

**205 CHIPS: CHILD WITHOUT A PARENT OR GUARDIAN
[WIS. STAT. § 48.13(1)]**

The petition in this case alleges that (child) is without a parent or guardian. Your role as jurors will be to answer the following question in the special verdict:

1. Is (child) without a parent or guardian?

The burden of proof is on (petitioner) to convince you by evidence that is clear, satisfactory, and convincing, to a reasonable certainty, that the question should be answered "yes."

"Without a parent or guardian" means that (child) has no parent or guardian who exists or can be identified.

If you are convinced by evidence that is clear, satisfactory, and convincing, to a reasonable certainty, that (child) is without a parent or guardian, you should answer the question "yes." If you are not so convinced, you must answer the question "no."

SPECIAL VERDICT

1. Is (child) without a parent or guardian?

Answer: _____
Yes or No

COMMENT

Wis JI-Children 205 and comment were originally approved by the Committee in 1996 and revised in 1997 and 2004. The change in 2004 conformed the burden of proof language to Wis JI-Civil 205.

Wis. Stat. § 48.13(1) reads:

48.13. Jurisdiction over children alleged to be in need of protection or services.

The court has exclusive original jurisdiction over a child alleged to be in need of protection or services which can be ordered by the court, and:

- (1) Who is without a parent or guardian

The Committee believes it is not necessary to instruct the jury on what is a "parent." Determination of whether an individual is a parent for the purpose of this instruction is a question of law.