

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Amended

**Dispositional Order Appointing Guardian
(§48.977, Wis. Stats.)
Indian Child Welfare Act**

_____ a person under the age of 18

_____ Date of Birth

Case No. _____

THE COURT FINDS:

1. A hearing on the Petition for Appointment of Guardian was held on [Date] _____.
2. The person nominated as the guardian of the child is a person with whom the child has been placed and it is likely that the child will continue to be placed with that person for an extended period of time or until the child attains the age of 18.
Name _____
Address _____
Phone _____
3. The child is subject to the federal Indian Child Welfare Act.
4. Continued custody of the child by the parent or Indian custodian is is not likely to result in serious emotional or physical damage to the child, based on the testimony of one or more qualified expert witnesses.
[This finding is not required if previously made in the underlying Child/Juvenile In Need of Protection or Services case.]

5. Active efforts were were not made to provide remedial services and rehabilitation programs designed to prevent the breakup of the Indian family. **See attached Statement of Active Efforts (IW-1609)**
[This finding is not required if previously made in the underlying Child/Juvenile In Need of Protection or Services case.]

6. Placement has been made in accordance with the order of preference set forth in the federal Indian Child Welfare Act.
OR
 There is good cause to depart from the order of placement preference in the federal Indian Child Welfare Act.

7. The child has been adjudged to be in need of protection or services under § _____, Wis. Stats., and has been placed, or continued in placement, outside his or her home pursuant to one or more court orders under § _____, Wis. Stats.
8. The agency primarily responsible for providing services
 has made reasonable efforts to return the child to his/her home, but reunification and further reunification efforts with the child's parent(s) are unlikely or contrary to the best interests of the child.

has made reasonable efforts to prevent the child's removal, but continued placement of the child in the home would be contrary to the child's welfare.

is not required to make reasonable efforts to prevent the child's removal or to return the child to his/her home under §48.355(2d)(b)1. to 5., Wis. Stats.

9. The parent(s) is/are refusing, neglecting or unable to carry out the duties of a guardian.

10. It is not in the best interests of the child that a petition to terminate parental rights be filed with respect to the child.

11. It is likely that the person, if appointed, would be willing and able to serve as the child's guardian for an extended period of time or until the child attains the age of 18.

12. The determinations made under §48.623(1), Wis. Stats., that the guardian is eligible to receive monthly subsidized guardianship payments are confirmed.

The person nominated as the successor guardian of the child is:

Name _____

Address _____

Phone _____

13. It is is not in the child's best interests that the person be appointed guardian with

full powers enumerated under §48.023, Wis. Stats.

powers limited to: _____

THE COURT ORDERS:

The Petition is

1. **GRANTED** and [Name] _____ is appointed guardian with

full powers enumerated under §48.023, Wis. Stats.:

The duty and authority to make important decisions in matters having a permanent effect on the life and development of the child and the duty to be concerned about the child's general welfare, including but not limited to:

- o The authority to consent to marriage, enlistment in the U.S. armed forces, major medical, psychiatric and surgical treatment, and obtaining a motor vehicle operator's license.
- o The authority to represent the child in legal actions and make other decisions of substantial legal significance concerning the child but not the authority to deny the child the assistance of counsel as required by Chapter 48.
- o The right and duty of reasonable visitation of the child.
- o The rights and responsibilities of legal custody except when legal custody has been vested in another person or when the child is under the supervision of the department of corrections under §§938.183, 938.34 (4h), (4m), or (4n), or §938.357 (3) or (4), Wis. Stats., or the supervision of a county department under §938.34 (4d), (4m), or (4n), Wis. Stats. This includes educational decision-making authority.

powers limited to: _____

2. **DENIED** and this matter is dismissed.

3. Other: _____

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

DISTRIBUTION:

1. Court
2. Child – if 12 years or older
3. Child's Guardian ad Litem/Adversary Counsel
4. Parents
5. Parents' Attorney(s)

6. Child's Guardian/Legal Custodian
7. Child's Successor Guardian
8. District Attorney/Corporation Counsel
9. Caseworker
10. Tribe
11. Indian Custodian