

INSTRUCTIONS FOR FILLING OUT PETITION FOR PERMANENT/TEMPORARY GUARDIANSHIP AND/OR GUARDIANSHIP OF THE PROPERTY – NON-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.

Instructions:

- **Page 1: Caption** - Write the name of the minor child for whom you are filling out the petition. 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 HOCÅK NATION THIRD PARTY GUARDIANSHIP ACT, 4 HCC § 11.9a(1).
 - 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.

¹ See HOCÅK NATION THIRD PARTY GUARDIANSHIP ACT, 4 HCC § 11.5 for a description of different types of guardianships. Copies of the ACT can be found on the Nation's website located at <https://ho-chunknation.com/government/legislative-branch/ho-chunk-nation-laws/> or by contacting the Ho-Chunk Nation Legislature at (715) 284-9343 or (800) 294-9343.

**INSTRUCTIONS FOR FILLING OUT PETITION FOR PERMANENT/TEMPORARY GUARDIANSHIP
AND/OR GUARDIANSHIP OF THE PROPERTY – NON-CHIPS**

- **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 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 2 and Page 3, Number 5:** This section provides the Court with the circumstances surrounding the legal custodian. Write “N/A” in the space provided if the minor child does not have a legally designated custodian. If there is a legal custodian, provide the name of the minor child’s legal custodian in the space provided on Page 2. 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. 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 and Page 5, 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 if guardianship of

INSTRUCTIONS FOR FILLING OUT PETITION FOR PERMANENT/TEMPORARY GUARDIANSHIP AND/OR GUARDIANSHIP OF THE PROPERTY – NON-CHIPS

property is requested. 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.
- **Page 7, Number 11:** provide the names and date of birth for each person residing in your home.
- **Page 7 and Page 8:** 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 8.²
- **Page 8:** Write your name, address, phone number and the current date in the space provided on Page 8. If represented by counsel, your attorney will sign and provide their contact information below your name.
- **Page 9:** If represented, your attorney will fill out the upper portion of Page 9 regarding their Ho-Chunk Nation Bar Number and right to represent you in the Trial Court of the Ho-Chunk Nation. 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. You may contact the Trial Court at (715) 284-2722 if you have any questions about filing and notarizing your petition.

Criminal Background Check

- **Page 10:** Read the “NOTE TO PETITIONERS” regarding the requirement to complete an FBI and State Criminal Background Check through the Ho-Chunk Nation Compliance Division. There is a \$33.00 filing fee for the background check.
- **Page 11:** Fill out the portion of the form where it reads “PERSON TO BE FINGERPRINTED.” When you are finished filling out the form, sign, date, print your name and provide your contact information in the space provided.

Statement of Acts

- **Page 12 and Page 13:** Read each question carefully and provide a truthful answer to the best of your knowledge. If you answer yes to any of the questions on these pages, you must provide attachments containing a further explanation. If you are attaching additional pages, please state clearly on the attached page which section you are writing about. For example, you may write “Statement of Acts” on the top of the page, along with the number of the question you answered yes to, and then write below it.
- **Page 14:** You will sign your name before a notary as to the questions and answers on Pages 12 – 13.

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 HOČAK NATION THIRD PARTY GUARDIANSHIP ACT, 4 HCC § 11.3m.