

Petition for Chapter 48.9795 Guardianship of a Minor

If you want to Petition for Guardianship of a Minor, then **YOU MUST** complete the following forms. Always PRINT the required information in the blanks. Always use black ink, never use pencil.

1. **Form JN-1501** – Petition for Appointment of Guardian Full/Limited/Temporary/Emergency (48.9795)
2. **Form JN-1514** – Statement by Proposed Guardian (48.9795)
3. **Form GF-150** - Uniform Child Custody Jurisdiction and Enforcement Act Affidavit
4. **Form 1877-1(2020)** - Minor Guardianship Questionnaire

PLEASE NOTE: If you are planning to co-petition with your spouse, both petitioners need to either attend the review or have the documents notarized prior to the review. Also, each petitioner must complete a separate Form JN-1514

PLEASE NOTE: There are Four (4) types of guardianship:

- **Full Guardianship:** Used when parents are in agreement with transfer or are unfit, unwilling, or unable to provide for the child. This guardianship transfers custody and placement of the child to the guardian until the child reaches 18 years of age.
- **Limited Guardianship:** Used when the parent needs assistance in providing for the care of the child. Parent may retain certain decision making powers and may share placement with the guardian. Court will set an expiration date which may be extended.
- **Temporary Guardianship:** Used when the child’s particular situation, including the parent’s inability to provide care for the child for a temporary period requires the appointment of a temporary guardian. Cannot exceed 180 days, but may be extended one-time for up to an additional 180 days.
- **Emergency Guardianship:** Used when the child’s welfare requires immediate appointment of an emergency guardian. Cannot exceed 60 days and cannot be extended.

Pro se litigants: When **ALL** of the forms are completed, **YOU MUST CALL 414-257-5422** to schedule to have the Staff Attorney review your paperwork and determine if it is legally sufficient. Please note that the Staff Attorney cannot help you complete the paperwork and can only answer procedural questions. If you need assistance completing the paperwork please contact Kids Matter at 414-344-1220

The things you will need to bring when you file the Petition are:

1. A valid driver’s license or valid State ID.
2. All the forms listed above, completed.
3. Current Addresses for:
 - a. Mother
 - b. Father of the Child
 - c. Child
 - d. Current guardian, if one has been appointed previously by the court

<p>The Court <u>will be cross-checking</u> the names and addresses provided for each party to ensure that proper notice is provided to all who are entitled to notice of the proceedings.</p>
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PLEASE NOTE: This Packet is designed to help pro se litigants with juvenile guardianship procedures. While the information contained in this Packet is about legal issues, it is **not legal advice**, nor is it a substitute for legal advice from an attorney. If you choose **not** to hire an attorney, you will be representing yourself in court. It is always better to have an attorney help you if you have questions during your case. When using these forms, you are acting as your own lawyer and you have to do everything a lawyer would do: fill out the forms, file the forms with the Clerk of Courts, have a court date scheduled, arrange for service on the other persons, gather all necessary information, appear at the hearing and present any evidence.

Follow the sample that is provided with this Packet. Wisconsin law requires that the minor child (the proposed ward) for whom you are petitioning either be a resident of Milwaukee County or be present in Milwaukee County.

PLEASE READ BEFORE FILLING OUT THE DOCUMENTS

DO NOT sign the documents that need to be notarized (Petition for Temporary Guardianship and/or Permanent Guardianship of a Minor, Uniform Child Custody Jurisdiction and Enforcement Act Affidavit or Statement of Acts by Proposed Guardian and Consent to Serve as Guardian). The Clerk of Circuit Court staff will notarize your signature at the time of filing once they see your ID.

The Review

1. On your scheduled review date bring all the items listed 1-4 on Page 1 and the COMPLETED forms.
2. Report to the **window of Room 1601 (Court Administration)** to meet with the Staff Attorney:
Vel R. Philips Juvenile Justice Center
10201 West Watertown Plank Road [between Hwy 100 (Mayfair Road) and Hwy 45]
Wauwatosa, WI 53226
3. If the Staff Attorney determines your petition is legally sufficient, you will file your completed Petition with the Clerk of Courts office and you will receive a court date, typically in about 30 days.
4. State law requires that a Guardian ad Litem (an attorney) be appointed to represent the best interest of the child. The Guardian ad Litem **is not** your attorney.
5. After you file the Petition, the Clerk of Courts office staff will give you the printed Order and Notice of Hearing, along with written instructions about Personal Service.

Personal Service

1. Personal Service means getting the Order and Notice of Hearing and Petition into the other person's hand in a legally defined way to notify him or her of the court hearing.
2. You **cannot** be the process server.
3. You are responsible for finding someone (the server) to hand the documents to the person needing service.
4. The server must be over the age of 18, a resident of Wisconsin and they cannot be a party to the action.
5. The server must personally hand a copy of the Order and Notice of Hearing and the Petition to the person being served. The server should then fill out the "Affidavit of Service" and have their signature notarized.
6. If, after diligently looking for a person, you are unable to serve them in person, then you must send the Order and Notice of Hearing and Petition by certified mail with return receipt requested or registered mail to their last known address at least 10 days prior to the hearing. Bring proof of mailing to the first court hearing.
7. Service **MUST** be done within **10 DAYS** prior to the hearing.
8. If all of the interested parties are not properly notified, your case could be dismissed.
9. Persons that must be served:
 - a. Child, if over 12 years of age
 - b. Parents
 - c. Any person that currently has legal or physical custody of the child
 - d. The Division of Milwaukee Child Protective Service - if they are involved with the child
 - e. Anyone who has had custody of the child in the previous 60 days
 - f. Anyone who has been nominated to serve as the child's guardian through a will.
10. You must have the written "Affidavit(s) of Service" when you come to court. This will prove to the court that all parties were notified of the court hearing (time and place).

Attend the Hearing

On the date of your hearing, bring along the Affidavit(s) of Service. In addition, if applicable, please bring:

1. Any Waiver and Consent to Petition for Guardianship of Minor by the parent; or
2. Any Certificate of Death of a parent.

If an emergency comes up and you cannot make it to court on time, call the court and the Guardian ad Litem ahead of time to explain the circumstances. If you are late or fail to appear in court, the Judge may dismiss your case. The Judge will decide whether or not to grant your Petition.