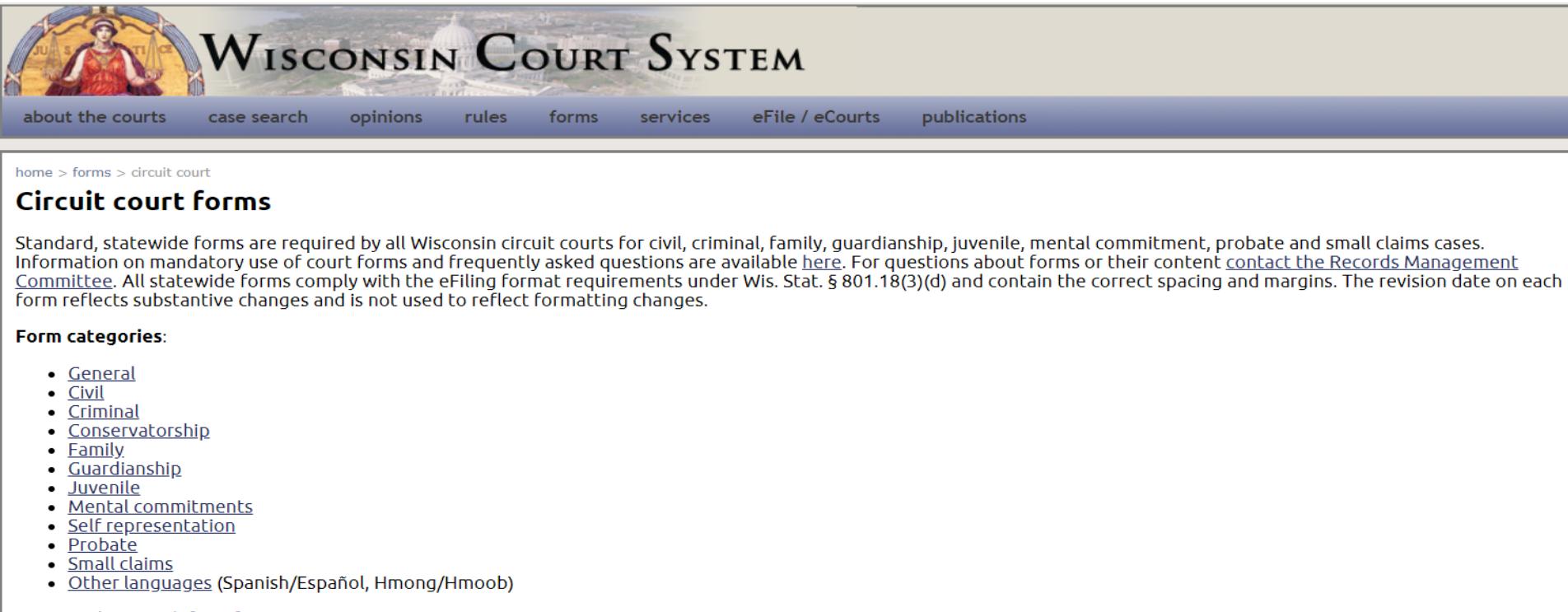
THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

Visitation and Support

| | | |
|--------------------------|-----------------|---|
| <input type="checkbox"/> | C. | Reasonable rules of parental visitation for: |
| <input type="checkbox"/> | Parent 1 [Name] | <input type="text"/> |
| | Rules: | <input type="text"/> <input type="checkbox"/> See attached |
| <input type="checkbox"/> | Parent 2 [Name] | <input type="text"/> |
| | Rules: | <input type="text"/> <input type="checkbox"/> See attached |
| <input type="checkbox"/> | D. | The amount of support to be paid by the child's parent(s): |
| <input type="checkbox"/> | Parent 1 [Name] | <input type="text"/> |
| <input type="checkbox"/> | \$ | <input type="text"/> per month commencing on [Date] <input type="text"/> |
| | Payable by | <input type="checkbox"/> wage assignment <input type="checkbox"/> directly between parties. |
| <input type="checkbox"/> | Parent 2 [Name] | <input type="text"/> |
| <input type="checkbox"/> | \$ | <input type="text"/> per month commencing on [Date] <input type="text"/> |
| | Payable by | <input type="checkbox"/> wage assignment <input type="checkbox"/> directly between parties. |
| <input type="checkbox"/> | E. | Other: <input type="text"/> |
| <input type="checkbox"/> | F. | Upon receiving information that provides reason to know the child is an Indian child, the party shall inform the Court. |

www.wicourts.gov

- Hover over forms and select Circuit court forms.



The screenshot shows the Wisconsin Court System website. At the top is a banner with a classical figure holding scales and the text "WISCONSIN COURT SYSTEM". Below the banner is a navigation bar with links: "about the courts", "case search", "opinions", "rules", "forms", "services", "eFile / eCourts", and "publications". The main content area shows a breadcrumb trail "home > forms > circuit court" followed by the heading "Circuit court forms". A paragraph explains that standard statewide forms are required for various cases and provides links for more information and to contact the Records Management Committee. Below this, under the heading "Form categories:", is a list of links: "General", "Civil", "Criminal", "Conservatorship", "Family", "Guardianship", "Juvenile", "Mental commitments", "Self representation", "Probate", "Small claims", and "Other languages (Spanish/Español, Hmong/Hmoob)".

home > forms > circuit court

Circuit court forms

Standard, statewide forms are required by all Wisconsin circuit courts for civil, criminal, family, guardianship, juvenile, mental commitment, probate and small claims cases. Information on mandatory use of court forms and frequently asked questions are available [here](#). For questions about forms or their content [contact the Records Management Committee](#). All statewide forms comply with the eFiling format requirements under Wis. Stat. § 801.18(3)(d) and contain the correct spacing and margins. The revision date on each form reflects substantive changes and is not used to reflect formatting changes.

Form categories:

- [General](#)
- [Civil](#)
- [Criminal](#)
- [Conservatorship](#)
- [Family](#)
- [Guardianship](#)
- [Juvenile](#)
- [Mental commitments](#)
- [Self representation](#)
- [Probate](#)
- [Small claims](#)
- [Other languages](#) (Spanish/Español, Hmong/Hmoob)



WISCONSIN COURT SYSTEM

[about the courts](#)[case search](#)[opinions](#)[rules](#)[forms](#)[services](#)[eFile / eCourts](#)[publications](#)

[home](#) > [forms](#) > [circuit court](#) > [guardianship](#)

Circuit court forms

Guardianship

View [all guardianship forms](#)

Categories:

- Guardianships (Chapter 48)
 - [48.831](#)
 - [48.977](#)
 - [48.9795](#)
- Guardianships (Chapter 54)
 - [Conservator](#)
 - [Due to Incompetency](#)
 - [Minor Estate](#)
 - [Temporary](#)
 - [Pending Chapter 54 Minor Guardianship of the Person \(Pre-Appointment\)](#)
- Chapter 55
 - [Protective Placement/Protective Services](#)

CCIP E-Learning Project

www.wicciptraining.com

**CHILDREN'S COURT IMPROVEMENT PROGRAM**
WISCONSIN

HomeE-Learning ActivitiesTraining CalendarResourcesContactFAQ

E-Learning Activities

The materials and learning activities provided on this website should not be construed as legal advice and are meant for informational purposes only.

Several of the learning activities are programmed through Adobe Flash, and may not be supported on some mobile devices and web browsers. If you are having difficulty viewing a learning activity, please try accessing the link on a different device or browser (e.g., Internet Explorer, Chrome, or Firefox).

Module 1: Child in Need of Protection or Services +

| | |
|--|-------|
| Temporary Physical Custody Hearing | 28:30 |
| Plea Hearing | 24:30 |
| Fact-Finding Hearing | 16:30 |
| Consent Decree | 12:00 |
| Dispositional Hearing | 33:15 |
| Extension Hearing | 15:00 |
| Revision Hearing | 12:30 |
| Change in Placement | 33:00 |
| Permanency Hearing | 33:30 |
| Case Closure Order | 11:30 |
| Chapter 48 Guardianship - Update Coming Soon | |

Module 2: Termination of Parental Rights +

| | |
|---|-------|
| Voluntary Hearing on the Petition | 23:30 |
| Involuntary Hearing on the Petition | 32:00 |
| Involuntary Fact-Finding Hearing | 21:00 |
| TPR Dispositional Hearing | 24:00 |
| Chapter 48 Guardianship - Update Coming Soon | |

Module 3: Specialty Topics +

| | |
|---|-------|
| Interstate Compact on the Placement of Children | 14:30 |
| Adoption | 19:00 |
| WICWA | 38:00 |
| Child Safety Decision-Making | 26:45 |
| Chapter 48 Guardianship - Update Coming Soon | |

Questions or Comments?

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