

 WRAPAROUND MILWAUKEE Policy & Procedure	Date Issued: 9/1/98	Reviewed: 6/9/10 By: CP Last Revision: 11/18/10	Section: LIAISONS	Policy No: 021	Pages: 1 of 3 (2 Attachments)
☒ Wraparound ☐ Wraparound-REACH ☐ FISS ☐ Project O-Yeah	Effective Date: 1/1/11	Subject: GUARDIANSHIP - TEMPORARY			

I. POLICY

It is the policy of Wraparound Milwaukee that when the youth's parents are unavailable or unwilling to consent for treatment services, a petition must be filed with Children's Court for a Transfer of Temporary Guardianship Order to obtain necessary treatment or services for the youth in accordance with Wisconsin Statute 880.15. **For youth under a CHIPS Order, the Bureau of Milwaukee Child Welfare is responsible for securing temporary guardianship with the assistance of the Care Coordinator. For youth under a Delinquency Order, that responsibility falls to the Care Coordinator and the Probation Officer.**

II. PROCEDURE

Care Coordinators must utilize the following procedures to obtain temporary guardianship in both emergency and non-emergency situations. Requests for temporary guardianships fall into the following five categories. Each category has its own procedure to obtain the temporary guardianship that matches the time frame necessary for the specific situation.

For CHIPS youth, the Care Coordinator should contact the On-Going Case Manager with the Bureau of Milwaukee Child Welfare, who must follow their own protocols for obtaining the guardianship.

A. Temporary Guardianship (Imminent Need)

This section refers to situations regarding treatment issues that need legal action as quickly as possible (i.e., guardian signature for referrals to be sent out, or for placement in an RCCCY).

The procedures that the Care Coordinators must follow for obtaining a temporary guardianship (Imminent Need) order are as follows:

For a CHIPS Youth, the Care Coordinator must contact the BMCW Case Manager to request the Temporary Guardianship. The Care Coordinator should be prepared to assist the BMCW Case Manager in this process by gathering and documenting information regarding the need for the Temporary Guardianship and by assisting in the reasonable effort attempts to contact the parent or guardian.

For a Delinquent or JIPS Child:

The Care Coordinator must contact the Probation Officer to request the Temporary Guardianship and to ensure that the Probation Officer is aware of the need for a Temporary Guardianship. The Care Coordinator should be prepared to assist the Probation Officer in this process by gathering and documenting information regarding the need for a Temporary Guardianship and by assisting in the reasonable efforts to contact the Probation Officer or guardian. The Care Coordinator should also be prepared to assist in presenting this information to the court. The Probation Officer is the agent who usually secures the Temporary Guardianship, but if a Care Coordinator is called upon to do so, the following procedure is to be followed.

1. Gather and document information regarding the specifics of the treatment or service need.
2. Consult with Supervisor and obtain the Supervisor's approval.
3. Reasonable efforts (a minimum of three [3] in-person attempts on three [3] separate days) must be made to reach the parent(s)/guardian prior to submission of the Temporary Guardianship Worksheet.

The Care Coordinator should maintain constant and regular contact with the Probation Officer throughout this time period.

4. Consult with the Wraparound Milwaukee Liaison.
5. Fill out the TEMPORARY GUARDIANSHIP WORKSHEET (*see Attachment 1*).
6. Fax the TEMPORARY GUARDIANSHIP WORKSHEET to the Wraparound Milwaukee Liaison. Call the Liaison and confirm that it was received.
7. Be available to deliver the request to Court and supply the Probation Officer with sufficient information for them to write the petition.
8. Be available to appear in Court to give testimony regarding the details of the situation and the need for the granting of temporary guardianship.
9. After the hearing, make copies of the Guardianship Order for the caregiver, the Wraparound Liaison and the Agency file. File a set of copies in the Agency record and give a set of copies to the caregiver.
10. Take the Guardianship Order and the necessary Consents or Admission form(s) that need a guardian's signature to the proper State, County, or Wraparound Administrator for their signature.
11. Provide copies of the signed Consents to the caregiver, the Wraparound Liaison and for the Agency file.
12. Discuss with the Care Coordination Supervisor what planning might be needed when the sixty-day Temporary Guardianship Order expires.

Please Note: The Probation Officer may also secure the temporary guardianship, with assistance from the Care Coordinator.

B. Emergency Temporary Guardianship.

This section refers to emergencies that require immediate attention (i.e., emergency surgery or immediate inpatient hospitalization for any reason).

The procedures that the Care Coordinators must follow for obtaining an emergency temporary guardianship order are as follows:

For a CHIPS Youth the Care Coordinator must immediately contact the BMCW Case Manager or Supervisor.

If they are unavailable or unresponsive, the Care Coordinator must call the BMCW emergency number at 220-SAFE (220-7233). The Care Coordinator should be prepared to assist BMCW in this process by gathering and supplying the information that will be required to document to the Court the need for this emergency action.

For a Delinquent or JIPS Youth:

1. Gather and document information regarding the specifics of the emergency, maintaining constant and regular contact with the Probation Officer.
2. Consult with Supervisor and obtain Supervisor's approval.
3. Consult with Wraparound Milwaukee Liaison.
4. Fill out the TEMPORARY GUARDIANSHIP WORKSHEET (*see Attachment 1*).

5. Fax the TEMPORARY GUARDIANSHIP WORKSHEET to the Wraparound Milwaukee Liaison. Call the Liaison and confirm that it was received.
6. Be available to deliver the request to Court and supply the Probation Officer with sufficient information for them to write the petition.
7. Be available to appear in Court to give testimony regarding the details of the emergency and the need for the granting of temporary guardianship.
8. After the hearing, make copies of the Guardianship Order for the caregiver, the Wraparound Liaison and the Agency file.
9. Take the Guardianship Order and the necessary Consents or Admission form(s) that need a guardian's signature to the proper State, County, or Wraparound Administrator for their signature.
10. Provide copies of the signed Consents to the caregiver, the Wraparound Liaison and for the Agency file.
11. Discuss with the Agency Supervisor what planning might be needed when the sixty-day Temporary Guardianship Order expires.

C. Emergency - Same Day (after hours or weekend) Temporary Guardianship.

Contact staff at the Milwaukee Bureau of Child Welfare at 220-7233 regarding any weekend or after-hours requests for Temporary Guardianship that are emergent and require immediate (same day) attention.

D. Non-Emergency Temporary Guardianship - An Order that is Needed in Less than a Month's Time.

Non-emergencies that need resolutions in less than a month's time (i.e., referrals to IEP-Team, therapy consents, and other consents needed to maintain the placement, etc.).

The procedures the Care Coordinator must follow for obtaining a non-emergency temporary guardianship order (an order that is needed in less than a month's time) are the same as those described above under Section A, entitled "Emergency - Same Day Temporary Guardianship". There is one additional step.

In addition, after being notified of the Court date, notify the parent(s)/guardian of the hearing, utilizing the NOTICE OF TEMPORARY GUARDIANSHIP HEARING form (*see Attachment 2*).

E. Non-Emergency Temporary Guardianship - An Order that is Needed in more than a Month's Time

This section relates to non-emergencies that can wait for the District Attorney's or Clerk's Office to schedule and notify the parents of the hearing (this usually takes at least a month).

The procedures that the Care Coordinator must follow for obtaining a non-emergency temporary guardianship order (an order that is needed in more than a month's time) are the same as the above non-emergency procedures, except that the Care Coordinator does not have to provide written notice of the court hearing to the parent(s)/guardian. This will be done by the Clerk's Office.

Reviewed & Approved by: Bruce Kamradt
Bruce Kamradt, Director

WRAPAROUND MILWAUKEE
Guardianship – Temporary Policy
Attachment 1

DEPARTMENT OF HEALTH AND FAMILY SERVICES
Division of Children and Family Services
CFS-2075T (Rev. 4/99)

STATE OF WISCONSIN
Bureau of Milwaukee Child Welfare

This worksheet will be used for the preparation of the petition. Please list all addresses in full, including zip code. Sections C & D should be answered in full sentences as they will be typed as written here.

TEMPORARY GUARDIANSHIP WORKSHEET

Date:

Worker Name:

Zone:

Phone Number:

Agency:

Site:

Court Number:

A. Family Composition

Child A. Name: DOB:

Full Address:

Child B. Name: DOB:

Full Address:

Child C. Name: DOB:

Full Address:

Child D. Name: DOB:

Full Address:

Mother: Name:

Current/Last Known
Full Address:

Adjudicated Father: Name:

Current/Last Known
Full Address:

Alleged Father: Name:

Current/Last Known
Full Address:

Legal Guardian (If other than parent)

Name:

Phone:

Current/Last Known
Full Address:

B. Complete the following paragraph

(1) On _____ said child(ren) _____ was/were found to be in need of protection or services pursuant to Wis. Stats. S. 48.13 (_____). Based upon finding, the Honorable _____ transferred legal custody of said child(ren) to/or ordered placement by _____ for a period of _____ . That order now expires on _____ . Said child(ren) were placed with _____ under the court's order.

C. Reasons why temporary guardianship is needed. *Be specific – Use complete sentences.*

D. Why current guardian will not sign and attempts made to locate and/or have signed. Indicate when and how notice of hearing was given. *Use complete sentences.*

E. Signatures

Worker

Supervisor

WRAPAROUND MILWAUKEE
NOTICE OF TEMPORARY GUARDIANSHIP HEARING
Pursuant to Wis. Stats. 880.15 (1) and (1s)

Date _____

To:

(Name)

(Address)

(City, State, Zip)

Re:

(Name of Child/Children)

(Address)

(City, State, Zip)

Please be advised that there will be a hearing before the Juvenile Court regarding whether the Court should transfer guardianship of the above named child/children. The hearing will be held on _____ at _____ a.m./p.m., at the Children's Court Center, 10201 W. Watertown Plank Road, Milwaukee, Wisconsin.

At this hearing, you have a right to be present. You also have a right to bring an Attorney. You have a right to present evidence through witnesses you bring, as well as cross examine witnesses the State calls at this hearing. Further, you have the right to petition for reconsideration or modification of the Temporary Guardianship under s.880.34, Wis. Stats., within thirty (30) days of receipt of this notice.

When you arrive at the Children's Court Center, please check in at the District Attorney's Office. If you have any questions, please contact the assigned Wraparound Milwaukee Care Coordinator at this number _____.

Sincerely,

Care Coordinator's Signature

Date

Supervisor's Signature

Supervisor's Phone Number