



Understanding the Juvenile Court Process: CHIPS and Minor Guardianship Cases: Rights, Roles, and Requirements

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Please note that the information contained in this presentation is not meant to be construed as legal advice.

Any guidance provided should not override a judge's decision and authority.

Questions are welcome; however, CCIP is unable to provide input or legal advice on individual cases.

Thank you!

CCIP Overview

- **CCIP – Children’s Court Improvement Program**
- Since 1995, have received federal Court Improvement Program (CIP) funding to develop and implement recommendations to enhance the court's role in achieving stable, permanent homes for children in foster care
 - CIP is present in all 50 states, some U.S. territories, and a number of federally-recognized tribes

Wisconsin Supreme Court

Director of State Courts
Office

CCIP



Welcome

Welcome to the Wisconsin Children's Court Improvement Program (CCIP) website for the CCIP E-Learning Project. To access training modules on child in need of protection or services and termination of parental rights court case processing, as well as other child welfare specialty topics, click on or hover over the E-Learning Activities icon.



About CCIP

The Children's Court Improvement Program (CCIP) is a federal grant awarded to the Wisconsin Supreme Court, Director of State Courts Office to enhance the processing of child welfare cases in the court system. The CCIP E-Learning Project is one of several activities supported by CCIP funding. Visit the [CCIP page](#) on the court system's website for more information.

Announcements

Tailored Dispositional Orders Project

The Children's Court Improvement Program (CCIP) and the Department of Children and Families (DCF) are expanding the Tailored Dispositional Orders Project to additional counties. The project seeks to collaboratively bring together child welfare agency, court, and legal partners to improve conditions for return in CHIPS cases and/or conditions of supervision in Youth Justice cases while utilizing the SMART goals framework. Additional information about the project can be found under the [Resources](#) page.

Please contact Kristen.Wetzel@wiscourts.gov if your county is interested in learning more about the Tailored Dispositional Orders Project.

Judicial Education Credits for CCIP E-Learning

Wisconsin judicial officers may earn 2.6 Judicial Education Credits during each six-year reporting period for viewing all 21 of the CCIP E-Learning activities.

www.wicciptraining.com

Wisconsin Court System

Home About Case Search Opinions Rules Forms Services eFiling Publications

Welcome to the Wisconsin Court System website. I hope a wealth of information ranging from an overview of the system to detailed information on specific court procedures will be helpful to you.

What can we help you find?

Search wicourts.gov

Message from the

Conservatorship

Criminal

Family

Guardianship

Juvenile

Mental commitments

Probate

Self representation

CIP

Circuit Court Forms

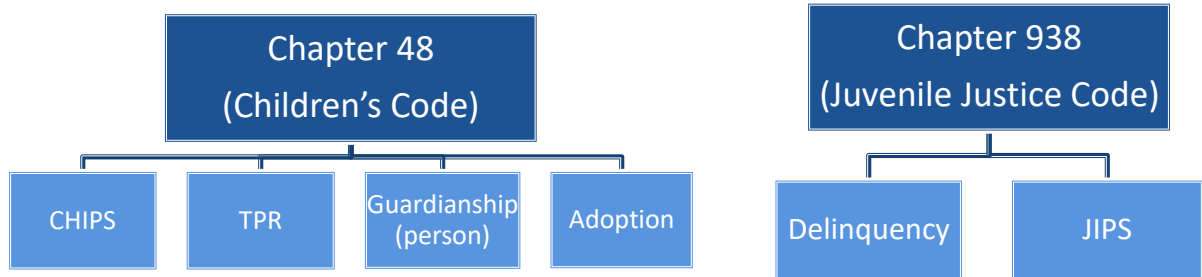
www.wicourts.gov

- Hover over Forms and select Circuit court
- Select Juvenile

Juvenile Case Types

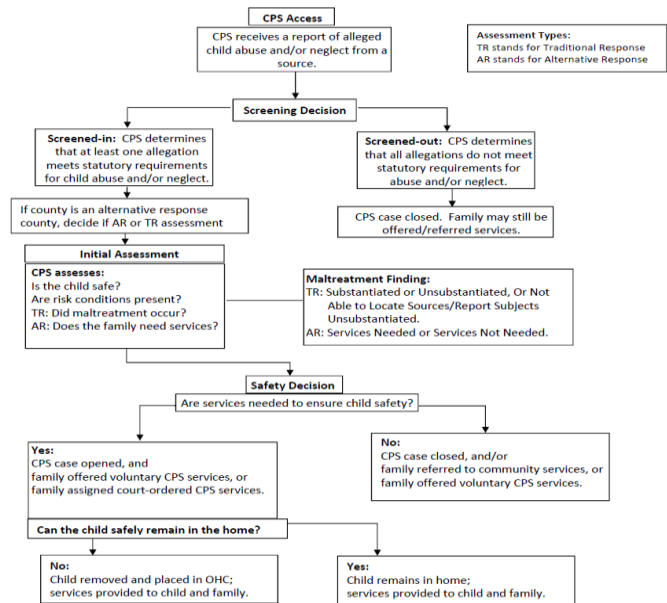
- Child in Need of Protection or Services (CHIPS)
 - Unborn Child in Need of Protection or Services (UCHIPS)
- Juvenile in Need of Protection or Service (JIPS)
 - Ex: truancy, runaway, uncontrollable, incompetent
- Delinquency
 - Crime if committed by an adult (10-17 years old)
- Termination of Parental Rights (TPR)
 - Voluntary or involuntary
- Guardianship
 - Ch. 48 – minor guardianship of the person/child
 - Ch. 54 – minor guardianship of the estate
- Other:
 - Adoption, Juvenile Injunction, Juvenile Mental Commitment, and Waiver of Parental Consent for Abortion

Wisconsin Statutes



Child in Need of Protection or Services (CHIPS) Cases

Overview of the Child Protective Services (CPS) Process



Out-of-Home Placement

- A child/juvenile is considered to be in an out-of-home placement for purposes of court findings and permanency planning when placed with anyone except a parent in a CHIPS, JIPS, or delinquency case
 - Exceptions for placements in secure detention under certain circumstances
 - See §§ 48.38(2) & 938.38(2)



Caregiver Definitions

- **Guardian** – Person named by the court having the duty and authority of guardianship
- **Legal Custodian** – Legal status created by the order of a court, which confers the right and duty to protect, training and discipline the child, and to provide food, shelter, legal services, education and ordinary medical and dental care, subject to the rights, duties and responsibilities of the guardian of the child and subject to any residual parental rights and responsibilities and the provision of any court order
- **Physical Custody** – Actual custody of the person in the absence of a court order granting legal custody to the physical custodian
 - Note: Physical custodian is different than legal custodian



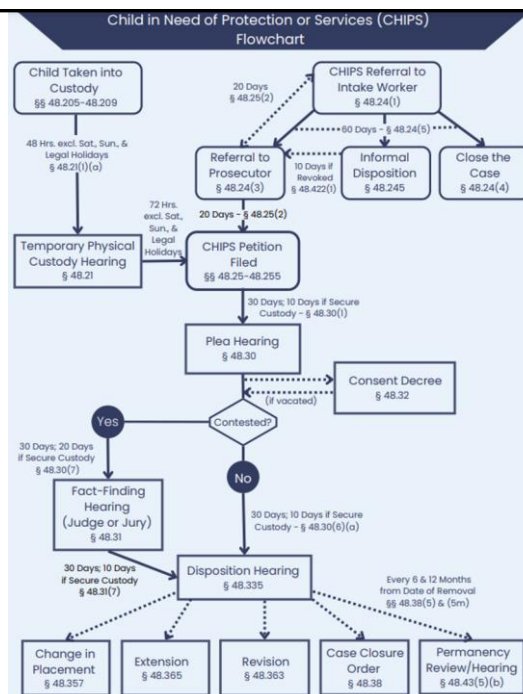
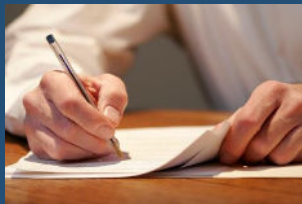
Caregiver Definitions

- **Relative** – A parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, step-uncle, step-aunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce
 - For purposes of placement, "relative" also includes a parent of a sibling of the child who has legal custody of that sibling



How does a CHIPS case begin?

- Temporary Physical Custody (TPC)
 - The child is removed from the home and a Temporary Physical Custody Hearing is scheduled
- CHIPS Petition is filed requesting jurisdiction
 - The CHIPS petition can be filed at the same time as the TPC, up to 72 hours after the TPC hearing, or without a TPC for an in-home case



Temporary Physical Custody (TPC) Hearing

- The TPC hearing must be held within 48 hours of removal for a CHIPS case and 24 hours for a Delinquency and JIPS cases
 - Time period excludes legal holidays and weekends
- Burden is probable cause that one of the following exists:
 - Child will cause injury to self OR be subject to injury by others
 - Parent(s), guardian, legal custodian or other responsible adult is neglecting, refusing, unable, or unavailable to provide adequate supervision and care AND services to ensure the child's safety and well-being are not available or would be inadequate
 - Child will run away or be taken away, making the child unavailable for further court proceedings
 - Parent(s) has relinquished custody of the child
- If proven, the court issues a temporary order regarding placement of the child
- The CHIPS petition may be filed at the same time of the TPC hearing or within 72 hours after the TPC hearing



Who can file a CHIPS petition?

- Attorney representing interests of the public, §48.09
 - Corporation Counsel, District Attorney, or Contract Attorney
- Counsel or GAL for parent, relative, guardian, or child
- Parent or guardian, §48.13(4)
 - Unable or needs assistance to care for or provide necessary special treatment or care for child
- Child who is 12 years or older, §48.13(9)
 - In need of special treatment or care with parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide



CHIPS GROUNDS

There are 16 CHIPS grounds alleging that a child is need of protection or services.

Wis. Stat. §48.13 - Jurisdiction over children alleged to be in need of protection or services. (CHIPS)

This document provides information on some of the CHIPS Grounds. Additional grounds are listed in §48.13. This document is **not** legal advice. If you have legal questions, please speak to an attorney.

3 Who has been the victim of abuse, as defined in s. 48.02(1)(a), (b), (c), (d), (e), (f), or (g), including injury that is self-inflicted or inflicted by another.

- "Abuse" means physical injury which is intentionally or recklessly inflicted on a child, including injury which is self-inflicted.
 - "Intentionally" means that the person who causes the physical injury had the purpose to cause physical injury or was aware that his or her conduct was practically certain to cause that result.
 - "Recklessly" means that the physical injury was caused by conduct which creates an unreasonable risk of harm to the child and demonstrates a conscious disregard for the safety of the child.
 - "Abuse" does not include physical injury which is inflicted by accident.
- "Physical injury" includes, but is not limited to, lacerations, fractured bones, burns, internal injuries, and severe or frequent bruising. It also includes bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

3m Who is at substantial risk of becoming the victim of abuse, as defined in s. 48.02(1)(a), (b), (c), (d), (e), (f), or (g) including injury that is self-inflicted or inflicted by another, based on reliable and credible information that another child in the home has been the victim of such abuse.

- "Substantial risk" means that a significant and appreciable threat of abuse exists.
 - In assessing the seriousness of the risk, among the factors you may consider are: (1) the nature and severity of the abuse to the other child in the home; (2) the similarity of the subject child to the abused child, with regard to age, sex, size, health, and intelligence; (3) the similarity or dissimilarity of the subject child to the abused child by way of relationship or position of favor or disfavor in relation to the alleged abuser; and (4) any changes which have occurred in the home since the prior abuse.
- "Abuse" means physical injury which is intentionally or recklessly inflicted on a child, including injury which is self-inflicted.
 - "Intentionally" means that the person who causes the physical injury had the purpose to cause physical injury or was aware that his or her conduct was practically certain to cause that result.
 - "Recklessly" means that the physical injury was caused by conduct which creates an unreasonable risk of harm to the child and demonstrates a conscious disregard for the safety of the child.
 - "Abuse" does not include physical injury which is inflicted by accident.
- "Physical injury" includes, but is not limited to, lacerations, fractured bones, burns, internal injuries, and severe



Wis. Stat. §48.13 - Jurisdiction over children alleged to be in need of protection or services. (CHIPS)

This document provides information on some of the CHIPS Grounds. Additional grounds are listed in §48.13. This document is **not** legal advice. If you have legal questions, please speak to an attorney.

4 Whose parent or guardian signs the petition requesting jurisdiction under this subsection and is unable or needs assistance to care for or provide necessary special treatment or care for the child.

- "Special treatment or care" means professional services which need to be provided to child or child's family to protect the well-being of the child, to prevent placement of child outside of the home, or to meet the special needs of child. This term includes, but is not limited to, medical, psychological, or psychiatric treatment; alcohol or other drug abuse treatment; or other services that are necessary and appropriate.

8 Who is receiving inadequate care during the period of time a parent is missing, incarcerated, hospitalized or institutionalized.

- "Inadequate care" means less care than is reasonably necessary to provide sufficient food, clothing, housing, medical and dental services, education, or to meet the special needs of child. In determining what constitutes inadequate care, you may consider all the facts and circumstances bearing on child's need for care, including age, physical condition, and special needs.
- "Missing" means that the parent is unable to be located despite reasonable efforts.
- "Incarcerated" means that the parent is an inmate in a jail, Huber facility, house of correction, prison, or any other correctional facility located either in Wisconsin or elsewhere.
- "Hospitalized" means that the parent has been admitted as a patient into a hospital located either in Wisconsin or elsewhere.
- "Institutionalized" means that the parent is in a facility on an inpatient basis relating to issues involving mental health, alcohol or other drug dependency, or developmental disability.

10 Whose parent, guardian, or legal custodian neglects, refuses or is unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

- "Neglect" means a failure to provide which is neither intentional nor due to parental incapacity but rather is due to an inattentive state of mind.
- "Refusal" is a willful and intentional failure to provide.
- "Inability" means an incapacity on the part of the parent to perceive or to respond adequately to the needs of the child, but does not include an incapacity which is solely the result of poverty.

Representation of Children

Guardian ad Litem

- Represents child's best interests
- In Wisconsin, must be an attorney
- Functions independently
- Requirements under § 48.235:
 - Meet with the child
 - Assess appropriateness and safety of child's environment
 - Interview child if old enough to communicate and determine child's goals and concerns regarding placement
 - Make clear and specific recommendations to the court
 - Notify court if the best interests of the child are substantially inconsistent with the wishes of that person

Adversary Counsel

- Generally, appointed for children 12 years or older
 - The child may also have a Guardian ad Litem, it depends on the case
- Represents child's wishes - "...shall advance and protect the legal rights of the party represented..."
- Typically appointed through the State Public Defender's Office.
 - Indigency determination is not required



Representation of Parents



- Parents have the right to hire their own attorney
- Parents are only appointed an attorney through the State Public Defender's Office if the parent is indigent and:
 - the county is participating in the 5 county SPD pilot, OR
 - Racine, Kenosha, Outagamie, Brown, and Winnebago
 - the case is subject to Wisconsin Indian Child Welfare Act
- A parent can also request a court-appointed attorney
 - Discretion of the court after considering circumstances of parent/case
 - Parent may be required to reimburse the county
- Court always has discretion to appoint a GAL for a parent (e.g., competency issues)



Plea Hearing

- After the CHIPS petition is filed, the court will schedule a plea hearing within 30 days
- The parents, guardian, legal custodian, Indian custodian, and child (through the Guardian ad Litem or Adversary Counsel attorney) will be advised of their rights such as to hire an attorney, substitute the jury, and request a jury trial.
 - A jury trial demand or substitution request must be made before the end of the Plea Hearing
- If admissions or no-contest pleas are entered, the child will be adjudicated a child in need of protection or services (CHIPS) and the case will be scheduled for a Dispositional Hearing within 30 days
- If a party enters a denial, a Fact-Finding Hearing is scheduled within 30 days
- Timeframes can be adjourned if the court finds good cause.



Fact-Finding Hearing



- Court/bench trial or a jury trial
 - The party that entered the denial has the right to either a court trial to the judge or a 6-person jury trial
 - A 5/6 verdict is required in a jury trial to find the child CHIPS
- The trial is to determine whether the allegations in the CHIPS petition are proven by clear and convincing evidence.
 - If proven, the child is adjudicated CHIPS
 - If the burden is not met, the CHIPS case is dismissed



Dispositional Hearing

- If the child is adjudicated to be CHIPS – Child in Need of Protection or Services, the case proceeds to a Dispositional Hearing
- The court orders placement of the child
 - In-home
 - Conditions of Supervision should be ordered for both parents
 - Out-of-home
 - Conditions for Return are ordered for both parents
 - Termination of Parental Rights (TPR) warnings are read and attached to order
- Order must also contain specific services that the agency will provide the family
- Length of the order depends if the child is placed in-home or out-of-home



Expiration of Dispositional Order

Out-of-Home

Unless earlier time specified by court, the later of:

- 18th birthday
- High school graduation/equivalent or 19th birthday
 - If full-time student and reasonably expected to complete the program prior to age 19
- 21st birthday
 - If IEP, full-time student, and youth agrees



In-Home

- Up to 1 year
 - The order can be extended up to one additional year each time.



Permanency Planning

- Permanency goals that can be ordered are:
 - Reunification – child is returned to the home
 - Guardianship
 - Adoption (after a Termination of Parental Rights)
 - Placement with a fit and willing relative
 - Other planned permanent living arrangement (Aging out)
- Concurrent Planning
 - Working on two goals simultaneously



Permanency Reviews & Hearings

- Timeframe
 - Child's permanency plan must be reviewed no later than 6 months after date of removal & every 6 months thereafter
 - 6-month reviews may be conducted by a community/administrative review panel or the court
 - 12-month hearings must be heard by the court
- All caregivers have a right to be heard at the hearing by submitting a written statement or orally in court
 - Written statements must be shared with all parties

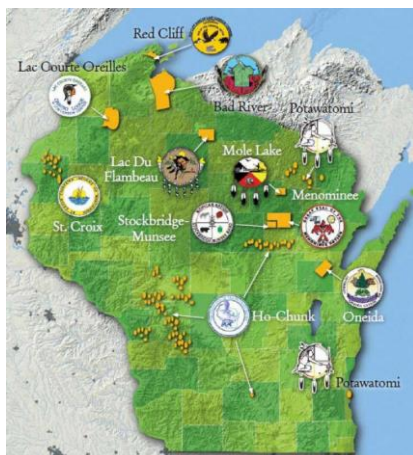


Post-Disposition Activities

- **Change in Placement** – the child's placement is changed
 - In-Home to Out-of-Home
 - Emergency Change in Placement requires a hearing within 48 hours
 - In-Home to In-Home
 - Out-of-Home to Out-of-Home
 - Out-of-Home to In-Home
- **Extension** – the CHIPS order expiration date is extended
- **Revision** – the Dispositional Order is revised to amend the conditions for return, services, visitation, or other provisions
- **Trial Reunification** - child is placed with a parent on a trial basis up to 90 days. A party or caregiver can file an objection and request a hearing.
- **Case Closure Order** – child is placed with a parent, the CHIPS case is closed, and the Family Court order is amended



Wisconsin Indian Child Welfare Act (WICWA)



WICWA Reminders

- Additional findings, notice, and procedures required when a CHIPS, JIPS, TPR, or guardianship case involves an “Indian child”:
 - Member of tribe, or
 - Eligible for membership and biological child of a member
- WICWA specific circuit court forms available
- See WICWA Judicial Checklist & E-Learning Activity:
<https://wicciptraining.com/>

Rights of the Caregiver

- Notice of all hearings in a CHIPS, JIPS, TPR, and delinquency case
 - Not given party status unless guardian or legal custodian
- Right to object to a change in placement from caregiver's home at any stage of the case
 - If objection filed within 10 days of sending notice, court will schedule a hearing
 - When child has been placed with relative for 6 months or more, additional notice requirements and right to appeal decision to remove the child, § 48.64
- Right to be heard at all hearings by making a written or oral statement – §§ 48.27, 48.42, 938.27



- <https://dcf.wisconsin.gov/files/forms/doc/2474.docx>

Rights of the Caregiver

- CHIPS & JIPS cases: Guardian or Legal Custodian
 - Enter plea/contest the petition
 - Request jury trial and substitution of judge
 - Request change in placement, revision, or extension
- File petitions:
 - TPR: Relative or guardian
 - JIPS: Relative or guardian
 - § 48.977 Guardianship: Guardian, legal custodian, or current or recommended placement
 - § 48.9795 Guardianship: Any person



Rights of the Caregiver

- Guardian and legal custodian
 - Right to access Ch. 48 and Ch. 938 juvenile court records - §§ 48.396 & 938.396
 - Copies of court reports and permanency plans
- Relative caregiver (without guardianship or legal custody) does not have right to access these records/documents unless:
 - Ordered by the court, or
 - Written permission provided by parent, guardian, legal custodian, or child (14 years or older)



Minor Guardianships

§48.977 - CHIPS Guardianships

§48.9795 - Minor Guardianships of the Person

Minor Guardianships

- **Minor Guardianship of the Person → Chapter 48**
 - There are now 3 types of Chapter 48 Guardianships:
 - § 48.977 – CHIPS Guardianships
 - § 48.9795 – Minor Guardianships of the Person
 - Full, Limited, Temporary, and Emergency
 - § 48.831 – Appointment of Guardian for Child Without a Living Parent
- **Minor Guardianship of the Estate → Chapter 54**
 - When a child is going to receive a substantial amount of money, some insurance companies will require court oversight of the money until the child turns 18.



Minor Guardianship Comparison Chart

Differences	§ 48.977	§ 48.9795
Underlying CHIPS case for the child.	✓	
Child must live with guardian.	✓	
Subsidized guardianship payments permissible.	✓	
Procedure for appointing a successor guardian.	Subsidized only.	✓
Annual report from guardian required.		Full only.
Court commissioner may conduct hearings.		✓
Emergency guardianship available.		✓



§ 48.977 – CHIPS Guardianships



§ 48.977 – CHIPS Guardianship Requirements

1. Child adjudicated CHIPS (or JIPS ground of uncontrollable behavior).
2. Child will live with proposed guardian.
3. Guardian willing and able to serve for an extended time or until child is 18.
4. TPR not in child's best interests.
5. Parent is neglecting, refusing, or unable to fulfil the duties as guardian.
6. Agency has made reasonable efforts to prevent removal/return the child home.

§ 48.977 – CHIPS Guardianship Petition

- Can be filed by:
 - Child
 - Parent
 - Guardian
 - Legal custodian or Indian custodian
 - Guardian ad litem
 - Nominated guardian
 - Department of Children and Families
 - Agency
 - District attorney/corporation counsel



§ 48.977 – CHIPS Guardianship Subsidized Payments

- Monthly payments available for qualifying § 48.977 guardianships
 - County agency is responsible for determining eligibility. See § 48.623
- If subsidized, the court must terminate/dismiss the underlying CHIPS case
 - If unsubsidized, the underlying CHIPS case will continue until terminated or order expires
- Child and proposed guardian must be related or have a pre-existing relationship



§ 48.977 – CHIPS Guardianship Additional Considerations

- Post-judgement matters include revision of orders, appointment of successor guardian, and termination
- Termination: Child turns 18, guardian resigns, or court removes for cause
- Parent can move to terminate if:
 - There is a substantial change in circumstances since guardianship order,
 - Parent is able to resume being guardian, and
 - Best interest of child to terminate guardianship
- Permanency planning not required in guardianship case
 - It will continue as long as the CHIPS case remains open



§ 48.9795 – Minor Guardianships of the Person



§ 48.9795 Guardianship – 2019 WI Act 109

- On August 1, 2020, Minor Guardianships of the Person moved from Chapter 54 to Chapter 48 and became §48.9795
 - If any post-disposition activity (modification, extension, appointing a successor guardian, resignation of guardian, etc.) needs to occur on an existing Chapter 54 minor guardianship of the person, §48.9795 procedures and Circuit Court forms will be used.
- §48.977 CHIPS guardianships also did not change



§ 48.9795 Guardianship – GAL and Adversary Counsel

- Guardian ad Litem
 - Guardian ad Litem must be appointed for the child
 - Report of the Guardian ad Litem (JN-1512) is available
- Adversary Counsel
 - There is no requirement for appointing adversary counsel for a child
 - The court has the discretion to appoint counsel for the child of any age pursuant to § 48.23 (3)
 - SPD will appoint adversary counsel for a child over 12 when:
 - Request is made by the child or court or
 - SPD already represents the child in a Ch. 48 or 938 case



§ 48.9795 Guardianship – Types

- Four types of minor guardianships of the person:
 - 1) Full
 - 2) Limited
 - 3) Temporary
 - 4) Emergency



§ 48.9795 Guardianship – Filing

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

§ 48.9795(4)



§ 48.9795 Guardianship – Petition

- Petition Circuit Court forms
 - **JN-1501 / IW-1501** - Petition for Appointment of Guardian - Full/Limited/Temporary Guardianship
 - **JN-1504** - Petition for Appointment of Emergency Guardian
- Each petition requires a separate filing and own case number
 - For example, if you want to request an Emergency Guardianship and a Full Guardianship, there will be two separate petitions and two separate case numbers.
- The bottom of each petition will explain notice requirements



§ 48.9795 Guardianship – Filing Guide

FILING A MINOR GUARDIANSHIP OF THE PERSON CASE

This document provides general information about
Minor Guardianships of the Person and is not legal advice.

1 Which type of guardianship are you requesting?

FULL GUARDIANSHIP

- A full guardianship requires the Petitioner to prove 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.
- A full guardian's duties and authority include:
 - 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.
 - 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 or a county department.
 - The right to change the residence of the child from Wisconsin to another state.
 - The guardian must immediately notify the court of any change in the address of the guardian or child.
 - The guardian must 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.
- A full guardianship remains until the child is 18 years old unless terminated earlier.

TEMPORARY GUARDIANSHIP

- A temporary guardianship requires the Petitioner to prove 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.
- A 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.
- A temporary guardianship can be ordered up to 180 days.
 - A temporary guardianship can be extended once for up to an additional 180 days.

EMERGENCY GUARDIANSHIP

- An emergency guardianship requires the Petitioner to prove facts and circumstances establishing that the welfare of the child requires the immediate appointment of an emergency guardian.
- An emergency guardian's authority shall be limited to the acts, which are reasonably related to the reasons for the appointment.
- An emergency guardianship can be ordered up to 60 days.
 - An emergency guardianship cannot be extended.
- A Temporary Order Appointing an Emergency Guardian may be requested on the Petition (JN-1504) until the hearing on the Emergency Guardianship petition is held.

2 Complete a Petition for Appointment of Guardian

- JN-1501 - Full, Limited, and Temporary Guardianships
 - For an Indian child, use the Indian Child Welfare Act version - IW-1501.
 - Indian child - an unmarried person under 18 who is either:
 - i) a member of a federally recognized tribe, or
 - ii) the biological child of a member of a tribe AND eligible for membership.
- JN-1504 - Emergency Guardianships
- All forms are available on www.wicourts.gov
 - Click on Forms, Circuit Court, Guardianship, 48.9795 - Guardian of the Person for a Child

3 Complete the UCCJEA Form - GF-150

- All forms are available on www.wicourts.gov
 - Click on Forms, Circuit Court, Guardianship, 48.9795 - Guardian of the Person for a Child



§ 48.9795 Full Guardianship

- All of the duties and authority under § 48.023
- Authority to determine reasonable visitation
- 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
- Required to file an annual report regarding the condition of the child (Circuit Court form JN-1550)



§ 48.9795 Limited Guardianship

- Limits the duties and authority of a full guardianship
 - The child's parents need assistance in providing for the care, custody, and control of the child
- Requires an expiration date
 - Limited guardianships can be extended
- An Annual Report of the Child may be required to be filed at the discretion of the court
- 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



§ 48.9795 Temporary Guardianship

- 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
- Temporary guardianship cannot exceed 180 days
 - One-time extension up to an additional 180 days
- Authority is given to someone for a shorter period of time
- Examples: a parent's health condition, upcoming surgery and long recovery, short incarceration sentence



§ 48.9795 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: medical consent when a parent is unavailable, parent may remove child from a proposed guardian's care, or other circumstances necessitating an immediate guardian for less than 60 days



§ 48.9795 Guardianship – 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.
 - Standard: Clear and convincing evidence
- Hearings can be adjourned for good cause under § 48.315



Key Provisions of §48.9795

- Letters of Guardianship and Dispositional Order Appointing Guardian are combined into one form for § 48.9795 guardianships
 - The court can order:
 - Reasonable rules of parental visitation
 - Amount of support to be paid by the child's parent(s)
 - The amount of support is not child support
 - Successor guardian
- Annual Reports
 - Full Guardianship – required to be filed annually
 - Limited – may be required to be filed at the discretion of the court
 - Temporary and Emergency – not required by statute



Key Provisions of §48.9795

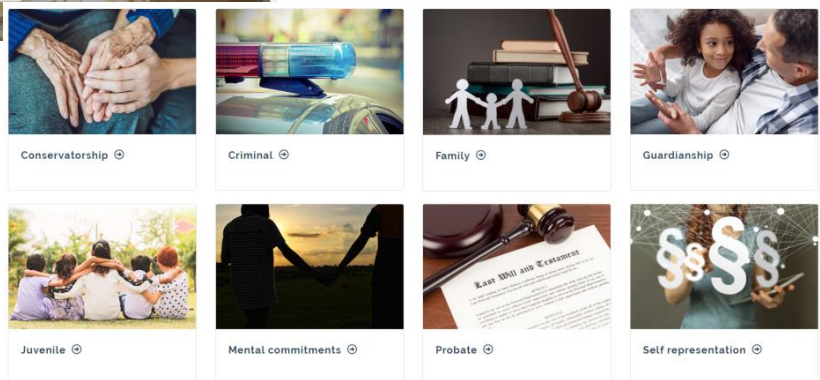
- There are clear procedures and Circuit Court forms for the following post-dispositional activities:
 - Review of Conduct of Guardian
 - Request to Modify
 - Request to Extend
 - Request to Terminate
- None of these guardianship orders can change the placement of a child under the supervision of the court in another Ch. 48 or Ch. 938 case



Circuit Court Forms

www.wicourts.gov

- Hover over Forms and select Circuit court
- Select Guardianship
 - If Indian child, use ICWA forms for additional findings & notice requirements





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