

## FORM SUMMARY

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**Name of Form:** **Petition for Protection or Services (Chapter 48)  
(Indian Child Welfare Act)**

**Form Number:** **IW-1610**

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**Statutory Reference:** §§48.13 and 48.255, Wisconsin Statutes

**Benchbook Reference:**

**Purpose of Form:** Formal request to invoke the court's jurisdiction to adjudicate a child in need of protection or services under Chapter 48.

**Who Completes It:** Corporation counsel, district attorney, or other petitioner.

**Distribution of Form:** Court, copies to child, parent/guardian/legal custodian/ Indian custodian, department/agency, tribe and other interested parties.

**Accompanying Forms:** Generally none.

**New Form/Modification:** Modified; last update 11/19.

**Modifications:** Changed Mother/Father to Parent 1/Parent 2. Updated the legal status checkboxes by changing Presumed to Marital, Biological to Birth, and separating Adjudicated and Adoptive. Added legal status definitions to form summary.

**Comments:** The legal status categories are defined as follows:

**Birth** – Parent who physically delivered the child.

**Adoptive** – Parent who adopted the child by court order.

**Adjudicated** - Parent based on a court order establishing paternity or parentage or who is the administratively adjudicated parent due to the filing of a paternity acknowledgement form with the Office of Vital Records.

**Marital** – Parent who is presumed to be the biological parent because the child was conceived or born during marriage, or is presumed to be the biological parent because the marriage occurred after the child's birth but the parties had a relationship at the time of conception.

**NOTE:** The marital presumption does not apply if a court has found another person to be the parent instead of this parent. It also doesn't apply if the marriage followed the birth but the child was conceived or born during a marriage to another.

**About this Form:** This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

**If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.**