

Petition for Termination of Chapter 48.977 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 JG-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(2020)** - 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)

Pro se litigants: When **ALL** of the forms are completed and you have the home study 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. Current Addresses for:
 - a. Mother
 - b. Father of the Child
 - c. Child
 - d. Current guardian, if one has been appointed previously by the court

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.

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) unless in the presence of a Notary. **Your signature must be done in the presence of the Notary.** Unsigned documents can be notarized on the day of your appointment.

PLEASE READ BEFORE FILLING OUT THE DOCUMENTS

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 Youth and Family 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 sign any unsigned documents in the presence of a notary. You must bring two (2) copies of each document to the Clerk of Court's Office. The Clerk of Courts staff will file the documents and schedule a court date, typically in about 30 days. If you do not provide two (2) copies of the documents to the Clerk's Office, you will be charged \$1.25 per page, per form.
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 the documents are filed, the Clerk of Courts office staff will give you one set of the file stamped documents and a printed Notice of Hearing (for each party), along with written instructions about Personal Service.

NOTE: YOU ARE RESPONSIBLE FOR MAKING COPIES OF ALL DOCUMENTS FOR EACH PARTY THAT IS REQUIRED TO BE SERVED.

Personal Service

1. Personal Service means getting the Notice of Hearing and Petition, etc. 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 case.
5. The server must personally hand a copy of the Notice of Hearing, Petition and other documents to the person being served. The server should then fill out the "Affidavit of Service" (GN-3120) and have their signature notarized. Most banks have a designated Notary Public.
6. If, after diligently looking for a person, you are unable to serve them in person, then you must send the documents 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 14 years of age or older
 - b. Child's Parents, including alleged fathers.
 - 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 (Form GN-3310); 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.