

TYPES of GUARDIANSHIP

This chart compares the four types of private minor guardianship available under Wis. Stat. § 48.9795. If you are unsure whether guardianship is right for your situation, compare duties and support available through CPS involvement, power of attorney, guardianship and adoption. Remember, if there is already an open child protection case in court, a private guardianship petition cannot be used to change the placement of the child. Learn more at www.kidsmatterinc.org.

	EMERGENCY	TEMPORARY	LIMITED	FULL
LEGAL STANDARD	Welfare of the child requires an immediate appointment of an emergency guardian.	Child's particular situation, including the inability of the child's parent to provide for the care, custody, and control of the child for a temporary period of time, requires the appointment of a temporary guardian.	Child's parents need assistance in providing for the care, custody, and control of the child and a statement of the specific duties and authority sought by the petitioner.	Child's parents are unfit, unwilling, or unable to provide for the care, custody, and control of the child or other compelling facts and circumstances exist demonstrating that a full guardianship is necessary.
DURATION	Up to 60 days.	Up to 180 days with an option for an additional 180-day extension for good cause.	Time period set by the court with the option to extend.	Until the child turns 18.
RIGHTS/DUTIES	<ul style="list-style-type: none"> ▶ Specified by court, limited to what duties and rights are needed to resolve the emergency situation. 	<ul style="list-style-type: none"> ▶ Specified by court, may be any rights/duties part of full guardianship for a maximum 180 days with an option for an additional 180-day extension. 	<ul style="list-style-type: none"> ▶ Specified by court, may be any rights/duties part of full guardianship. ▶ Allows for shared physical custody between the parent and guardian. 	<ul style="list-style-type: none"> ▶ Can consent to medical treatments, child's obtaining of driver's license, enlistment in US armed forces and child's marriage. ▶ Can represent child's legal interests. ▶ Set reasonable visitation with child. ▶ Rights/responsibilities of legal custody. ▶ Right to move child to another state. ▶ Duty to tell court of changes in address, annual reports of child's condition.
SUCCESSOR GUARDIANSHIP	N/A	Same for temporary, limited, and full guardianship. A successor (back-up) guardian may be appointed at the time of the initial appointment or any time after. See "Post-Guardianship Questions and Court Proceedings" for more information.		

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MODIFICATION	<ul style="list-style-type: none"> ▶ Situation requiring emergency guardianship has changed and modification would be in the best interests of the child. ▶ The hearing on the modification must be held within 30 days of the filing of the petition. 	<ul style="list-style-type: none"> ▶ Situation requiring temporary guardianship has changed and modification would be in the best interests of the child. ▶ The guardianship can be modified to add or eliminate certain duties of the guardian. 	<ul style="list-style-type: none"> ▶ Situation requiring limited guardianship has changed and modification would be in the best interests of the child. ▶ The guardianship can be modified to add or eliminate certain duties of the guardian. 	<ul style="list-style-type: none"> ▶ Situation requiring full guardianship has changed and modification would be in the best interests of the child. ▶ The guardianship can be modified to add or eliminate certain duties of the guardian.
REVIEW OF GUARDIAN CONDUCT	Same for all types of guardianship. See “Post-Guardianship Questions and Court Proceedings” for more information.			
TERMINATION	<ul style="list-style-type: none"> ▶ After period set by court up to 60 days. 	<ul style="list-style-type: none"> ▶ After period set by court up to 180 days (or after extension). ▶ Child turns 18, gets married, is adopted or dies. ▶ Guardian dies, resigns or is removed and a successor guardian is not appointed. ▶ Child (age 12 or over)/ parent successfully petitions for end of guardianship showing that there has been a substantial change in circumstances, the parent is fit, willing and able or that no compelling facts exist, and termination is in the child’s best interest. 	<ul style="list-style-type: none"> ▶ After period set by court. ▶ Child turns 18, gets married, is adopted or dies. ▶ Guardian dies, resigns or is removed and a successor guardian is not appointed. ▶ Child (age 12 or over)/ parent successfully petitions for end of guardianship showing that there has been a substantial change in circumstances, the parent is fit, willing and able or that no compelling reasons exist, and termination is in the child’s best interest. 	<ul style="list-style-type: none"> ▶ Child turns 18, gets married, is adopted or dies. ▶ Guardian dies, resigns or is removed and a successor guardian is not appointed. ▶ Child (age 12 or over)/ parent successfully petitions for end of guardianship showing that there has been a substantial change in circumstances, the parent is fit, willing and able or that no compelling facts exist, and termination is in the child’s best interest.

