

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.)
Indian Child Welfare Act

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 Dispositional Order Appointing an Emergency Guardian, 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. The child is subject to the federal Indian Child Welfare Act or §48.028, Wis. Stats.

6. Continued custody of the child by the parent or Indian custodian is is not likely to result in serious emotional or physical damage to the child, based on the testimony of one or more qualified expert witnesses.

7. Active efforts were were not made to provide remedial services and rehabilitation programs designed to prevent the breakup of the Indian family. **See attached Statement of Active Efforts (IW-1609)**

8. Placement has been made in accordance with the order of preference set forth §48.028, Wis. Stats.
OR
 There is good cause to depart from the order of placement preference under §48.028, Wis. Stats.

9. 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 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.

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), Wis. Stats., or §938.357 (3) or (4), Wis. Stats., or the supervision of a county department under §938.34 (4d), (4m), or (4n), Wis. Stats. This includes educational decision-making authority.
- 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.

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. This includes educational decision-making authority.
 - 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] _____.

C. The person named as the successor guardian of the child is _____ and subject to the court's approval, will be appointed as guardian of the child upon the guardian's death, unwillingness or inability to act, resignation, or removal by the court.

D. Reasonable rules of parental visitation for:

Mother [Name] _____.

Rules: _____ **See attached**

Father [Name] _____

Rules: _____ **See attached**

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

Mother [Name] _____

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

Payable by wage assignment directly between parties.

Father [Name] _____

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

Payable by wage assignment directly between parties.

F. Other: _____.

2. **DENIED** and this matter is dismissed.

The petitioner has not proved the allegations in the petition by clear and convincing evidence.

The appointment of the proposed guardian as the child's guardian is not in the best interests of the child.

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

DISTRIBUTION:

1. Court
2. Child – if 12 years or older
3. Child's Parents
4. Child's Guardian
5. Child's Legal Custodian
5. Child's Guardian ad Litem/Adversary Counsel
6. Tribe
7. Indian Custodian
8. Additional Interested Persons (if any)