

**Minor Guardianship Legislation (§48.9795)  
2019 Wisconsin Act 109 - Effective August 1, 2020**

	<b>Full</b>	<b>Limited</b>	<b>Temporary (not to exceed 360 days)</b>	<b>Emergency (not to exceed 60 days)</b>
<b>Finding</b>	<p>The child’s parents are unfit, unwilling, or unable to provide for the care, custody and control of the child <u>or</u> other compelling facts and circumstances that demonstrate a full guardianship is necessary</p> <p>And</p> <p>Dispositional Factors: Nominations, opinions, fitness of proposed guardian, placement preferences for an Indian child, best interests of the child</p>	<p>The parents need assistance in providing for the care, custody and control of the child. Parent may retain certain decision-making powers and may share placement with guardian</p> <p>And</p> <p>Dispositional Factors: Nominations, opinions, fitness of proposed guardian placement preferences for an Indian child, best interests of the child</p>	<p>The child’s particular situation, including the inability of the child’s parents to provide for the care, custody and control of the child for a temporary period of time, requires appointment of a temporary guardian</p> <p>And</p> <p>Dispositional Factors: Nominations, opinions, fitness of proposed guardian, placement preferences for an Indian child, best interests of the child</p>	<p>The child’s welfare requires immediate appointment of an emergency guardian</p>
<b>Duties and Authority</b>	<p>Authority granted to other guardians under Ch. 48 <u>and</u> visitation, move out of state with child, duty to report change in address to court immediately and report status update to court annually</p>	<p>Court must specify the duties; may allow parent to retain certain decision-making powers and allow shared physical custody, if in the child’s best interest</p>	<p>Court must limit the authority to those acts reasonably related to the need for a guardianship</p>	<p>Court must limit authority to those acts related to the reasons for the appointment</p>
<b>Procedure</b>	<p>Petition by any person or child (12 or older), hearing within 45 days, fact-finding/ disposition within 30 days or immediately</p> <p>Report of Guardian due 96 hours prior to hearing</p>	<p>Petition by any person or child (12 or older), hearing within 45 days, fact-finding/ disposition within 30 days or immediately</p> <p>Report of Guardian due 96 hours prior to hearing</p>	<p>Petition by any person or child (12 or older), hearing within 45 days, fact-finding/ disposition within 30 days or immediately</p> <p>Report of Guardian due 96 hours prior to hearing</p>	<p>Petition by any person, hearing as soon as possible</p> <p>Court may, without a hearing, issue an order that remains in effect until the emergency guardianship hearing</p>

