



Minor Guardianships

2019 WI Act 109

Effective August 1, 2020

Chapter 54 vs. Chapter 48

- Ch. 54 minor guardianships of the person are moving into Ch. 48 and becoming § 48.9795.
- Minor guardianships of the estate and adult guardianships will remain in Ch. 54.
- Minor guardianship of the estate and minor guardianship of the person case to be consolidated under Ch. 48.
 - Under jurisdiction of juvenile court.
 - Keep JG case number if consolidating into one case.
- Ch. 48 guardianships are not changing but will now be referred to as § 48.977 guardianships on circuit court forms.

Case Types

- GN Cases
 - Minor Guardianships of the Estate
- JG Cases
 - Minor Guardianships of the Person
 - § 48.831
 - § 48.977
 - § 48.9795

Current Chapter 54 Cases

- Any Ch. 54 minor guardianship of the person petition filed prior to August 1st will be conducted under the previously existing procedures of Ch. 54.
 - This only applies to cases where a guardian has not yet been appointed, not for any post-disposition matters.
 - Use “old” Ch. 54 forms.
- Any post-guardianship motions filed before or after August 1st will be conducted under § 48.9795.

§ 48.9795 Guardianships

- 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; 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 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.

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.

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.

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

- 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.

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 with parent unavailable, parent may remove child from a proposed guardian's care, or other circumstances necessitating 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.
- Statute does not provide timeframe to hold the Emergency Guardianship hearing or maximum length of time for the Temporary Order.

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.
 - A parent can also nominate a successor guardian.
 - Court may dispense with child's nomination if the child is out of state or good reason exists.
- Proposed guardian must file a Statement of the Proposed Guardian (JN-1514) at least 96 hours prior to the initial hearing on the petition.
 - Statement of Acts under Ch. 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 Chs. 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

- 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

- 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.

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 an additional 180 days.
- Standard: Clear and convincing evidence.

Request to Modify Full, Limited, or Temporary

- 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; and
 - 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 Reconsider or Modify Emergency Guardianship

- If emergency guardianship is granted, the following may petition for reconsideration or modification:
 - The child (if 12 or over);
 - The child's guardian ad litem;
 - The child's counsel;
 - The child's parents, guardian, or legal custodian; or
 - The person nominated as emergency guardian.
- GAL may petition if appointed after the hearing on petition (exigent circumstances existed to hold hearing prior to appointment).
- Hearing must be held within 30 days of filing petition for reconsideration or modification.

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

- Showings:
 - Substantial change in circumstance since last order affecting the guardianship;
 - Parent is fit, willing, and able to carry out duties of a guardian AND no compelling facts or circumstances exist demonstrating that guardianship is necessary; and
 - Termination of guardianship is in the best interests of the child.
- Burden is on the parent or child requesting termination.
- Standard: Preponderance of the evidence.

Court Forms

- Each form title includes the guardianship statute number to differentiate between three types of Chapter 48 guardianships: §§ 48.9795, 48.977, or 48.831.
- Several new Ch. 54 minor guardianship of the estate forms created.
- New Affidavit of Service - JD-1825 was created for Ch. 48 and Ch. 938 cases.
- Updated court forms will be released on wicourts.gov by Aug. 1st.

Court Forms

- JG
 - § 48.831 – Guardianship for a Child Without a Living Parent
 - New forms were created
 - § 48.977 – CHIPS Guardianship
 - Forms were updated but not substantively
- JN
 - § 48.9795 – New Minor Guardianship of the Person
- GN
 - Minor Guardianship of the Estate
 - Adult Guardianships
 - Protective Placements

- IW-1501 - Petition for Appointment of Guardian Full/Limited/Temporary/Emergency (§48.9795, Wis. Stats.) ICWA
- JN-1501 - Petition for Appointment of Guardian Full/Limited/Temporary/Emergency (§48.9795, Wis. Stats.)
- JN-1510 - Nomination of Guardian by Parent or Child (§48.9795, Wis. Stats.)
- JN-1512 - Statement by Proposed Guardian (§48.9795, Wis. Stats.)
- JN-1514 - Report of Guardian ad Litem for Guardianship of a Child (§48.9795, Wis. Stats.)
- JN-1520 - Temporary Order Appointing an Emergency Guardian (§48.9795, Wis. Stats.)
- JN-1521 – Dispositional Order Appointing an Emergency Guardian (§48.9795, Wis. Stats.)
- IW-1530 - Dispositional Order Appointing Guardian Full/Limited/Temporary Guardianship (§48.9795, Wis. Stats.) ICWA
- JN-1530 - Dispositional Order Appointing Guardian Full/Limited/Temporary Guardianship (§48.9795, Wis. Stats.)
- JN-1540 - Request to Modify Guardianship, Extend Limited/Temporary Guardianship, Reconsider/Modify Emergency Guardianship, Terminate Guardianship (§48.9795, Wis. Stats.)
- JN-1542 - Order on Request to Modify Guardianship Order (§48.9795, Wis. Stats.)
- JN-1544 - Order on Request to Extend Limited/Temporary Guardianship (§48.9795, Wis. Stats.)
- JN-1546 - Order on Request to Reconsider/Modify Emergency Guardianship Order (§48.9795, Wis. Stats.)
- JN-1548 - Order on Request to Terminate Guardianship (§48.9795, Wis. Stats.)
- JN-1550 - Annual Report on the Condition of the Child for §48.9795, Wis. Stats. Guardianships
- JN-1552 – Notice of Change of Address (§48.9795, Wis. Stats.)
- JN-1560 - Petition for Review of Conduct of Guardian (§48.9795, Wis. Stats.)
- JN-1561 – Order on Review of Conduct of Guardian (§48.9795, Wis. Stats.)
- JN-1570 – Resignation of Guardian (§48.9795, Wis. Stats.)
- JN-1571 – Order to Discharge Guardian (§48.9795, Wis. Stats.)
- JN-1580 – Petition for Appointment of Successor Guardian (§48.9795, Wis. Stats.)
- JN-1581 – Order for Appointment of Successor Guardian (§48.9795, Wis. Stats.)

IN THE INTEREST OF

 Amended_____
Name**Petition for Appointment of Guardian**_____
Date of Birth 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.



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



STATE OF WISCONSIN, CIRCUIT COURT, _____

COUNTY _____

IN THE INTEREST OF

Amended

Name

Date of Birth

**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.)

- _____
- _____
- _____
- _____

See attached

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

Visitation and Support

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

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.)*

<input type="checkbox"/>	_____

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

C. Reasonable rules of parental visitation for:

<input type="checkbox"/>	Parent 1 [Name] _____	
	Rules: _____	<input type="checkbox"/> See attached
<input type="checkbox"/>	Parent 2 [Name] _____	
	Rules: _____	<input type="checkbox"/> See attached

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

<input type="checkbox"/>	Parent 1 [Name] _____	
<input type="checkbox"/>	\$ _____	per month commencing on [Date] _____.
	Payable by <input type="checkbox"/> wage assignment <input type="checkbox"/> directly between parties.	
<input type="checkbox"/>	Parent 2 [Name] _____	
<input type="checkbox"/>	\$ _____	per month commencing on [Date] _____.
	Payable by <input type="checkbox"/> wage assignment <input type="checkbox"/> 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.

Temporary Order for Emergency Guardianship – JN-1520

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Name

Date of Birth

Amended

**Temporary Order Appointing an
Emergency Guardian
(§48.9795, Wis. Stats.)**

Case No. _____

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 has 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:

1. **GRANTED.**
- A. [Name] _____ is appointed as a Temporary Emergency Guardian of the child.
 - 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: _____ See attached
2. **DENIED** for the following reason(s): _____
3. Other: _____

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

DISTRIBUTION:

- | | | | | |
|-----------------------|--------------------|--|------------------------------|--------------------------|
| 1. Court | 3. Child | 5. Guardian ad Litem/Adversary Counsel | 7. Tribe (if any) | 9. Additional Interested |
| 2. Emergency Guardian | 4. Child's Parents | 6. Guardian/Legal Custodian | 8. Indian Custodian (if any) | Persons (if any) |



Pending 54 Proceedings and Forms

- “Old” Chapter 54 Forms will be sent to Clerks of Court, Registers in Probate, and Juvenile Clerks and be available on CourtNet.
- These forms include:
 - GN-3140 (Statement of Acts)
 - GN-3250 (Order on Petition for Temporary Guardianship)
 - GN-3300 (Order and Notice of Hearing Petition for Guardianship of Minor)
 - GN-3310 (Waiver and Consent to Petition for Guardianship of Minor)
 - GN-3320 (Nomination of Guardian by a Minor)
 - GN-3325 (Report of Guardian Ad Litem of Minor)
 - GN-3330 (Determination and Order on Petition for Guardianship of Minor)
 - GN-3340 (Letters of Guardianship of the Person of a Minor)



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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)

Guardianship on 8/1/2020

Categories:

- Chapter 48 Guardianships
 - [48.977](#)
 - [48.9795](#)
 - [48.831](#)
- Chapter 54 Guardianships
 - [Conservator](#)
 - [Due to Incompetency](#)
 - [Minor Estate](#)
 - [Temporary](#)
- Chapter 55
 - [Protective Placement/Protective Services](#)

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Circuit court forms

Guardianship

View [all guardianship forms](#)

Categories:

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- [Minors](#)
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- [Temporary](#)

GN Form Updates

- Any minor forms that mentioned both guardianship of the person and estate were modified to only address guardianships of the estate.
- Any minor form that only dealt with guardianship of the person was deleted or withdrawn.
- Any form that was used for both adults and minors but that dealt with both guardianships of the person and estate, were separated into an adult version and a minor version, with the minor version only addressing minor guardianships of the estate.
- Any form that was used for both adults and minors, but that dealt with both guardianships and conservatorships, were separated so the adult form deals with adult guardianships and conservatorships and the minor version only addresses minor guardianships of the estate.

Questions or Comments?

Please type in the chat.

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