



CASEWORK ACTIVITY: Temporary Guardianship

Revised 8/2007

PURPOSE

To establish a process to follow when the child's parent is unavailable or unwilling to consent for treatment/services, social workers must petition Children's Court for a transfer of temporary guardianship order to obtain necessary treatment or services for the child in accordance with Wis. Stats. 880.15.

PROCEDURES

Requests for temporary guardianships fall into three categories:

- Emergencies that require immediate (same day) attention; i.e. emergency surgery, immediate placement at a Child Adolescent Treatment Center (CATC), etc.
- Non-emergencies that need resolution in less than a month's time; i.e. referrals to M-Teams and/or therapist to maintain the placement, etc.

Emergency (same day) temporary guardianship

1. Gather and document information regarding the specifics of the emergency.

Documentation: The information gathered and action taken under the Legal Action and Legal Status icons and in a case notes in the family's eWiSACWIS record. Document the reasonable efforts made to locate parents/guardian on a case note in the family record.

2. Consult with supervisor.
3. Fill out the Temporary Guardianship Worksheet found under the Legal Document icon of the family's WiSACWIS record and obtain supervisory approval.
4. Take the guardianship order and the necessary permission form that needs a guardian's signature to the proper BMCW administrator for their signature.

Documentation: All court proceedings under the Legal Action and Legal Status icons in the family's WiSACWIS record. File a hard copy of the order in court section of family's paper case file.

Non-emergency temporary guardianship order needed in less than a month's time

1. Follow steps 1-4 above under Emergency (same day) temporary guardianship
2. **Fax** the Temporary Guardianship Worksheet to the Children's Court liaison office marked "Attention: Emergency Intake District Attorney".



3. Be prepared to respond as soon as possible to any question from the Emergency Intake District Attorney.
4. Be available to attend the court hearing and testify to the facts of the petition.
5. When the guardianship order is received, take it and the necessary permission form that needs a guardian's signature to the designated BMCW administrator for signature.

Documentation: All court proceedings under the Legal Action and Legal Status icons in the family's WiSACWIS record. File a hard copy of the order in court section of family's paper case file.

Non-emergency temporary guardianship order needed in more than a month's time

Follow the same procedures as for the non-emergency procedure above. Do not provide written notice to the parent/guardian. This will be done by the Clerk's Office.

FORMS REFERENCED

Notice of Temporary Guardianship Hearing (currently available in hardcopy)
Temporary Guardianship Worksheet

CROSS REFERENCES

Signature of Guardian and Legal Custodian