

GUARDIANSHIP/PROTECTIVE PLACEMENT

Note: By law this office may not give legal advice or fill in forms. This guideline is provided as a public service and is not intended to be legal advice.

FORMS: You may purchase the packet for \$0.25 per page + tax or print from www.wicourts.gov. The questionnaire is provided to you from the Jefferson County Register in Probate office.

ALL DOCUMENTS SUBMITTED TO THE COURT SHOULD BE SUBMITTED IN DUPLICATE; ONCE A DOCUMENT IS FILED, THERE WILL BE A \$1.00 FEE PER PAGE FOR COPYING. ALL DOCUMENTS MUST BE SERVED ON EACH PARTY, THEREFORE PETITIONER MUST HAVE A COPY OF ALL DOCUMENTS FILED WITH THE COURT TO SERVE ON OTHER PARTIES.

TO PETITION FOR PERMANENT GUARDIANSHIP of an adult individual due to incompetency, please complete and file the following with the Register in Probate office:

*GN – 3100 Petition for Permanent Guardianship Due to Incompetency (must be notarized)

*GN – 3140 Statement of Acts by Proposed Guardian and Consent to Serve (must be notarized)

*GN – 3115 Waiver and Consent to Petition for Guardianship due to Incompetency

*GN – 3110 Order and Notice of Hearing (Prepare for the Court; See paragraph 1 below)

*GF – 131 Order Appointing Guardian ad Litem or Counsel (Prepare for the Court; See paragraph 2 below)

1. Upon filing the Petition for Guardianship, the Register in Probate will schedule a hearing. ALL INTERESTED PERSONS MUST RECEIVE NOTICE OF THIS HEARING. Please refer to Wis. Stat. Sec. 54.38 (2) for methods of service, time limits, and interested persons.

2. THE LAW REQUIRES THE COURT TO APPOINT AN ATTORNEY TO ACT AS A GUARDIAN AD LITEM. The court will appoint an attorney to be Guardian ad Litem, who will meet with you, the proposed guardian(s), and the individual and will make a recommendation to the court as to what is in the best interest of the individual. The Guardian ad Litem fees will be paid from the individual's income or assets, if sufficient. The Court will order reimbursement of guardian ad litem fees in most cases. If the petition for guardianship is dismissed, the law requires the petitioner is responsible for payment of the fees.

*GN – 3130 Examining Physician's or Psychologist's Report (See paragraph 3 below)

3. A doctor, psychiatrist, or psychologist must complete a full mental health examination of the individual alleged to be incompetent and have his/her report filed with this office at least 96 hours prior to the hearing. A copy of the Examination Report must be sent to the individual, his or her counsel, if any, and the Guardian ad Litem. The Petitioner or GAL may request an Order of the Court requiring the proposed Ward to submit to the examination.

TO PETITION FOR PROTECTIVE PLACEMENT, please complete and file the following with your Petition for Guardianship:

*GN – 4040 Petition for Protective Placement or Protective Services (must be notarized)

*Jefferson County Protective Placement Questionnaire (See paragraph 4 below)

4. To meet requirements for protective placement under Chapter 55.11, a comprehensive evaluation must be filed with this office. Upon receipt of the questionnaire (to be submitted to Jefferson County Human Services Department per instructions on the form at least 10 days prior to the hearing) JCHSD will complete and submit to the Court the comprehensive evaluation.

THE COURT HEARING:

The following forms must be submitted to the Register in Probate or brought to the court hearing:

GN – 3120 Affidavit of Service

GN – 3170 Determination and Order on Petition for Guardianship (prepare for the Court)

GN – 3200 Letters of Guardianship of the Person (Prepare for the Court)

GN – 3210 Letters of Guardianship of the Estate (Prepare for the Court)

GN – 4060 Order on Petition for Protective Placement or Protective Services (Prepare for the Court)

AFTER THE COURT HEARING:

If you are appointed guardian of the estate and/or person, the Register in Probate will send a memo with brochures explaining your duties and responsibilities. Certified copies of Letters of Guardianship are \$3.00 per document plus \$1.00 per page. If you have questions or concerns, you may contact the Register in Probate office at 920-674-7245 or 7248 or 311 South Center Avenue, Room 115, Jefferson, WI 53549

***If Petitioning for Temporary Guardianship use the following forms:

GN-3230 Consent to Serve as Temporary Guardian (at time of filing)

GN-3250 Order on Petition for Temporary Guardianship (at hearing)

GN-3260 Letters of Temporary Guardian of the Person (at hearing)

GN-3265 Letters of Temporary Guardian of the Estate (at hearing)