

Oneida Family Court
P O Box 19
Oneida, WI 54155
(920) 496-7200

INSTRUCTIONS FOR FILING A PETITION FOR APPOINTMENT OF GUARDIAN

1. Complete the Petition for Appointment of Guardian and the Summons.
 - a. If applicable, attach a copy of the order adjudicating the child to be in need of protection or services and the order placing the child outside the parental home.
2. Make a copy of the Petition for Appointment of Guardian and Summons for yourself and for each of the other parties listed on the petition.
3. File the original and the copies of the Petition for Appointment of Guardian and Summons.
 - a. The Clerk will look over your papers and fill in the case number and the court date on the Summons.
4. Serve the Petition for Appointment of Guardian and Summons on the following parties:
 - a. The child's parent(s), including any alleged father;
 - b. If applicable, the child's foster parent, guardian, and/or legal custodian; and
 - c. The Child Welfare Attorney located at Oneida Law Office, N7210 Seminary Rd, Oneida, WI 54155.
5. The Petition for Appointment of Guardian and Summons must be served within 30 days after they are filed and at least 7 days prior to the scheduled hearing.
 - a. An additional 30 days may be requested in writing. The written request may be granted by the court upon a showing of good cause.
 - b. Serving a person means delivering the court papers to them in person. Service may be made by any law enforcement officer or other person, not a party, who is at least 18 years of age. **You may not deliver the court papers yourself!**
 - c. The person serving the Petition for Appointment of Guardian and Summons must complete an Affidavit of Service which is included in this packet. You should make a copy for each of the parties that you must serve (additional copies may be found in the Family Court forms section of the Judiciary's website - <https://oneida-nsn.gov/government/judiciary/judiciary-forms/#Family-Court>). The Affidavit(s) of Service must be returned to the Clerk's office within 10 days of service upon the parties.
6. If personal service is not possible, you may mail the Petition for Appointment of Guardian and Summons to those entitled to notice via certified mail with return receipt requested. If you complete service by certified mail, you must file the certified return receipt (green card) showing the date of delivery with the Clerk.
7. If personal service and mail service are not possible, you may ask the court to permit service by publication.

Any questions, call the Clerk of Court at 920-496-7200.

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ONEIDA FAMILY COURT

IN THE INTEREST OF:

_____ **Case No.** _____
Name Court will Assign

Date of Birth

Petition for Appointment of Guardian

I STATE ON INFORMATION AND BELIEF:

1. The petitioner is:
- ☐ the Department.
 - ☐ the Nation's child welfare attorney.
 - ☐ the child, if age 12 or older.
 - ☐ the child's guardian ad litem.
 - ☐ the child's parent.
 - ☐ the person with whom the child is placed or in whose home placement of the child is recommended by the Department.

Child's Address and Telephone Number		Tribal Affiliation
Parent 1's Name, Address, and Telephone Number	Date of Birth	Tribal Affiliation
Parent 2's Name, Address, and Telephone Number	Date of Birth	Tribal Affiliation
Legal Custodian's Name, Address, and Telephone Number		Tribal Affiliation
Proposed Guardian's Name(s), Address, and Telephone Number		Tribal Affiliation

2. The child was found to be in need of protection or services under 7 O.C. 708.5-2 and has been placed outside of his or her home pursuant to one or more court orders or the child has been found in need of protection or services and placement of the child in the home of a guardian has been recommended by the Department (attach a copy of the order adjudicating the child to be in need of protection or services and the order placing the child outside the parental home).

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3. The facts and circumstances which establish that the conditions specified in 7 O.C. 708.29(a)-(f) are met are: _____

☐ See attached

4. The proposed guardian ☐ meets ☐ does not meet the preferences for placement set forth in 7 O.C. 708.11-1(a) - (h).

I request that the proposed guardian listed above be appointed as guardian of the child.

Signature

Date

Name Printed or Typed

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ONEIDA FAMILY COURT

IN THE INTEREST OF:

Name

Case No. _____
Court will Assign

Date of Birth

Summons

To the parties named in the petition:

A petition alleging the child is in need of a guardian has been filed and is attached to this summons.

You are summoned to appear on:

Date: _____

Time: _____

Presiding Judge: Oneida Family Court Judge

Location: Courtroom _____, 2630 W. Mason Street, Green Bay, WI 54303

A failure to appear and defend may result in a default judgment against you for the relief demanded in the petition.

BY THE CLERK:

Signature (Clerk)

Date

Signature (Petitioner or Petitioner's Attorney/Advocate)

Name:

Address:

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AFFIDAVIT OF SERVICE

Case No. _____

In the Interest of: _____
(Child's initials and date of birth)

I, _____, swear that I personally served the Petition
(Name of person serving party)

for Appointment of Guardian and Summons on the following person:

(Name of party being served)

DATE: _____

TIME: _____

PLACE: _____

To the best of my knowledge, _____, is present in
(Name of party being served)
the community and is not a member of the armed forces.

I swear the foregoing is true and correct.

Dated this _____ day of _____, 20____.

(Signature of person serving party)

PLEASE NOTE: Only use this form if you are having the other person personally served. If you are serving the other person by certified mail, simply give the return receipt (green card) to the Clerk of Court.