

Petition for Termination of Chapter 48 Guardianship

To file a Petition for Termination of Guardianship that was previously granted by the court after the minor was found to be a Child in need of Protection or Services under Wis. Stat. Chapter 48 (i.e. in a CHIPS case) **the Division of Milwaukee Child Protective Service (DMCPS) must be called and they must complete an assessment (home study) prior to scheduling** the review to file the Petition to Terminate Guardianship.

- The DMCPS number to call to request the assessment (home study) is **414-220-SAFE (7233)**.
- Once the assessment is complete, obtain a copy of the assessment or request that the assessment be faxed to the Children's Court Staff Attorney at 414-454-4411.

Then YOU MUST complete the following forms. Always PRINT the required information in the blanks. Always use black ink, never use pencil.

1. **Form JC-1628** - Petition for Termination of Guardianship Under §48.977
2. **Form GF-150** - Uniform Child Custody Jurisdiction and Enforcement Act Affidavit
3. **Form 1877-1 R2** - Minor Guardianship Questionnaire (NOTE: page 2-5 is information about the person who is proposing to care for the child if the guardianship is terminated)

PLEASE NOTE: If you are planning to co-petition, both petitioners need to either attend the review or have the documents notarized prior to the review.

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.

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. A copy of the assessment (unless it was faxed)
4. Current Addresses for:
 - a. Mother
 - b. Father of the Child
 - c. Child
 - d. Current guardian, if one has been appointed previously by the court
5. **\$15.00 processing fee per child/petition filed** [cash (exact amount), check or money order are the only accepted payment methods]

<p>The Court will be cross-checking 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>

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. See sec. 54.30(2), Wis. Stats.

DO NOT sign the documents that need to be notarized (Petition for Termination of Guardianship Under §48.977 and Uniform Child Custody Jurisdiction and Enforcement Act Affidavit). 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 1-3 on Page 1.
2. Report to **Room 1630** to meet with the Staff Attorney:
Vel R. Philips Juvenile Justice Center
10201 West Watertown Plank Road (between Hwy 100 or 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 Summons, along with written instructions about Personal Service.

Personal Service

1. Personal Service means getting the Summons 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 Summons 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 Summons and Petition by 1st class mail to their last known address at least 7 days prior to the hearing. Bring proof of mailing to the first court hearing.
7. Personal Service **MUST** be done within **7 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. The current guardian(s) of the child
 - d. The Division of Milwaukee Child Protective Service who completed the assessment (home study)
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 your copy of the Petition, Summons and the Affidavit(s) of Service. In addition, if applicable, please bring any Certificate of Death of a parent or guardian.

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.