

INSTRUCTIONS FOR FILLING OUT PETITION FOR PERMENANT/TEMPORARY GUARDIANSHIP AND/OR GUARDIANSHIP OF THE PROPERTY (CHIPS)

These instructions are only intended to provide information on how to fill out this form. It is not intended to substitute legal advice. An attorney may give you legal advice. There may be additional documents and procedures for your particular type of civil action. If you have any legal questions regarding the specific facts of your case, please consult with an attorney.

Do not include these instructions when you file your completed petition

A *Petition for Guardianship* is an initial pleading that starts a guardianship action, states the basis for the court's jurisdiction, the request for relief and the basis for the request for relief.

The petitioner is the party who brings the action to court.

- **Page 1, Caption:** Write the name of the minor child to whom you are filling out a petition for. Include the minor child's date of birth next to the minor child's name. On the right side of the caption, indicate whether you are filing a petition for permanent guardianship, temporary guardianship and or guardianship of the minor child's property.¹ You do not need to write a case number. A case number will be assigned by the Court.
- **Page 1, Opening Paragraph:** In the first paragraph below the caption, provide your name in the space provided and indicate whether you are requesting for permanent guardianship, temporary guardianship and/or guardianship of the property of the minor child.
- **Page 1 and Page 2, Number 1:** Read the sentence relating to the Trial Court's authority to exercise jurisdiction under the CHILDREN'S ACT, 4 HCC § 3.7.
 - 1.a.: Check this box and write the minor child's enrollment number if they are a member of the Ho-Chunk Nation.
 - 1.b.: Check this box if the minor child is not a member of the Ho-Chunk Nation but is eligible for enrollment with the Ho-Chunk Nation. Provide an explanation as to why you believe the minor child is eligible for enrollment. (e.g. a parent possesses at least ½ Ho-Chunk blood quantum).
 - 1.c.: Check this box if the minor child is not eligible for enrollment with the Ho-Chunk Nation, but has either a parent who is a member of the Ho-Chunk Nation, another federally recognized tribe.
 - 1.d.:Check this box if the minor child is not a member of the Ho-Chunk Nation, but is a member of another federally recognized tribe.
- **Page 2, Number 2:** Indicate the minor child's sex and write the location where the minor child was born in the space provided. Provide a list of any other tribe you believe the minor child is eligible for enrollment in the space provided.
- **Page 2, Number 3:** Indicate whether you are enrolled with the Ho-Chunk Nation. Provide your enrollment number if you are enrolled with the Ho-Chunk Nation. Check only one of the boxes that describes your relationship with the minor child. If none of the boxes fit your relationship with the minor child, you may state your relationship in Ho-Chunk family

¹ See HOČAK NATION CHILDREN AND FAMILY ACT (hereinafter CHILDREN'S ACT), 4 HCC § 3.70 for a description of different types of guardianships.

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terms in the space provided. You may also provide your tribal affiliation or indicate that you have no tribal affiliation in the space/box provided.

- **Page 2, Number 4:** Indicate how long the minor child has lived with you. Write “N/A” in the space provided if the minor child does not currently reside with you. Provide the court with your current address, phone number, and fax number (if any).
- **Page 3, Number 5:** This section provides the Court with the circumstances surrounding the legal custodian. If there is a legal custodian, provide the name of the minor child’s legal custodian in the space provided on Page 2. If the Legal Custody is Ho-Chunk Nation Children and Family Services (hereinafter CFS), you may write “CFS” as the legal custodian. Next, indicate whether the legal custodian consents to you becoming the legal guardian by sworn affidavit, is deceased or if the legal custodian’s present whereabouts are unknown by checking the appropriate box. You may leave these check boxes blank if CFS is the legal custodian and has not indicated whether they consent to you as the guardian. Provide the Court with the legal custodian’s current address and phone number(s) if known. If the present whereabouts of the legal custodian are unknown, then provide the last known date and location where you contacted the legal custodian in the space provided. Please also provide a list of person(s) who might be able to contact the legal custodian in the space provided on Page 3 if the present whereabouts of the legal custodian are unknown.
- **Page 3 and Page 4, Number 6:** This section provides the Court with the circumstances surrounding the minor child’s father. Write “Unknown” in the space provided if the minor child’s father is unknown. If the father is known, provide the name of the father in the space provided on Page 3. Next, indicate whether the father consents to you becoming the legal guardian by sworn affidavit, is deceased or if the father’s present whereabouts are unknown by checking the appropriate box. Provide the Court with the father’s current address and phone number(s) if known. If the present whereabouts of the father are unknown, then provide the last known date and location when and where you contacted the father in the space provided. Please also provide a list of person(s) who might be able to contact the father in the space provided on Page 4 if the present whereabouts of the father are unknown.
- **Page 4, Number 7:** This section provides the Court with the circumstances surrounding the minor child’s mother. Provide the name of the mother in the space provided on Page 4. Next, indicate whether the mother consents to you becoming the legal guardian by sworn affidavit, is deceased or if the mother’s present whereabouts are unknown by checking the appropriate box. Provide the Court with the mother’s current address and phone number(s) if known. If the present whereabouts of the mother are unknown, then provide the last known date and location where you contacted the mother in the space provided. Please also provide a list of person(s) who might be able to contact the mother in the space provided on Page 4 if the present whereabouts of the mother are unknown.
- **Page 5, Number 8:** Provide a list of people who are willing and able to become an interim successor guardian in case something were to happen to you that would prevent you from carrying out your duties as guardian of the minor child.
- **Page 5 and Page 6, Number 9:** Provide a full description and statement of value of all property owned, possessed or in which the minor child has an interest. You may write “N/A/” if you are **not** requesting for guardianship of property.
- **Page 6, Number 10:** Use short and plain statements that describe the conditions and circumstances that support appointment of you as guardian for the minor child.

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- **Page 7:** Read the options for requested relief carefully and select the forms of relief that you believe are necessary in accordance with the best interest of the minor child. Also indicate whether you are requesting physical custody of the minor child by placing a check next to the appropriate box on Page 7.²
- **Page 7:** Write your name, address, phone number and the current date in the space provided on Page 8. If represented, your attorney will sign and provide their contact information below your name. **Do not sign your name on page 8. You will sign the document on the next page.**
- **Page 7:** You will sign right above the line where it reads “Signature of Petitioner.” You must sign your name before a notary or by the Clerk of Court. The Trial Court offers notary services for parties filing petitions.

² Physical Custody means “the physical custody and responsibility for the care of a child including the rights and duties to provide him/her with food, clothing, shelter, education, transportation, and emergency medical care. See CHILDREN’S ACT, 4 HCC § 3.6qq.