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**Emergency Minor Guardianship  
Guidelines**

**NOTE: This guideline is provided only as a public service and is not meant to be legal advice. The Register in Probate office cannot give legal advice; please contact an attorney if you have legal questions.**

*The court may appoint an emergency guardian for a period not to exceed 60 days. The order appointing the emergency guardian shall specify the authority of the emergency guardian and shall be limited to those acts that are reasonably related to the reasons for the appointment that are specified in the petition for emergency guardianship. The authority of the emergency guardian is limited to the performance of those acts stated in the order of appointment. An order appointing an emergency guardian may not change the placement of a child under the supervision of an existing court order.*

*The duties and powers of the emergency guardian cease upon the expiration of the period determined by the court.*

***\*An Emergency Guardianship cannot exceed 60 days and cannot be extended.\****

**Step I: Filing the Action**

**► Petition for Appointment of Guardian (Form JN-1501)**

At the time a *Petition for Appointment of Guardian (Emergency)* is filed, **the petitioner is required to pay a \$200 deposit** for Guardian ad Litem Fees to the Clerk of Juvenile Court.

Any person, including a child 12 years of age or over on his or her own behalf, may petition for the appointment of a guardian for a child.

If there is a CHIPS or JIPS action pending, a petition may be filed by any party to the pending action or any person approved by the court if the petition is consistent with the goals of the permanency plan and does not change the requirements of any current court order.

The petition shall be completely filled out prior to filing. Any petition that is incomplete or does not contain all of the information requested will not be accepted for filing.

► **Temporary Order Appointing an Emergency Guardian (Form JN 1520)**

The court shall hold a hearing on the emergency guardianship petition as soon as possible after the filing of the petition or, for good cause shown, may issue a temporary order appointing an emergency guardian without a hearing that shall remain in effect until a hearing is held on the emergency guardianship petition.

The Clerk of Juvenile Court will complete the *Notice of Hearing* and provide a copy to the petitioner to serve on the interested parties.

Once the hearing date and time has been established, the Clerk of Juvenile Court will assign a Guardian ad Litem to the case and prepare the *Order Appointing Guardian ad Litem or Attorney* for the Judge to sign.

The Clerk of Juvenile Court will provide a signed copy of the *Order Appointing Guardian ad Litem or Attorney* to the petitioner, and will make sure that the assigned attorney gets all of the paperwork that they need to fulfill their duties as Guardian ad Litem.

► **Statement by Proposed Guardian (Form JN-1512)**

The proposed guardian and any proposed successor guardian shall complete and submit to the court at least 96 hours prior to the hearing the *Statement by Proposed Guardian*. The proposed guardian's signature on the *Statement by Proposed Guardian* shall be notarized.

**Step II: Notifying the Parties**

The petitioner shall notify the child, if 12 years of age or over, the child's parents, guardian, and legal custodian, and the person nominated as emergency guardian of the petition and of the time and place of the hearing.

The notice and a copy of the petition shall be served as soon after the filing of the petition as possible, shall be served by the most practical means possible, including personal service or service by electronic mail or telephone, and shall include notice of the right to petition for reconsideration or modification of the emergency guardianship.

If the petitioner serves notice of the hearing after the hearing is conducted and the court has entered an order, the petitioner shall include the court's order with the notice of the hearing.

► **Affidavit of Service (Chapter 48 and 938) (Form JD-1825)**

Upon serving the interested with a copy of the Petition and Notice of Hearing, the petitioner shall complete an *Affidavit of Service (Chapter 48 and 938)* form. The Affidavit of Service shall contain the name and address of the interested person and the type of service used to notify them of the proceedings. This form should be filed with the Clerk of Juvenile Court prior to the court hearing.

**Step III: Preparing for the Hearing**

**► Dispositional Order Appointing an Emergency Guardian (Form JN-1521)**

The petitioner shall complete the *Letters of Guardianship and Dispositional Order Appointing an Emergency Guardian* and bring it to the hearing to present to the judge for signature.

**Step IV: The Hearing**

The proposed guardian and any proposed successor guardian shall be physically present at all hearings unless excused by the court. The child is not required to attend.

If the court appoints an emergency guardian, any interested person may petition for reconsideration or modification of the emergency guardianship and the court shall hold a rehearing on the issue of appointment of the emergency guardian within 30 calendar days after the filing of the petition.

If the court determines that the welfare of the child does not require the immediate appointment of an emergency guardian, the court may dismiss the petition.

**Step V: The Final Order**

If you are granted emergency guardianship, the Clerk of Juvenile Court will mail you a copy of the signed *Letters of Guardianship and Dispositional Order Appointing an Emergency Guardian* within a few days of the hearing.

You should provide a copy of this signed order to the interested parties, the child if he or she is 12 years or older, the Department of Social Services if there is a pending CHIPS or JIPS action, the Child Support Agency if child support was ordered, the child's school if he or she is of school age, the child's medical provider, and any other agency or individual deemed appropriate.

**All of the forms referenced in this *Guideline* can be found on the Wisconsin Court System Website: [www.wicourts.gov](http://www.wicourts.gov) The Clerk of Juvenile Court DOES NOT provide forms to the public.**

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**Be advised that the order of the Court in the above matter is temporary. Without further court-filings by you or an attorney retained by you, this order will expire in 60 days.**

**If you anticipate needing guardianship beyond this 60 day period, it is essential that you take immediate steps to address this. You will need to file additional court papers. Contact the Clerk of Juvenile Court or an attorney for guidance.**