

**IN THE
HO-CHUNK NATION TRIAL COURT**

In the Interest of Minor Child:

Name Date of Birth

PETITION FOR

PERMANENT GUARDIANSHIP

TEMPORARY GUARDIANSHIP

AND/OR

GUARDIANSHIP OF THE PROPERTY

(Arising from an already existing child protection action instituted by the Ho-Chunk Nation Department of Children and Family Services)

Case No.: _____ - _____ - _____
[Assigned by the Court]

I, _____, request the Court to consider the above *Petition* for *Permanent Guardianship*/ *Temporary Guardianship*/ *Guardianship of the Property* of the above-named minor child.

1. The court may exercise jurisdiction over this case pursuant to the HOCUK NATION CHILDREN AND FAMILY ACT, 4 HCC § 3.7a(3) based on the following:

a. The minor child is an enrolled member of the Ho-Chunk Nation, Tribal enrollment number 439A00_____;
[Four Numbers]

b. The minor child is eligible for membership in the Ho-Chunk Nation. I believe the minor child has a Ho-Chunk blood quantum of one quarter or more because: _____;

Give explanation why you believe the child is eligible for enrollment. (e.g., a parent possesses at least 1/2 Ho-Chunk blood quantum)

c. The minor child is not eligible for membership in the Ho-Chunk Nation, but has a

parent who is an enrolled member of the Ho-Chunk Nation, another federally recognized American Indian Tribe, or a regional corporation as defined by 43 USC § 1606; or

d. The minor child is not Ho-Chunk, but is a member of a federally recognized American Indian Tribe, Alaska Native, or a member of a regional corporation as defined in 43 USC § 1606.

2. The minor child is male/ female. To the best of my knowledge, the minor child was born at the following location: _____
City, State, Country (if other than USA)

Please list any other tribe for which you believe the minor child is eligible for enrollment: _____

3. I am am not an enrolled member of the Ho-Chunk Nation, Tribal enrollment number 439A00 _____. My relationship to the minor child is paternal/ maternal grandparent, aunt, uncle, cousin, brother, or sister.
[Four Numbers] (check one only)

If this is inadequate to describe your relationship to the minor child, please state your relationship in Ho-Chunk terms: _____. My tribal affiliation is: _____. I have no tribal affiliation.

4. The minor child has resided with me since _____, 19____/20_____.

My current address is: _____
Address (State physical address after P.O. Box if needed)

City State Zip Code

My telephone number is: (_____) _____ | (_____) _____
Home Work (if available)

My fax number is (if any): (_____) _____

5. The minor child's legal custodian, if not a parent, is _____.

The legal custodian consents to the Guardianship by sworn affidavit, is deceased, and/or present whereabouts are unknown. If whereabouts of the legal custodian are known, state the legal custodian's current address in the space provided:

Address (State physical address after P.O. Box if needed)

City State Zip code

() | ()
Home Work (if available)

If the whereabouts of the legal custodian are unknown, list the last known contact you had with the legal custodian, and the person that might know their whereabouts or place where they might be found. The last known contact I had with the legal custodian was _____.

The legal custodian might be contacted through the following person or place: _____
_____.

It is important to include this information as it allows the Court to serve the legal custodian with this *Petition*. If the legal custodian is not served, he/she may later ask the Court to set aside the guardianship if it is granted.

6. The minor child's father is _____. The father is deceased, and/or present whereabouts are unknown. If whereabouts of the father are known, state the father's current address in the space provided:

Address (State physical address after P.O. Box if needed)

City State Zip code

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Home Work (if available)

If the whereabouts of the father are unknown, list the last known contact you had with the father, and the person that might know their whereabouts or place where they might be found. The last known contact I had with the father was _____.

The father might be contacted through the following person or place: _____
_____.

It is important to include this information as it allows the Court to serve the father with this *Petition*. If the father is not served, he may later ask the Court to set aside the guardianship if it is granted.

7. The minor child's mother is _____. The mother is deceased, and/or present whereabouts are unknown. If whereabouts of the mother are known, state the mother's current address in the space provided:

Address (State physical address after P.O. Box if needed)

City State Zip code

() | ()
Home Work (if available)

If the whereabouts of the mother are unknown, list the last known contact you had with the mother and the person that might know her whereabouts or place where she might be found. The last known contact I had with the mother was _____.

The mother might be contacted through the following person or place: _____
_____.

It is important to include this information as it allows the Court to serve the mother with this *Petition*. If the mother is not served, she may later ask the Court to set aside the guardianship if it is granted.

8. The following people are willing and able to become an interim successor guardian in the sudden event that I cannot carry out my duties due to revocation, death or incapacitation. (Attach additional pages if necessary)

a. Name: _____

Current Address _____

Phone Number _____

b. Name: _____

Current Address _____

Phone Number _____

c. Name: _____

Current Address _____

Phone Number _____

9. The following is a full description and statement of value, to my best information and belief, of all property owned, possessed, or in which the minor child has an interest. (Attach additional pages if necessary). *See* HOCAK NATION CHILDREN AND FAMILY ACT, 4 HCC § 3.74a(2)(g).

REQUEST FOR RELIEF:

In accordance with the best interests of the minor child, I request that the Court consider this *Petition* and arrange a hearing to address my *Petition*. I am requesting that I be given the following guardianship powers (check all powers you are requesting):

- Authority to make medical and dental care decisions.
- Authority to seek child support.
- Authority to consent to marriage, if the child is still a minor.
- Authority to make educational decisions.
- Authority to consent to military service.
- Authority to consent/refuse visitation by relatives. Traditional relatives are permitted liberal

visitation unless it appears unreasonable under the circumstances. *See* HOCAK NATION CHILDREN AND FAMILY ACT, 4 HCC § 3.72.

- Authority to manage the estate of the minor.
- Authority to supervise the minor's religious and cultural education.

In addition to the above-enumerated powers, which flow from a grant of legal custody, I also request / do not request physical custody of the minor child.

RESPECTFULLY SUBMITTED this _____ day of _____ 20____.

Petitioner's Name

Petitioner's Address

City, State, Zip Code

Petitioner's Phone Number

Signature of Counsel (if any): _____

Address of Counsel: _____

Phone Number of Counsel: (____) _____

Fax Number of Counsel: (____) _____

Ho-Chunk Bar Number of Counsel: _____

If not a member of the Ho-Chunk bar, a *Motion to Appear Pro Hac Vice* has been attached in accordance with *Ho-Chunk Nation Rules of Civil Procedure*, Rule 16(B),¹ and/or I have applied for membership in the Ho-Chunk bar in accordance with the *Ho-Chunk Nation Rules for Admission to Practice*.

¹ Parties can obtain a copy of the *Ho-Chunk Nation Rules of Civil Procedure* by contacting the Ho-Chunk Nation Judiciary at (715) 284-2722 or (800) 434-4070 or visiting the judicial website at [http://www.ho-chunknation.com/UserFiles/Civ%20Pro%20\(08-17-06%20version\).pdf](http://www.ho-chunknation.com/UserFiles/Civ%20Pro%20(08-17-06%20version).pdf).
P:/Pet. for CHIPS Guardianship (2009)

Signature of Petitioner

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20_____

at _____
City State

Notary Public for _____

State

My commission expires: _____

-OR-

Witnessed by Clerk of Court

Clerk of Court's Signature _____