

INSTRUCTIONS FOR PRO-SE LITIGANTS - *

Enclosed is your copy of the "Order and Notice of Hearing" attached to the "Petition for Guardianship of Minor" and "Uniform Child Custody Jurisdiction and Enforcement Act Affidavit" for you to provide notice to the child's parents and any other interested parties pursuant to Wis. Stats 54.38(3). Make the necessary number of copies of these documents to be served on all parties who are entitled to notice. Your hearing is scheduled to be heard at the Juvenile Court on _____.

It will be your responsibility to have the parents and any interested parties served with these documents and provide proof of service to the court no less than 48 hours prior to the hearing. You cannot serve the parties yourselves as this represents a conflict. You may use a private process server for this or send the documents by certified mail/return receipt requested. When the post office returns the certified mail receipts to you, file them with the court as soon as possible as proof that the party has signed for the documents. If the parents or any of the interested parties cannot be located to serve with the documents, you can mail them by certified mail to their last known address. The certified mail receipt(s) must be filed with the court no less than 48 hours prior to the hearing.

If you have probate issues that need to be filed relating to monies entitled to the minor, you must file a separate guardianship in the Probate Division located on the 3rd floor at the main courthouse. The Juvenile Court does not handle guardianships of the minor person's estate.

Attorney _____ has been appointed as the child's "Guardian ad Litem" and a copy of the court's order is enclosed for your reference. The Guardian ad Litem will be contacting you to speak to you about your petition. You may elect to obtain legal counsel for yourself if you are uncertain about any of the procedures as outlined above. Court staff cannot provide you with legal assistance, nor can the child's Guardian ad Litem represent you in this matter as their sole function is to act in the best interest of the child.

* who are filing for permanent guardianship under ch. 54

CHAPTER 54

GUARDIANSHIPS AND CONSERVATORSHIPS

	SUBCHAPTER I DEFINITIONS		SUBCHAPTER VII UNIFORM GUARDIANSHIP ACTS
54.01	Definitions.	54.850	Definitions.
	SUBCHAPTER II APPOINTMENT OF GUARDIAN	54.852	United States uniform veterans guardianship act.
54.10	Appointment of guardian.	54.854	Uniform transfers to minors act; definitions.
54.12	Exceptions to appointment of guardian.	54.856	Scope and jurisdiction.
	SUBCHAPTER III NOMINATION OF GUARDIAN; POWERS AND DUTIES; LIMITATIONS	54.858	Nomination of custodian.
54.15	Selection of guardian; nominations; preferences; other criteria.	54.860	Transfer by gift or exercise of power of appointment.
54.18	General duties and powers of guardian; limitations; immunity.	54.862	Transfer authorized by will or trust.
54.19	Duties of guardian of the estate.	54.864	Other transfer by fiduciary.
54.20	Powers of guardian of the estate.	54.866	Transfer by obligor.
54.21	Petition to transfer ward's assets to another.	54.868	Receipt for custodial property.
54.22	Petition for authority to sell, mortgage, pledge, lease, or exchange ward's property.	54.870	Manner of creating custodial property and effecting transfer; designation of initial custodian; control.
54.25	Duties and powers of guardian of the person.	54.872	Single custodianship.
	SUBCHAPTER IV PROCEDURES	54.874	Validity and effect of transfer.
54.30	Jurisdiction and venue.	54.876	Care of custodial property.
54.34	Petition for guardianship or for receipt and acceptance of a foreign guardianship.	54.878	Powers of custodian.
54.36	Examination of proposed ward.	54.880	Use of custodial property.
54.38	Notice.	54.882	Custodian's expenses, compensation and bond.
54.40	Guardian ad litem; appointment; duties; termination.	54.884	Exemption of 3rd person from liability.
54.42	Rights of proposed ward or ward.	54.886	Liability to 3rd persons.
54.44	Hearing.	54.888	Renunciation, resignation, death or removal of custodian; designation of successor custodian.
54.46	Disposition of petition.	54.890	Accounting by and determination of liability of custodian.
54.47	Lis pendens, void contracts.	54.892	Termination of custodianship.
54.48	Protective placement and protective services.	54.894	Applicability.
54.50	Temporary guardianships.	54.896	Effect on existing custodianships.
54.52	Standby guardianships.	54.898	Uniformity of application and construction.
54.54	Successor guardian.	54.92	Uniform securities ownership by minors act.
54.56	Visitation by a minor's grandparents and stepparents.	54.93	Securities ownership by incompetents and spendthrifts.
54.57	Prohibiting visitation or physical placement if a parent kills other parent.	54.950	Definitions.
	SUBCHAPTER V POST-APPOINTMENT MATTERS	54.952	Custodial trust; general.
54.60	Inventory.	54.954	Custodial trustee for future payment or transfer.
54.62	Accounts.	54.956	Form and effect of receipt and acceptance by custodial trustee, jurisdiction.
54.625	Transfer of guardianship funds of a Menominee.	54.958	Transfer to custodial trustee by fiduciary or obligor; facility of payment.
54.63	Expansion of order of guardianship; procedure.	54.960	Multiple beneficiaries; separate custodial trusts; survivorship.
54.64	Review of incompetency and termination of guardianship.	54.962	General duties of custodial trustee.
54.66	Final accounts.	54.964	General powers of custodial trustee.
54.68	Review of conduct of guardian.	54.966	Use of custodial trust property.
54.72	Guardian compensation and reimbursement.	54.968	Determination of incapacity; effect.
54.74	Compensation of guardian ad litem.	54.970	Exemption of 3rd person from liability.
54.75	Access to court records.	54.972	Liability to 3rd person.
	SUBCHAPTER VI VOLUNTARY PROCEEDINGS; CONSERVATORS	54.974	Declination, resignation, incapacity, death or removal of custodial trustee, designation of successor custodial trustee.
54.76	Conservator; appointment; duties and powers; termination.	54.976	Expenses, compensation and bond of custodial trustee.
		54.978	Reporting and accounting by custodial trustee; determination of liability of custodial trustee.
		54.980	Limitations of action against custodial trustee.
		54.982	Distribution on termination.
		54.984	Methods and forms for creating custodial trusts.
		54.986	Applicable law.
		54.988	Uniformity of application and construction.

Cross-reference: Sec s. 46.011 for definitions applicable to chs. 46, 50, 51, 54, 55, and 58.

SUBCHAPTER I
DEFINITIONS

54.01 Definitions. In subchs I to VI:

- (1) "Activities of daily living" means activities relating to the performance of self care, work, and leisure activities, including dressing, eating, grooming, mobility, and object manipulation.
- (2) "Agency" means any public or private board, corporation, or association, including a county department under s. 51.42 or 51.437, that is concerned with the specific needs and problems of individuals with developmental disability, mental illness, alcoholism, or drug dependency and of aging individuals.
- (3) "Conservator" means a person who is appointed by a court at an individual's request under s. 54.76 (2) to manage the estate of the individual.

(4) "Court" means the circuit court or judge assigned to exercise probate jurisdiction or the assignee of the judge under s. 757.68 (4m) or 851.73 (1) (g) who is assigned relevant authority.

(5) "Decedent" means the deceased individual whose estate is subject to administration.

(6) "Degenerative brain disorder" means the loss or dysfunction of an individual's brain cells to the extent that he or she is substantially impaired in his or her ability to provide adequately for his or her own care or custody or to manage adequately his or her property or financial affairs.

(7) "Depository account" has the meaning given in s. 815.18 (2) (e).

(8) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition closely related to mental retardation or requiring treatment similar to that required for individuals with mental retardation, which has continued or can be expected to continue indefinitely, substantially impairs an individual from adequately providing for his or her own care or custody, and

GUARDIANSHIP GUIDE (Chapter 54 Wis. Stats.)

Packets of all required forms may be obtained at www.waukeshacounty.gov or <http://wicourts.gov/>, or the Juvenile Court office.

FORMS/FEEES FOR FILING

Petition for Guardianship of Minor (signed before a Notary) SF #GN-3290

Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (signed before a Notary) - SF #GF-150

\$450.00 deposit for guardian ad litem fees (checks to be made payable to "Clerk of Juvenile Court")

ADDITIONAL FORMS TO BE FILED PRIOR TO COURT HEARING

Letters of Guardianship of the Person of Minor - Form #GN-3340

Determination and Order on Petition for Guardianship of Minor - Form #GN-3330

Nomination of Guardian by A Minor (to be signed in court) - SF #GN-3320

Statement of Acts by Proposed Guardian and Consent to Serve as Guardian - Form #GN-3140

Waiver and Consent to Petition for Guardianship of Minor - Form #GN-3310

Report of Guardian ad Litem (Guardianship of Minor) - Form #GN-3325

Proof of Service

GENERAL INFORMATION

A guardian ad litem will be appointed for the minor at the time of case filing. Most petitions for guardianship must be heard within 90 days, per §54.44(1)(a). Notice must be given to all involved parties. This is to include the minor's natural parents, anyone who may currently have custody of the minor, and the minor, if fourteen years of age or older. An "alleged" father does not need to be given notice of the hearing.

Notice must be served at least 10 days before the time set for hearing (with the exception of temporary guardianships.) Proof of service must be submitted to the court as soon as it is returned to the petitioner(s).

A "Waiver and Consent to Petition for Guardianship of Minor" form must be signed by the parents of the minor and/or any party who may currently have the care and custody of the minor (provided that this is an UNCONTESTED guardianship).

If the parties need to file a petition for the minor child's ESTATE, those petitions must be filed in the PROBATE DIVISION at the main courthouse located at 515 W. Moreland Boulevard, Room 380, Waukesha, Wisconsin. The same petition form can be used. Contact the Probate Division for specific instructions and all of the necessary forms by calling (262) 548-7468.

TEMPORARY GUARDIANSHIP OF THE MINOR CHILD - (EMERGENCY) \$54.50

In a situation where the petitioning parties may need temporary guardianship over the minor prior to the court hearing (i.e. for emergency medical care, schooling, insurance coverage, etc.) and the natural parents cannot be located to get permission for such services or are deceased, the following documents should be completed:

Petition for Temporary Guardianship of Minor – **Form #GN-3290**

Order and Notice of Hearing Petition for Guardianship of Minor – **Form #GN-3300**

Uniform Child Custody Jurisdiction and Enforcement Act Affidavit – **Form #GF-150**

Letters of Temporary Guardianship of the Person - **Form #GN-3260**

Determination and Order Appointing Temporary Guardian - **Form #GN-3250**

Statement of Acts by Proposed Guardian and Consent to Serve as Guardian - **Form #GN-3140**

These documents must be submitted at the time of filing to initiate the guardianship. If the court grants the temporary guardianship it will be good for 60 days. (The temporary guardianship may be extended ONE time for an additional 60 days upon the approval of the Judge). For an extension to occur, you must file a Petition to Extend Temporary Guardianship – **Form #GN-3270**

If a temporary guardianship is being requested, a hearing may be held no earlier than 48 hours after filing unless good cause is shown.

ANNUAL REPORT BY GUARDIANS

An annual report of the condition of the ward is **required** to be filed with the court on an annual basis. The guardians **must** complete **Form #GN-3480** and send the **original** to the court and a **copy** to the Department of Health and Human Services, located at 500 Riverview Avenue, Waukesha, WI 53188, to the attention of Mr. Dennis Lyons. A copy of this form is also included in this packet or the form can be downloaded.

Please be advised that court staff cannot give legal advice or assistance. If you do not understand how to prepare the forms or how to properly serve notice to the parties, you are advised to obtain legal help.

Contact Information:

Waukesha County Juvenile Court
521 Riverview Avenue, JC-103
Waukesha, WI 53188
Phone: (262) 548-7449
Facsimile (262) 548-7459

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

IN THE MATTER OF

Amended

Petition for

- Temporary Guardianship
- Permanent Guardianship of Minor

Case No. _____

Date of Birth _____

FOR TEMPORARY AND/OR PERMANENT GUARDIANSHIPS (Complete #1 through #13)

UNDER OATH, I STATE THAT:

1. I am interested as:

- a relative _____
- a public official. My authority to act as petitioner is: _____
- other: _____

2. This petition is filed in:

- the county of residence of the minor.
- the county in which the minor is physically present.
- Other: _____

3. The residence of the minor is in _____ County, State of _____ and post-office address is: _____

4. The minor's date of birth is: _____

5. The name and post-office address of the person or institution, if any, that has care and custody of the minor or the facility, if any, that is providing care to the minor is:

Name: _____ Phone Number: _____
Post-office Address: _____

6. I have exercised due diligence to locate all interested parties. The names and post office addresses of all interested parties and all others entitled to notice are as follows: See attached

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>POST-OFFICE ADDRESS</u>

7. The minor, if married, does does not have children who are not of the current marriage.

8. This petition is made in the best interests of the minor. The minor needs a guardian because: _____

9. I am not aware aware of a guardianship or other related proceeding or ordered proceeding involving the minor in another state or county. The details of the guardianship, or other related proceedings of which I am aware are as follows: See attached

guardian(s) appointed in Wisconsin: (Name and county where appointed) _____

guardian(s) appointed out-of-state: (Name and state where appointed) _____

10. The following person is nominated as guardian:

See attached

Type of Guardian		Name & Address	Phone
Guardian of the	Person		
Guardian of the	Estate		
Temporary Guardian of the	Person		
Temporary Guardian of the	Estate		
Standby Guardian of the	Person		
Standby Guardian of the	Estate		

One or both of the parents of the minor have not been nominated as guardian because: _____

11. A sworn and notarized Statement of Acts by Proposed Guardian and Consent to Serve:

- accompanies this petition.
- will be filed at least 96 hours before the hearing.
- will be provided, if required by the court for temporary guardianship.

12. A. The approximate value of minor's property is:

See attached

General	Amounts	General Description	Amounts
Cash/Bank	\$	Other Liquid Assets:	\$
Real estate:	\$	Other Assets:	\$

B. Assets of minor previously derived from or benefits of minor now due and payable from U.S. Department of Veterans Affairs are:

none _____ See attached

C. The minor is receiving public benefits, including medical assistance, SSI, SSDI or long term community options program benefits: No Yes, type and amount: _____

D. Any other claim, income, compensation, pension, insurance or allowance to which the minor may be entitled is none. as follows: _____

See attached.

General	Amounts (monthly)	General Description	Amounts (monthly)
Social security	\$	Investment Income	\$
Child Support	\$	Other	\$
Disability	\$	Other	\$

13. I request the court order payment of child support.

See attached

FOR PERMANENT GUARDIANSHIP (Complete #14 - #16)

14. GUARDIAN OF PERSON AND EXTENT OF POWERS

I request the court to appoint a permanent guardian of the person of the minor to exercise the following specific powers: **If a power is to be affected, the box to the far left must be marked. Marking only full or limited has no effect.**

ab. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ab., the power to give an informed consent to the voluntary receipt by the guardian's ward of a medical examination, medication, including any appropriate psychotropic medication, and medical treatment that is in the ward's best interest, if the guardian has first made a good-faith attempt to discuss with the ward the voluntary receipt of the examination, medication, or treatment and if the ward does not protest.

Choose (1) or (2):

(1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.

(2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.

ac. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ac., the power to give informed consent, if in the ward's best interests, to the involuntary administration of a medical examination, medication other than psychotropic medication, and medical treatment that is in the ward's best interest.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- b. The power to authorize minor's participation in an accredited or certified research project if the research project might help the minor, or others if minimal risk of harm.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- c. The power to authorize minor's participation in research that might not help the minor but might help others if greater than minimal risk of harm to the minor but evidence indicates minor would have elected to participate.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- d. The power to consent to experimental treatment in the minor's best interests.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- e. The power to give informed consent to receipt by minor of social and supported living services.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- f. The power to give informed consent to release of confidential records other than court, treatment, and patient health care records and redisclosure as appropriate.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- g. The power to make decisions related to mobility and travel.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.

- h. [Intentionally omitted to correspond with statute.]
- i. The power to choose providers of medical, social, and supported living services.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- j. The power to make decisions regarding educational and vocational placement and support services or employment.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- k. The power to make decisions regarding initiating a petition for termination of marriage.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- l. The power to receive all notices on behalf of minor.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- m. The power to act in all proceedings as an advocate of the minor, except the power to enter into a contract that binds the minor or the minor's property or to represent the minor in any legal proceedings pertaining to the property, unless the guardian of the person is also the guardian of the estate.
Choose (1) or (2):
 - (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
 - (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- n. The power to apply for protective placement or for commitment.
Choose (1) or (2):
 - (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
 - (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- o. The power to have care, custody, and control of the minor.
Choose (1) or (2):
 - (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
 - (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- p. other specific powers: _____

See attached

15. GUARDIAN OF THE ESTATE

I request the court:

- A. Appoint and authorize a permanent guardian of the estate of the minor to perform duties and exercise powers as follows:
Guardian of the estate is to perform the duties of the guardian of the estate under §54.19, and exercise the powers that do not require court approval under §54.20 (3), except as follows:

- B. Authorize the guardian of the estate to perform the following **additional powers** (other than to make gifts) that require court approval under §54.20(2): _____
- C. Direct the guardian of the estate 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 ward and payable only upon further order of the court and waive bond for the guardian of the estate of the minor.

See attached

16. ALTERNATIVE TO GUARDIANSHIP OF ESTATE FOR SMALL ESTATES

I request the court dispense with the appointment of a guardian of the estate and transfer the minor's funds of \$50,000 or less under one of the alternatives for small estates under §54.12(1), WI Statutes, as follows: _____

See attached

FOR TEMPORARY GUARDIANSHIPS (Complete #17 through #21):

- 17. There has been no temporary guardianship of the minor in effect **within the last 90 days**.
- 18. The minor's particular situation, including the needs of the minor's dependents, if any, requires immediate appointment of a **temporary** guardian for the following specific reasons:

See attached

19. I petition the court for the appointment of a temporary guardian with authority limited to those acts that are reasonably related to the reasons for appointment. The authority requested for the temporary guardian is as follows: _____

See attached

20. I request that a hearing be held **within 48 hours**. Good cause exists to support this request for the following reasons: _____

See attached

21. A petition for appointment of a permanent guardian of the person or estate is **NOT** filed with this request because: _____

See attached

22. Additional requests: _____

See attached

I REQUEST THAT THE COURT:

1. Order a hearing on this petition.
2. Make appropriate findings and appointments as requested above.
3. Award appropriate fees and costs.

Subscribed and sworn to before me on _____

Notary Public/Court Official

My commission expires: _____

Signature of Petitioner

Name Printed or Typed

Address

Name of Attorney	
Address	
Telephone Number	Bar Number

PRINT in BLACK ink

Enter the name of the county in which you are filing this case.

STATE OF WISCONSIN, CIRCUIT COURT,
_____ COUNTY

For Official Use

In the box to the right, enter the name of the case exactly as it is shown on other papers from the same case.

Case Caption:

Note: Enter case number if one has been assigned; otherwise, leave case number blank. The clerk will add this.

**Uniform Child Custody
Jurisdiction and
Enforcement Act
Affidavit**

Case No. _____

Enter the name(s) of the child(ren) and their current address. If they currently reside at separate addresses, provide those addresses on an additional sheet.

Under oath I state that:

1. The child(ren)'s name and present address are:

Name(s): _____

Present Address: _____

See attached

Enter any previous addresses at which the child(ren) have lived in the past 5 years. Attach additional sheet, if necessary.

2. The child(ren) have lived in the following places over the last 5 years:

See attached

Enter the names and current address of each person with whom the child(ren) have lived in the last 5 years. If space is insufficient, or if individual children have lived at different address from others, attach an additional sheet and explain.

3. The name and present address of each person(s) with whom the child(ren) have lived over the last 5 years is:

Name: _____

Present Address: _____

Time Period: _____

Name: _____

Present Address: _____

Time Period: _____

Name: _____

Present Address: _____

Time Period: _____

Name: _____

Present Address: _____

Time Period: _____

See attached

Check yes or no. If yes, enter the name of the court, the case number assigned to it, and the date the court order was entered. Attach an additional sheet, if necessary.

4. I have participated as a party, witness or in any other capacity in any other proceeding concerning the custody, physical placement, or visitation with the child(ren).
 Yes No If Yes, identify court, case number and date of any determination:

See attached

Check yes or no.
If yes, enter the name of the court, the case number assigned to it, and the nature of the case (that is, what the case was about).

5. I have information of other proceedings concerning the child(ren) pending in Wisconsin or any other state, including enforcement, domestic violence, protective orders, termination of parental rights and adoption.
 Yes No If Yes, identify court, case number and nature of proceedings:

Check yes or no.
If yes, enter the name of and address of each person.

6. I know of persons not a party to this proceeding who have physical custody of the child(ren) or claim to have custody, physical placement, or visitation rights with respect to the child(ren).
 Yes No If Yes, give name and address of each person: _____

7. I understand that I have a duty to inform the court if I learn in the future of any proceeding concerning the child in Wisconsin or any other state.

STOP!
Take this document to a Notary Public BEFORE you sign it.

After you have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public.

Have the Notary Public sign, date, and seal the document.

Signature

Print or Type Name

Date

Subscribed and sworn to before me
on _____

Notary Public, State of Wisconsin
My commission expires: _____

(Seal)

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

IN THE MATTER OF _____

Amended

**Order and Notice
of Hearing
Petition for Guardianship
of Minor**

Date of Birth _____

Case No. _____

A petition has been filed by _____ requesting

- temporary guardianship of person estate.
- guardianship of person estate.
- standby guardianship of person estate.
- successor guardianship of person estate.

The court is satisfied that the petition complies with §54.34, Wisconsin Statutes.

THE COURT ORDERS THAT:

1. The petition be heard before _____ Court Official, on (date) _____
at (time) _____ or when scheduled thereafter at (location) _____
2. Notice of time and place of hearing the petition be given by service of a copy of this order and a copy of petition upon the minor and all interested persons as required by law.

NOTICE: If this is a Temporary Guardianship proceeding, the minor is notified of the right to an attorney and the right to petition for reconsideration or modification of the temporary guardianship.

If you need help in this matter because of a disability, please call:

Please check with attorney below for exact time and date.

BY THE COURT:

Name of Attorney	
Address	
Telephone Number	Bar Number

Circuit Court Judge/Court Commissioner

Name Printed or Typed

Date

IN THE MATTER OF _____

Amended

**Letters of Guardianship
of the Person
of a Minor**

Date of Birth

Case No. _____

To:
Address:

- A. You are appointed guardian co-guardian of the person.
 This is an appointment as a successor guardian.
- B. You are appointed standby guardian and your authority to act commences on (Date) _____ and continues through (Date) _____.
- C. You are issued Letters of Guardianship of the Person with the following powers or limitations:
 1. The Co-Guardians must agree with each other when making decisions on behalf of the individual subject to guardianship unless otherwise ordered by the court.
 The following decisions do not require agreement by the Co-Guardians: _____

See attached

2. The successor guardian is authorized to exercise powers as previously authorized or modified for this minor ward. The guardian of the person has all the duties specified under §54.25(1).

3. The guardian of the person is authorized to exercise the following specific powers:
If a power is to be affected, the box to the far left must be marked. Marking only box (1) or (2) has no effect and the minor ward retains the power.

ab. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ab., the power to give an informed consent to the voluntary receipt by the guardian's ward of a medical examination, medication, including any appropriate psychotropic medication, and medical treatment that is in the minor ward's best interest, if the guardian has first made a good-faith attempt to discuss with the minor ward the voluntary receipt of the examination, medication, or treatment and if the minor ward does not protest.

Choose (1) or (2):

(1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.

(2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.

ac. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ac., the power to give informed consent, if in the minor ward's best interests, to the involuntary administration of a medical examination, medication other than psychotropic medication, and medical treatment that is in the minor ward's best interest.

Choose (1) or (2):

(1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.

(2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.

- b. The power to authorize minor ward's participation in an accredited or certified research project if the research project might help the minor ward, or others if minimal risk of harm.
Choose (1) or (2):
 (1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.
 (2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.
- c. The power to authorize minor ward's participation in research that might not help the minor ward but might help others if greater than minimal risk of harm to the minor ward but evidence indicates minor ward would have elected to participate.
Choose (1) or (2):
 (1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.
 (2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.
- d. The power to consent to experimental treatment in the minor ward's best interests.
Choose (1) or (2):
 (1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.
 (2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.
- e. The power to give informed consent to receipt by minor ward of social and supported living services.
Choose (1) or (2):
 (1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.
 (2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.
- f. The power to give informed consent to release of confidential records other than court, treatment, and patient health care records and redisclosure as appropriate.
Choose (1) or (2):
 (1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.
 (2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.
- g. The power to make decisions related to mobility and travel.
Choose (1) or (2):
 (1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.
 (2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.
- h. [Intentionally omitted to correspond with statute.]
- i. The power to choose providers of medical, social, and supported living services.
Choose (1) or (2):
 (1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.
 (2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.
- j. The power to make decisions regarding educational and vocational placement and support services or employment.
Choose (1) or (2):
 (1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.
 (2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.
- k. The power to make decisions regarding initiating a petition for termination of marriage.

Choose (1) or (2):

(1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.

(2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.

l. The power to receive all notices on behalf of minor ward.

Choose (1) or (2):

(1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.

(2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.

m. The power to act in all proceedings as an advocate of the minor ward, except the power to enter into a contract that binds the minor ward or the minor ward's property or to represent the minor ward in any legal proceedings pertaining to the property, unless the guardian of the person is also the guardian of the estate.

Choose (1) or (2):

(1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.

(2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.

n. The power to apply for protective placement or for commitment.

Choose (1) or (2):

(1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.

(2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.

o. The power to have care, custody, and control of the minor ward.

Choose (1) or (2):

(1) Minor ward retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor ward.

(2) Minor ward lacks evaluative capacity in full. Guardian of the person to exercise full power.

p. Other specific powers: _____

See attached

4. The guardianship of the person terminates when the minor ward reaches age 18 unless the guardianship was ordered on grounds of incompetency, or upon marriage and the guardianship was **not** ordered on grounds of incompetency, upon death, or when terminated by the court or when provided by law.

These Letters of Guardianship of the Person supersede any previously issued Letters of Guardianship of the Person of the Minor ward.

BY THE COURT:

(Seal)

Name of Attorney/Petitioner	
Address	
Telephone Number	Bar Number

Circuit Court Judge / Circuit Court Commissioner

Name Printed or Typed

Date

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

IN THE MATTER OF

Amended

**Determination and Order on
Petition for Guardianship
of a Minor**

Case No. _____

Date of Birth _____

This matter came before the court on a Petition for Guardianship of a Minor and a hearing was held. The court considered the testimony and other evidence presented and the guardian ad litem's report and recommendation.

THE COURT FINDS:

1. JURISDICTION, VENUE, NOTICE AND EVALUATIONS TO COURT

- A. This court does does not have jurisdiction of the subject matter and of the person of a minor.
- B. This court is is not a proper venue.
- C. Notice was was not properly served.
- D. The minor is
 - present.
 - not present.
- E. The proposed guardian and any proposed stand-by guardian are
 - present as follows: _____
 - not present and the court permits attendance by telephone for good cause shown as follows: _____
 - not present and the court excuses the attendance as follows: _____

2. NEED FOR GUARDIANSHIP OF A MINOR

Upon presentation of clear and convincing evidence the

- need for guardianship of minor was not established.
- allegations of the petition are true and the minor is in need of a guardian because: _____

3. APPOINTMENT OF GUARDIAN OF THE PERSON AND EXTENT OF POWERS

It is appropriate to appoint a guardian of the person with the power as follows:

If a power is to be affected, the box to the far left must be marked. Marking only box (1) or (2) has no effect and the minor retains the power.

- ab. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ab., the power to give an informed consent to the voluntary receipt by the guardian's minor ward of a medical examination, medication, including any appropriate psychotropic medication, and medical treatment that is in the minor ward's best interest, if the guardian has first made a good-faith attempt to discuss with the minor ward the voluntary receipt of the examination, medication, or treatment and if the minor ward does not protest.

Choose (1) or (2):

 - (1) The minor retains limited capacity and the power to: _____
The guardian of the person shall exercise power not retained by minor.
 - (2) Minor lacks evaluative capacity in full. The guardian of the person to exercise full power.
- ac. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ac., the power to give informed consent, if in the minor's best interests, to the involuntary administration of a medical examination, medication other than psychotropic medication, and medical treatment that is in the minor's best interest.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- b. The power to authorize minor's participation in an accredited or certified research project if the research project might help the minor, or others if minimal risk of harm.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- c. The power to authorize minor's participation in research that might not help the minor but might help others if greater than minimal risk of harm to the minor but evidence indicates minor would have elected to participate.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- d. The power to consent to experimental treatment in the minor's best interests.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- e. The power to give informed consent to receipt by minor of social and supported living services.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- f. The power to give informed consent to release of confidential records other than court, treatment, and patient health care records and redisclosure as appropriate.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- g. The power to make decisions related to mobility and travel.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- h. [Intentionally omitted to correspond with statute.]

- i. The power to choose providers of medical, social, and supported living services.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- j. The power to make decisions regarding educational and vocational placement and support services or employment.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- k. The power to make decisions regarding initiating a petition for termination of marriage.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- l. The power to receive all notices on behalf of minor.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- m. The power to act in all proceedings as an advocate of the minor, except the power to enter into a contract that binds the minor or the minor's property or to represent the minor in any legal proceedings pertaining to the property, unless the guardian of the person is also the guardian of the estate.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- n. The power to apply for protective placement or for commitment.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- o. The power to have care, custody, and control of the minor.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- p. Other specific powers: _____

See attached

4. APPOINTMENT OF GUARDIAN OF THE ESTATE AND EXTENT OF POWERS

It is appropriate to

A. appoint and authorize a permanent guardian of the estate of the minor to perform the duties of the guardian of the estate under §54.19, and exercise the powers that do not require court approval under §54.20 (3), except as follows: _____

See attached

B. authorize the guardian of the estate to perform the following **additional powers** (other than to make gifts) that require court approval under §54.20(2). _____

See attached

C. direct the guardian of the estate 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 ward and payable only upon further order of the court, and waive bond for the guardian of the estate of the minor.

5. ALTERNATIVE TO GUARDIANSHIP OF ESTATE FOR SMALL ESTATES

It is appropriate to dispense with an appointment of a guardian of the estate and transfer the minor's funds of \$50,000 or less under one of the alternatives for small estates under §54.12(1) as follows:

See attached

6. MINOR'S RIGHT OF NOMINATION

The minor is

under age 14.

14 years of age or older, and

made a nomination of his or her guardian in writing in circuit court.

the court dispensed with the right of nomination for the following reason: _____

7. SUITABILITY OF GUARDIAN

Based upon the Statement of Acts by Proposed Guardian and Consent to Serve, the recommendation of guardian ad litem, and the court having considered all nominations and applicable preferences and criteria, including the opinions of the proposed minor ward and of the members of his or her family, and any potential conflicts of interest resulting from the proposed guardian's employment or other potential conflicts of interest, the following person or organization is competent and suitable to be appointed.

Type of Guardian		Name & Mailing Address	Phone
Guardian of the	Person		
Guardian of the	Estate		
Standby Guardian of the	Person		
Standby Guardian of the	Estate		

One or both of the parents of the minor were not appointed as guardian because: _____

8. PETITIONER'S ATTORNEY FEES AND COSTS

It is equitable inequitable to award payment of petitioner's reasonable attorney fees and costs from the minor's income and assets.

THE COURT ORDERS:

1. The petition is
 dismissed.
 granted as follows:

The court appoints the following:

Type of Guardian		Name & Mailing Address	Phone
Guardian of the	Person		
Guardian of the	Estate		
Standby Guardian of the	Person		
Standby Guardian of the	Estate		

2. LIMITATIONS AND POWERS

- A. The guardian is authorized to exercise powers in part or in full consistent with the above findings in a manner that is appropriate to the minor and that constitutes the least restrictive form of intervention.
 B. Co-Guardians must agree with each other when making decisions on behalf of the minor unless otherwise ordered by the court as follows: _____

See attached

3. BOND

The guardian of the estate

- will be issued letters of guardianship upon filing a surety bond signature bond in the amount of \$_____.
 is not required to file a bond if the guardian deposits the minor ward'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 and payable only upon further order of the court. Proof of deposit shall be filed with the court within _____ days.
 will be issued letters of guardianship without filing a bond.
 Other: _____

See attached

4. INVENTORY, ANNUAL ACCOUNT, ANNUAL REPORT

Inventory and Annual Account for guardian of the estate only.

The guardian of the estate shall file an inventory of the minor's assets within 60 days and provide a copy of the inventory to the following persons: _____

The guardian of the estate shall file an account by April 15 of each year or as otherwise required by the court as follows: _____

The guardian of the estate is authorized to file a Modified Annual Account of Married Ward which shall be filed by **April 15 of each year** or as otherwise required by the court as follows: _____

See attached

Annual Report for guardian of the person only.

The guardian of person shall file an Annual Report on the Condition of the Minor Ward each year as required by the court.

5. CHANGE OF ADDRESS

The guardian shall immediately notify the court in writing of any change in the address of the minor ward or of the guardian.

6. ALTERNATIVE TO GUARDIANSHIP OF ESTATE

As an alternative to appointing a guardian of the estate, the minor's funds of \$50,000 or less shall be transferred under one of the alternatives for small estates under §54.12(1), as follows: _____

7. FEES AND COSTS OF PROCEEDING

A. Guardian is not appointed. The petitioner shall pay the compensation of the guardian ad litem and the minor's legal counsel.

B. Guardian is appointed:

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

(2) Petitioner's reasonable attorney fees and costs (if any)

shall be paid by the petitioner.

shall be paid from the minor's income or assets.

C. Other: _____

8. GUARDIAN'S COMPENSATION AND REIMBURSEMENT

The guardian's compensation and reimbursement of expenses, if any, must be approved by the court before payment is made.

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

BY THE COURT:

Name of Attorney/Petitioner	
Address	
Telephone Number	Bar Number

 Circuit Court Judge Circuit Court Commissioner

 Name Printed or Typed

 Date

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

Amended

IN THE MATTER OF

**Nomination of Guardian
by a Minor**

Case No. _____

Date of Birth _____

I STATE:

1. I am age 14 years or older and I am the minor who is the subject of these proceedings.

2. I nominate as successor guardian:

Type of Guardian		Name(s) & Address(es)	Phone(s)
Guardian of the	Person		
Guardian of the	Estate		
Temporary Guardian of the	Person		
Temporary Guardian of the	Estate		
Standby Guardian of the	Person		
Standby Guardian of the	Estate		

Signature of Minor

Name Printed or Typed

Street Address

City, State, Zip

Date

Nomination made by minor in circuit court before:

Circuit Court Judge/Court Commissioner

Name Printed or Typed

Date

Name of Attorney	
Address	
Telephone Number	Bar Number

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

IN THE MATTER OF

Amended

**Statement of Acts by
Proposed Guardian and
Consent to Serve as
Guardian**

Case No. _____

Date of Birth: _____

Submit this statement to the court at least 96 hours before the court hearing.

UNDER OATH, I STATE THAT THE FOLLOWING IS TRUE:

- I am currently charged with or have been convicted of a crime (misdemeanor or felony):
 No Yes If Yes, describe circumstances: _____
- I have filed for or received protection under the federal bankruptcy laws:
 No Yes If Yes, describe circumstances: _____
- Any license, certificate, permit, or registration that I am required to have under chs. 440 to 480, Wisconsin Statutes or by the laws of another state for the practice of a profession or occupation has been suspended or revoked:
 No Yes If Yes, describe circumstances: _____
- I am listed in the Caregiver Misconduct Registry of the Department of Health Services under §146.40 (4g)(a)(2), Wisconsin Statutes.
 No Yes If Yes, describe circumstances: _____
- I am currently a guardian of the person of 5 or more adult wards who are unrelated to me:
 No Yes If Yes, describe circumstances: _____
- I am nominated to serve as: guardian standby guardian successor guardian of the person estate of the above named individual and consent to serve as guardian and will act in the best interest of this individual.
- If appointed as **guardian of the person**, I will file the Annual Report on the Condition of the Ward.
- If appointed as **guardian of estate**, I will file the Guardianship Inventory **within 60 days of appointment**, and the Account of Guardian or Conservator annually and/or as otherwise required.
- I will exercise all powers and perform all duties as guardian as required by law.

Subscribed and sworn to before me

on _____

Notary Public, State of Wisconsin

My commission expires: _____

Signature of Proposed Guardian

Name Printed or Typed

Address

Phone Number

Name of Attorney	
Address	
Telephone Number	Bar Number

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

Amended

IN THE MATTER OF

**Waiver and Consent
to Petition for
Guardianship of Minor**

Case No. _____

Date of Birth _____

I STATE THAT:

1. I am the mother the father a person interested as _____ of the above-named minor.
2. I acknowledge that a Petition for Guardianship of Minor requesting the appointment of (name) _____ as guardian of the person estate of the above-named minor has been or will be filed.
3. I understand that if the court appoints a temporary guardian, the **guardianship will continue for 60 days** and can be **extended for an additional 60 days**.
4. I understand that if the court appoints a permanent guardian, the guardianship will continue **until the minor attains age 18 or upon marriage**, or when otherwise terminated by the court.
5. I understand if the court appoints a temporary or permanent guardian, I may be required to pay child support.

By signing this document, I consent to this guardianship and waive my right to notice of hearings as required by the statutes.

Signature of Father or Interested Person

Signature of Mother or Interested Person

Name Printed or Typed

Name Printed or Typed

Address

Address

Date

Date

Name of Attorney	
Address	
Telephone Number	Bar Number

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

IN THE MATTER OF _____

Amended

**Report of
Guardian ad Litem
(Guardianship of Minor)**

Case No. _____

Date of Birth _____

I am the court appointed Guardian ad Litem for the above named minor and report to the court that I have completed the following duties (except as noted in the "Additional Comments" section at the end of this report) and make the following report and recommendations:

GENERAL DUTIES

1. INTERVIEWED MINOR AND ADVISED MINOR OF RIGHTS AND PROCEDURE

On (date) _____ at (place) _____

I interviewed the minor and explained to the minor the contents of the petition, the applicable hearing procedure, the right to counsel, and the right to request or continue a limited guardianship.

I advised the minor, both orally and in writing of that person's right: to be present at the hearing; to counsel, including when a lawyer can be appointed; to an independent medical or psychological examination on the issue of competency (at county expense if the person is indigent); to a jury trial; and to appeal.

2. INTERVIEWED PROPOSED GUARDIAN(S)

I interviewed the proposed guardian, proposed stand-by guardian, if any, and any other person seeking appointment as guardian.

3. REVIEWED ADVANCE PLANNING

I have reviewed any advance planning for financial and health care decision making in which the minor had engaged.

4. INTERVIEWED AGENT

I have interviewed any agent appointed by the minor under any document specified above.

5. RECEIVED NOTICE OF HEARING AND COPIES OF REPORTS

I have received proper notice of the hearing and copies of any physician's and/or psychologist's reports. If protective placement is being requested, I have received a copy of the comprehensive evaluation and, if applicable, the plan for home or community-based care.

6. PROVIDED NOTIFICATIONS

I have notified the petitioner or petitioner's counsel (if any) of the information contained below. I have also notified the appointed guardian (if any) of the duty to be present at and right to participate in the hearing, to present and cross-examine witnesses, to receive a copy of any comprehensive evaluation, and to secure and present a report on an independent evaluation.

REPORT AND RECOMMENDATIONS

7. OBJECTIONS

The minor:

- does not does object to the proposed or present placement.
- does not does object to the recommendation of the guardian ad litem.
- is not is ambiguous on these matters.

8. ADVERSARY COUNSEL

- Adversary counsel is not is requested by the minor.
- Adversary counsel is not is recommended.

9. JURY TRIAL

A jury trial is not demanded. is demanded.

10. MINOR'S ATTENDANCE

The minor is not required to attend the hearing:

- the minor **does not** wish to attend the hearing.
 the minor **does** wish to attend the hearing.
 the minor is **unable to attend** the hearing in court because of residency in a nursing home or other facility, physical inaccessibility, or a lack of transportation; and the minor, advocate counsel, other interested person, or I request that the court hold the hearing in a place where the minor can attend.
 Specify location requested: _____

11. ADDITIONAL EVALUATIONS

Additional medical, psychological or other evaluation is not is requested. Specify evaluation requested and reason: _____

12. ADVANCED PLANNING

My report to the court is that the minor's advance planning is is not adequate to preclude the need for guardianship: _____

13. BEST INTERESTS OF MINOR

Based on my investigation, I recommend that the court find that the minor is substantially:

- capable of caring for himself/herself.
 incapable of caring for himself/herself.
 capable of managing his/her property.
 incapable of managing his/her property.

14. GUARDIAN OF PERSON OF THE MINOR AND EXTENT OF POWERS

I recommend that the court find that it is in the best interest of the minor to appoint a permanent guardian of the person of the minor to exercise the following specific powers: **If a power is to be affected, the box to the far left must be marked. Marking only full or limited has no effect.**

- a. consent to medical examination and treatment, and consent to voluntary medication, including psychotropic medication that is in the minor's best interests, if the guardian has first made a good-faith attempt to discuss with the minor the minor's voluntary receipt of the psychotropic medication and the minor does not protest

Guardian of person of the minor's authority: full limited _____

- b. authorize minor's participation in an accredited or certified research project if the research project might help the minor, or others if minimal risk of harm

Guardian of person of the minor's authority: full limited _____

- c. authorize minor's participation in research that might not help the minor but might help others if greater than minimal risk of harm to the minor but evidence indicates minor would have elected to participate

Guardian of person of the minor's authority: full limited _____

- d. consent to experimental treatment in the minor's best interests

Guardian of person of the minor's authority: full limited _____

- e. consent to receipt by minor of social and supported living services

Guardian of person of the minor's authority: full limited _____

- f. consent to release of confidential records other than court, treatment, and patient health care records and redisclose as appropriate

Guardian of person of the minor's authority: full limited _____

- g. power to make decisions related to mobility and travel

Guardian of person of the minor's authority: full limited _____

- h. [Intentionally omitted to correspond with statutes.]

- i. power to choose providers of medical, social, and supported living services

Guardian of person of the minor's authority: full limited _____

- j. power to make decisions regarding educational and vocational placement and support services or employment

Guardian of person of the minor's authority: full limited _____

k. power to make decisions regarding initiating a petition for termination of marriage

Guardian of person of the minor's authority: full limited _____

l. power to receive all notices on behalf of minor

Guardian of person of the minor's authority: full limited _____

m. power to act in all proceedings as an advocate of the minor, except the power to enter into a contract that binds the minor or the minor's property or to represent the minor in any legal proceedings pertaining to the property, unless the guardian of the person is also the guardian of the estate

Guardian of person of the minor's authority: full limited _____

n. power to apply for protective placement or for commitment

Guardian of person of the minor's authority: full limited _____

o. power to have care, custody, and control of the minor

Guardian of person of the minor's authority: full limited _____

p. Other specific powers: _____

See attached

15. GUARDIAN OF THE ESTATE

I recommend that the court find that it is in the best interest of the minor to:

a. Appoint and authorize a permanent guardian of the estate of the minor to perform duties and exercise powers as follows:

Guardian of the estate is to perform the duties of the guardian of the estate under §54.19, and exercise the powers that do not require court approval under §54.20 (3), except as follows:

See attached

b. Authorize the guardian of the estate to perform the following **additional powers** (other than to make gifts) that require court approval under §54.20(2): _____

See attached

c. Direct the guardian of the estate 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 ward and payable only upon further order of the court and waive bond for the guardian of the estate of the minor.

16. ALTERNATIVE TO GUARDIANSHIP OF ESTATE FOR SMALL ESTATES

I recommend that the court find that it is in the best interest of the minor to dispense with the appointment of a guardian of the estate and transfer the minor's funds of \$50,000 or less under one of the alternatives for small estates under §54.12(1), WI Statutes, because the minor lacks evaluative capacity in full or in part: _____

See attached

17. GUARDIANSHIP, PROTECTIVE PLACEMENT, PROTECTIVE SERVICES

It is my opinion that the court:

should should not appoint a guardian of the person.

should should not appoint a guardian of the estate with bond of \$_____ without bond.

should should not approve protective placement.

should should not approve protective services.

should find that the least restrictive placement consistent with the minor's needs and, if the minor has a developmental disability, the most integrated setting appropriate to the needs of the minor, is a:

group home. foster home. community based residential facility. nursing home.

intermediate care facility. Other: _____

in an unlocked unit. in a locked unit because: _____

See attached

18. SUITABILITY AND FITNESS OF PROPOSED GUARDIAN

My recommendation to the court regarding the fitness, suitability and the statement of acts of the proposed guardian(s), standby guardian, any other person seeking to be appointed as guardian is:

NAME	SUITABILITY & FITNESS	COMMENTS ON STATEMENT OF ACTS	TYPE OF GUARDIAN	
	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> person <input type="checkbox"/> estate	<input type="checkbox"/> co-guardian <input type="checkbox"/> standby
	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> person <input type="checkbox"/> estate	<input type="checkbox"/> co-guardian <input type="checkbox"/> standby
	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> person <input type="checkbox"/> estate	<input type="checkbox"/> co-guardian <input type="checkbox"/> standby

19. Additional comments: _____
 See attached

Distribution: Original – Court
 Copies – Petitioner
 Petitioner's Attorney

 Signature of Guardian ad Litem

 Name Printed or Typed

 Date

 Bar Number

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

IN THE MATTER OF

Amended

**Letters of
Temporary Guardianship
of the Person**

Case No. _____

Date of Birth _____

To:

You are appointed temporary guardian of the person of the above named individual.

You are issued Letters of Temporary Guardianship of the Person with the following powers: See attached

Co-Guardians must agree when making decisions on behalf of the ward unless otherwise ordered by the court as follows: _____

These Letters of Temporary Guardianship of the Person expire at the end of **60 days** on _____ (unless further **extended for an additional 60 days** by an order of this court).

These Letters of Temporary Guardianship of the Person are issued after conversion of this proceeding from Chapter 51 to Chapter 54/55 and are in effect pending the hearing for a permanent guardianship and protective placement or services but not more than **30 days** ending on _____.

BY THE COURT:

Circuit Court Judge/Circuit Court Commissioner

Name Printed or Typed

Date

Letters of Temporary Guardianship of the person are extended for an additional **60 days** to _____

BY THE COURT:

Circuit Court Judge/Circuit Court Commissioner

Name Printed or Typed

Date

Name of Attorney/Petitioner	
Address	
Telephone Number	Bar Number

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

IN THE MATTER OF _____

Amended

**Order On Petition
for
Temporary Guardianship**

Date of Birth _____

Case No. _____

This matter is before the court on a Petition for Temporary Guardianship and a hearing has been held. The court has considered the physician's or psychologist's report or testimony (if applicable), other evidence presented, and the guardian ad litem's report and recommendation.

THE COURT FINDS:

1. Jurisdiction, Venue and Notice:

- A. This court does does not have jurisdiction of the subject matter and of the person of the individual.
- B. This court is is not a proper venue.
- C. Notice was was not served prior to the hearing.

2. Good cause to hold the hearing **within 48 hours** after the filing of the petition.

3. The individual's particular situation, including the needs of the individual's dependents, if any, requires the immediate appointment of a temporary guardian of the person or estate.

4. There is reasonable likelihood that the individual is incompetent.

5. The following person or organization is competent and suitable to be appointed:

Type of Guardian		Name & Address	Phone
Temporary Guardian of the	Person		
Temporary Guardian of the	Estate		

6. Petitioner's Attorney Fees and Costs:

It is equitable inequitable to award payment of petitioner's reasonable attorney fees and costs from the individual's income and assets.

THE COURT ORDERS:

The petition is:

- dismissed.
- granted as follows:

1. The court appoints the person or organization found suitable and competent as stated above.

2. The authority granted to the temporary guardian of the person is as follows: _____

3. The authority granted to the temporary guardian of the estate is as follows: _____

- 4. Temporary guardian of the estate that has been appointed **may not sell real estate or expend an amount in excess of \$2,000** unless the court first specifically approves and orders bond.
 - Bond for the temporary guardian of the estate is required in the amount of \$ _____
 - as a surety bond. signature bond.
- 5. The appointment of the temporary guardian **expires at the end of 60 days, unless extended by the court for an additional 60 days.**
- 6. Any co-guardians must concur with each other when making decisions on behalf of the ward
 - unless otherwise ordered by the court as follows: _____
- 7. The petitioner shall serve notice of the order for hearing on the proposed ward not later than 3 calendar days after the hearing and shall include the court's order with the notice of the order for hearing.
- 8. The guardian ad litem shall report to the court on the advisability of the temporary guardianship not later than 10 calendar days after the hearing.

9. FEES AND COSTS OF PROCEEDING.

- A. Temporary guardian is not appointed. The petitioner shall pay the compensation of the guardian ad litem and the individual's legal counsel.
- B. Temporary Guardian is appointed.
 - 1. Reasonable compensation of the guardian ad litem and individual's counsel shall be paid from the individual's income or assets, if sufficient. If the individual's income or assets are insufficient, the guardian ad litem shall be paid by the county of venue and the individual's counsel shall be paid at public expense or by the county of venue.
 - 2. Petitioner's reasonable attorney fees and costs shall be paid:
 - by the petitioner.
 - from the individual's income or assets.

C. Other: _____

BY THE COURT:

Circuit Court Judge/ Court Commissioner

Name Printed or Typed

Date

Name of Attorney	
Address	
Telephone Number	Bar Number

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

Amended

IN THE MATTER OF

**Petition to Extend
Temporary Guardianship**

Case No. _____

_____ Date of Birth

UNDER OATH, I STATE THAT:

1. I have been appointed as temporary guardian of the person estate..
2. I request extension that my appointment as guardian be extended for one additional 60-day period. Good cause exists to support this request for the following reasons:: _____

I REQUEST THAT THE COURT:

1. Find that good cause exists for the extension of the temporary guardianship.
2. Grant the extension of the temporary guardian's authority as requested above.

Subscribed and sworn to before me

on _____

Notary Public/Court Official

My commission expires: _____

Signature of Petitioner

Name Printed or Typed

Address

Name of Attorney	
Address	
Telephone Number	Bar Number

Approval of Guardian ad Litem _____