

Minor Guardianship of a Child - §48.9795

	Full	Limited	Temporary (not to exceed 360 days)	Emergency (not to exceed 60 days)
Finding	<p>The child’s parents are unfit, unwilling, or unable to provide for the care, custody and control of the child <u>or</u> other compelling facts and circumstances that demonstrate a full guardianship is necessary</p> <p>And</p> <p>Dispositional Factors: Nominations, opinions, fitness of proposed guardian, placement preferences for an Indian child, best interests of the child</p>	<p>The parents need assistance in providing for the care, custody and control of the child. Parent may retain certain decision-making powers and may share placement with guardian</p> <p>And</p> <p>Dispositional Factors: Nominations, opinions, fitness of proposed guardian placement preferences for an Indian child, best interests of the child</p>	<p>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 appointment of a temporary guardian</p> <p>And</p> <p>Dispositional Factors: Nominations, opinions, fitness of proposed guardian, placement preferences for an Indian child, best interests of the child</p>	<p>The child’s welfare requires immediate appointment of an emergency guardian</p>
Duties and Authority	<p>Authority granted to other guardians under Ch. 48 <u>and</u> visitation, move out of state with child, duty to report change in address to court immediately and report status update to court annually</p>	<p>Court must specify the duties; may allow parent to retain certain decision-making powers and allow shared physical custody, if in the child’s best interest</p>	<p>Court must limit the authority to those acts reasonably related to the need for a guardianship</p>	<p>Court must limit authority to those acts related to the reasons for the appointment</p>
Procedure	<p>Petition by any person or child (12 or older), hearing within 45 days, fact-finding/ disposition within 30 days or immediately</p> <p>Report of Guardian due 96 hours prior to hearing</p>	<p>Petition by any person or child (12 or older), hearing within 45 days, fact-finding/ disposition within 30 days or immediately</p> <p>Report of Guardian due 96 hours prior to hearing</p>	<p>Petition by any person or child (12 or older), hearing within 45 days, fact-finding/ disposition within 30 days or immediately</p> <p>Report of Guardian due 96 hours prior to hearing</p>	<p>Petition by any person, hearing as soon as possible</p> <p>Court may, without a hearing, issue an order that remains in effect until the emergency guardianship hearing</p>

The table below contrasts key provisions related to the appointment of guardian of the person for children under § 48.977 and § 48.9795.

	§ 48.977 Guardianships	§ 48.9795 Guardianships
Eligible children	Any child under a CHIPS or JIPS order	Any child
Child must live with guardian	Yes	No
Subsidized payments	Yes, if subsidized guardianship	No
Procedure for successor guardian	Subsidized guardianships only	Yes
Four types of guardianship options	No	Yes (Full, Limited, Temporary & Emergency)
Annual report required	No	Yes, required for Full guardianships May be ordered for Limited guardianships
Court Commissioner may conduct hearing	No, not allowed § 757.69 (1m)(e)	Yes, in uncontested proceedings § 757.69 (1)(g)