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## #021- Guardianship - Temporary

### I. POLICY

It is the policy of Milwaukee County Children's Community Mental Health Services and Wraparound Milwaukee that when the youth's parents are unavailable or unwilling to consent for treatment services, a petition must be filed with Children's Court for a Transfer of Temporary Guardianship Order to obtain necessary treatment or services for the youth. **For youth under a CHIPS Order, the Division of Milwaukee Child Protective Services (DMCPS) is responsible for securing temporary guardianship with the assistance of the Care Coordinator. For youth under a Delinquency Order, that responsibility falls to the Human Service Worker (HSW) with the assistance of the Care Coordinator.**

*Note: This policy utilizes the term "Care Coordinator", which applies to Wraparound/REACH/CCS/CORE/ Youth Connect Care Coordinators and FISS Case Managers. The term "Youth" is used in this policy and applies to the enrollee in the program, whether a child, adolescent, or young adult.*

### II. PROCEDURE

#### A. Temporary Guardianship (Imminent Need)

This section refers to situations regarding treatment and placement issues that need legal action as quickly as possible (*i.e., out-of-home placement*).

The procedures that the Care Coordinators must follow for obtaining a temporary guardianship (Imminent Need) order are as follows:

**For a Youth on Child in Need of Protection and Services (CHIPS) Order, the Care Coordinator**

must contact the DMCPS Case Manager to request the Temporary Guardianship. The Care Coordinator must be prepared to assist the DMCPS Case Manager in this process by gathering and documenting information regarding the need for the Temporary Guardianship and by assisting in the reasonable effort attempts to contact the parent/ legal guardian.

**For a Youth on a Delinquency or Juvenile in Need of Protection and Services (JIPS) order,** the Care Coordinator must contact the HSW to request the Temporary Guardianship and to ensure that the HSW is aware of the need for a Temporary Guardianship. The Care Coordinator must be prepared to assist the HSW in this process by gathering and documenting information regarding the need for a Temporary Guardianship and by assisting in the reasonable efforts to contact the parent/ legal guardian. The Care Coordinator is also to be prepared to assist in presenting this information to the Court.

1. Gather and document information regarding the specifics of the treatment or service need.
2. Consult with Supervisor and obtain the Supervisor's approval.
3. Reasonable efforts (a minimum of three [3] in-person attempts on three [3] separate days) must be made to reach the parent(s)/legal guardian prior to submission of the Temporary Guardianship Worksheet.

**The Care Coordinator must maintain constant and regular contact with the HSW throughout this time period.**

4. Consult with the agency assigned Court Liaison.
5. Be available to supply the HSW with sufficient information for them to write the petition.
6. Be available to appear in Court to give testimony regarding the details of the situation and the need for the granting of temporary guardianship.
7. After the hearing, make copies of the Guardianship Order for the caregiver, the agency assigned Court Liaison and upload to Synthesis.
8. Take the Guardianship Order and the necessary Consents or Admission form(s) that need a guardian's signature to the proper State or County Administrator for their signature.
9. Provide copies of the signed consents to the caregiver and upload to Synthesis.
10. Discuss with the Care Coordination Supervisor and the Child & Family Team what planning might be needed when the sixty-day Temporary Guardianship Order expires.

**B. Emergency - Same Day (after hours or weekend) Temporary Guardianship.**

Contact staff at the Division of Milwaukee Child Protective Services at 414-220-7233 regarding any weekend or after-hours requests for Temporary Guardianship that are emergent and require immediate (same day) attention.

## Approval Signatures

Step Description	Approver	Date
	Michael Lappen: BHD Administrator	8/16/2022
	Brian McBride: ExDir2 – Program Administrator	8/16/2022
	Dana James: Integrated Services Manager- Quality Assurance	8/10/2022
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