

IN THE INTEREST OF

Amended

\_\_\_\_\_  
Name

**Letters of Guardianship and  
Order Appointing Guardianship**

\_\_\_\_\_  
Date of Birth

Full  Limited  Temporary

Case No. \_\_\_\_\_

**THE COURT FINDS:**

1. A Petition for Appointment of guardianship has been filed with the court by [Name] \_\_\_\_\_ on [Date] \_\_\_\_\_ requesting a  Full  Limited  Temporary Guardianship.
2. JURISDICTION, VENUE, NOTICE, AND APPEARANCES
  - A. This court  does  does not have jurisdiction over the subject matter and the minor.
  - B. This court  is  is not a proper venue.
  - C. Notice  was  was not properly served.
  - D. The minor is  present  not present.
3. A hearing on the Petition for Appointment of Guardian was held on [Date] \_\_\_\_\_.
4. The person nominated as the guardian of the child is:  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_
5. The person nominated as the successor guardian of the child is:  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_
6. MINOR'S RIGHT OF NOMINATION
  - under age 14
  - 14 years of age or older, and
    - made a nomination of his or her guardian in writing to the court
    - the court dispensed with the right of nomination for the following reason: \_\_\_\_\_
7. An inquiry has been made on the record to each participant in this proceeding as to whether each participant knows or has reason to know that the child is an Indian child. The provisions of §278-13 Notice to Interested Parties for Non-Menominee Indian Child do not apply.
8. This order does not change the placement of a child under the supervision of the court pursuant to Article II. CHIPS, Article III. JIPS, or Article XII. Child Delinquency of Menominee Tribal Code.
9. This petition for guardianship is not being used to circumvent Article II. CHIPS investigation or referral.
10. Other: \_\_\_\_\_

**THE COURT ORDERS:**

The Petition for Termination of Guardianship is

- 1. **GRANTED.** The petitioner has proved the allegations in the petition by clear and convincing evidence- and the appointment of guardian is in the best interests of the child.
  - A. The court appoints [Name] \_\_\_\_\_ as guardian of the child
    - The person named as the successor guardian of the child is \_\_\_\_\_.

B. The Court orders the following type of guardianship:

**Full Guardianship**

- All of the duties and authority specified in §278-##, Menominee Tribal Code, the duty and authority to make important decisions in matters having permanent effect on the life and development of the child and the duty to be concerned about the child's general welfare, including but not limited to:
  - The authority to consent to marriage, enlistment in the U.S. armed forces, major medical, psychiatric and surgical treatment, and obtaining a motor vehicle operator's license.
  - The authority to represent the child in legal actions and make other decisions of substantial legal significance concerning the child but not the authority to deny the child the assistance of counsel as required by Chapter 278.
  - The right and duty of reasonable visitation of the child.
  - The rights and responsibilities of legal custody except when legal custody has been vested in another person or when the child is under the supervision of the Department pursuant to an Article XII delinquency action.
- Subject to an order of a court of competent jurisdiction, the authority to determine reasonable visitation with the child.
  
- The right to change the residence of the child from this jurisdiction to another state.
- The duty to immediately notify the court that the appointed guardian of any change in the address of the guardian or child and to make an annual report to that court on the condition of the child. The report shall include the location of the child, the health condition of the child, and any recommendations regarding the child.

**Limited Guardianship**

- The following duties and authority shall apply to the guardian.  
(Please select the duties or authority of the guardian under this limited guardianship.)
  - The authority to consent to marriage, enlistment in the U.S. armed forces, major medical, psychiatric and surgical treatment, and obtaining a motor vehicle operator's license.
  - The authority to represent the child in legal actions and make other decisions of substantial legal significance concerning the child not but not the authority to deny the child the assistance of counsel as required by Chapter 278.
  - The right and duty of reasonable visitation of the child.
  - The rights and responsibilities of legal custody except when legal custody has been vested in another person or when the child is under the supervision of the Department pursuant to an Article XII delinquency action.
  - Subject to an order of a court of competent jurisdiction, the authority to determine reasonable visitation with the child.
  - The right and duty of reasonable visitation of the child.
  - The duty to immediately notify the court that the appointed guardian of any change in the address of the guardian or child and to make an annual report to that court on the condition of the child. The report shall include the location of the child, the health condition of the child, and any recommendations regarding the child.
  - Other: \_\_\_\_\_
- The guardian's authority is limited in the following manner. (Please select any limitations that apply)
  - The parent [Name] \_\_\_\_\_ retains power to make the following decisions within the parents ability to exercise effectively: \_\_\_\_\_.
  - The physical custody of a guardian is limited to allow shared physical custody between the guardian and parent [Name] \_\_\_\_\_ since it is in the best interest of the child.
  - Other: \_\_\_\_\_
- The Limited Guardianship expires on: [Date] \_\_\_\_\_

**Temporary Guardianship**

- The temporary guardian's authority shall be limited to those acts that are reasonably related to the reasons for the appointment that are specified in the petition for temporary guardianship. (Please list the duties and authority of the temporary guardian below.)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**See attached**

Temporary Guardianship expires on [not to exceed 180 days]: : \_\_\_\_\_

C. Reasonable rules of parental visitation for:

Parent 1 [Name] \_\_\_\_\_

Rules:  \_\_\_\_\_  **See attached**

Parent 2 [Name] \_\_\_\_\_

Rules:  \_\_\_\_\_  **See attached**

D. The amount of support to be paid by the child's parent(s):

Parent 1 [Name] \_\_\_\_\_

\$ per month commencing on [Date] \_\_\_\_\_

Payable by  wage assignment  directly between parties.

Parent 1 [Name] \_\_\_\_\_

\$ per month commencing on [Date] \_\_\_\_\_

Payable by  wage assignment  directly between parties.

E. Other: \_\_\_\_\_

F. **GUARDIANSHIP OF PROPERTY**

It is appropriate to:

A. appoint and authorize the guardian of the estate to perform duties under §278-92.

B. direct the guardian to deposit the minor's funds of \$100,000 or less in an insured account of a bank, credit union, savings bank or savings and loan association in the name of the guardian and the minor, payable only upon further order of the court, and waive bond for the guardian of the property.

G. Upon receiving information that provides reason to know that child is an Indian child, the party shall inform the Court.

H. **FEES AND COSTS OF PROCEEDING**

Guardian is not appointed. The petition shall pay the compensation of the guardian ad litem and the minor's attorney.

Reasonable compensation of the guardian ad litem and minor's attorney shall be paid from the minor's income or assets, if sufficient. If the minor's income or assets are sufficient, the guardian ad litem shall be paid by the venue and the minor's attorney shall be paid at public expense or by the venue.

Petitioner's reasonable attorney fees and costs (if any) shall be paid

by the petitioner  from the minor's income or assets

Other: \_\_\_\_\_

2. **DENIED** and this matter is dismissed. \_\_\_\_\_

The petitioner has not proved the allegations in the petition by clear and convincing evidence.

The appointment of the proposed guardian as the child's guardian is not in the best interests of the child.

**THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A TRIBAL JUDGE.**

Tribal Court Judge Signature ▶
Print Name
Date

DISTRIBUTION:

1. Court
2. Child (if 12 years of age or older)
3. Child's Parent
4. Child's Guardian
5. Child's Legal Custodian
6. Child's Guardian ad Litem/Adversary Counsel
7. Tribe (if any) or Indian Custodian (if any)
8. Additional Interested Persons (if any)