

As a relative caregiver, you may have questions regarding your legal rights or you may feel as though you need legal assistance as you navigate the court process. While it is not required to obtain legal representation, you might find it beneficial to consult with an attorney about your role as a caregiver and the rights that you may have. ***Nothing in this fact sheet should be considered legal advice from DCF. Please consult with an attorney with any legal questions.***

FAQs

Do I need an attorney?

Depending on the circumstances of your case, you may or may not need an attorney to represent you. There are pros and cons to hiring an attorney—a pro being that you have an advocate who understands the legal system, and a con being that hiring an attorney can be costly and you may not have the financial means to do so.

Am I eligible for a court-appointed attorney?

Typically relative caregivers are not eligible for court-appointed legal representation. In some circumstances, the court may appoint an attorney for the child in your care and/or the child's parents. Right to counsel is dependent on the type of case and is determined by local court procedure and state statute.

Am I a party to the case involving the relative child in my home?

Depending on your situation, you may or may not be a party to the case involving the relative child in your home. If the child in your home is currently placed by a Wisconsin child welfare or youth justice agency AND you are a licensed foster parent, you may have the opportunity to be heard during court, if the child has been placed with you for at least 6 months. You may also be a party to the case if you have guardianship of the child under a Ch. 48.977 or a private guardianship.

Who can I ask legal questions to?

If you are working with a child welfare agency you may be able to ask general “what to expect” questions to the child's caseworker; however, that caseworker is not an attorney and cannot give legal advice. There may be attorneys that are involved in the child's case, such as the guardian ad litem (GAL) or Corporation Counsel. They are not hired or appointed to represent YOU, and will typically not, and should not, provide you legal advice. If you have questions regarding your own rights, you should seek out legal services of your own.

What legal services are available to me?

While it is uncommon for relative caregivers to obtain a court-appointed attorney, there may be legal resources available to you in your area. If you do not have the financial means to hire an attorney, your local courthouse may have more information on how to obtain free or reduced-cost legal representation, or it might offer free walk-in legal clinics where you can obtain answers to your legal questions. Some attorneys may offer sliding-scale fees, limited-scope representation, or may agree to take a case pro-bono.

What information should I share with an attorney?

In order to adequately consult or represent you on your legal matter, an attorney will likely ask questions to understand your role as caregiver to the relative child in your home. They will want to know your relationship to the child and how the child came to be living in your home. It will be important to know your status as a relative caregiver, such as whether you have guardianship of the child or if the child is involved in the child welfare system. If you need assistance in understanding what type of arrangement you have, whether it be informal or formal caregiving, you can visit the Wisconsin Kinship Navigator Online Portal to answer a few questions about the child that is currently living in your home.

Types of relative caregiving arrangements:

- Informal Family Arrangement
- Licensed Foster Home
- Ch. 54 Guardianship
- Kinship Care
- Ch. 48 Guardianship
- Adoption

General Legal Resources

State Bar of Wisconsin: <https://www.wisbar.org/Pages/default.aspx>

Wisconsin State Law Library: <https://wilawlibrary.gov/>

Marquette University Law School Library: <https://law.marquette.edu/law-library>

University of Wisconsin Law School Library: <http://library.law.wisc.edu/>

Wisconsin Local Court Rule: <https://www.wisbar.org/Directories/CourtRules/Pages/Circuit-Court-Rules.aspx>

Wisconsin Court System Self-help Center: <https://www.wicourts.gov/services/public/selfhelp/index.htm>

Wisconsin Legal Services Firms

Wisconsin Judicare

Wausau

(provides legal services to the northern 33 counties)

Legal Action of Wisconsin

Green Bay

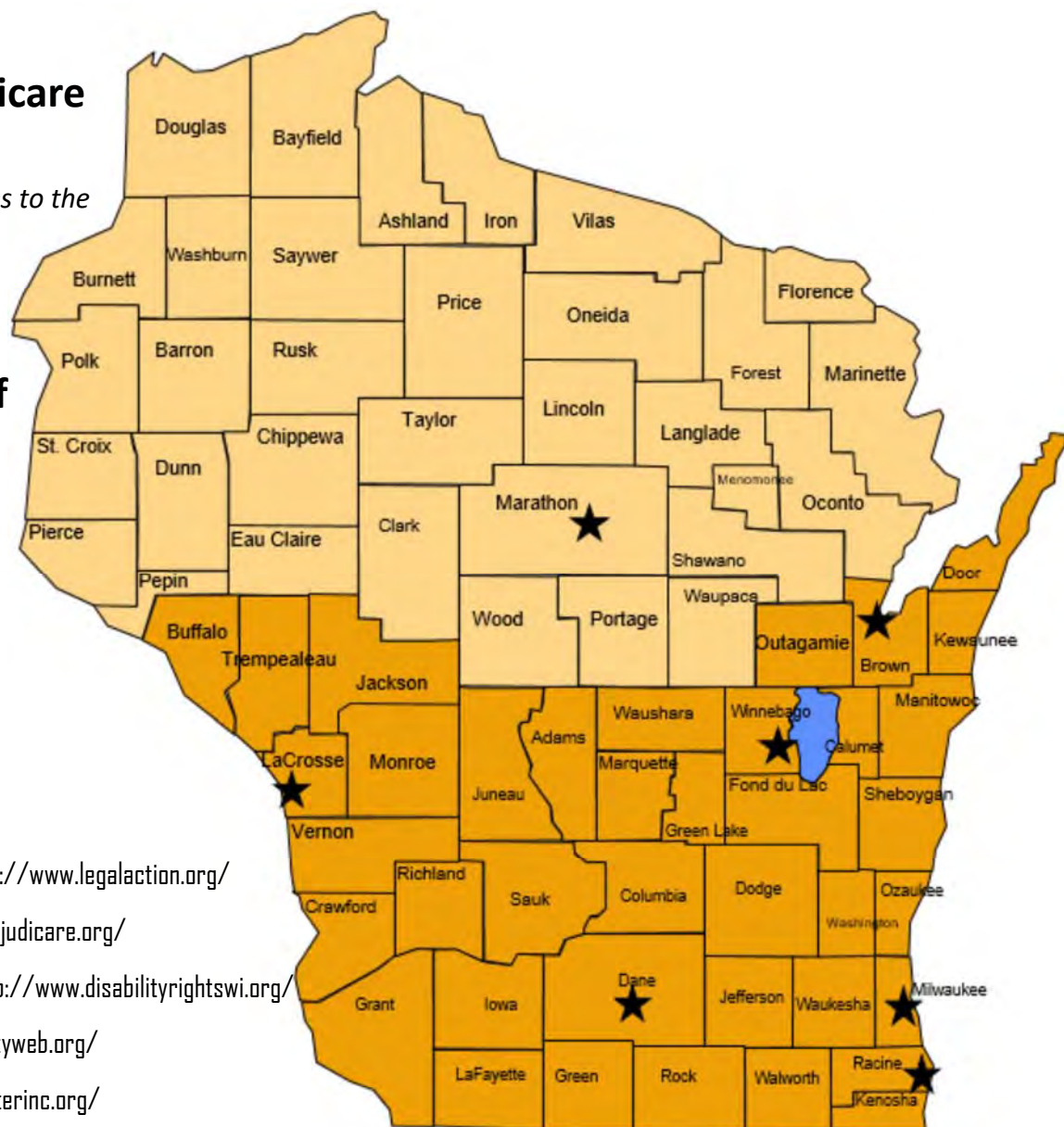
La Crosse

Oshkosh

Madison

Milwaukee

Racine



Legal Action of Wisconsin: <https://www.legalaction.org/>

Wisconsin Judicare: <http://www.judicare.org/>

Disability Rights Wisconsin: <http://www.disabilityrightswi.org/>

ABC for Health: <https://www.safetyweb.org/>

Kids Matter, Inc.: <https://kidsmatterinc.org/>