
GUARDIANSHIP OF PERSON DUE TO INCOMPETENCY

EAU CLAIRE COUNTY
REGISTER IN PROBATE OFFICE
721 OXFORD AVENUE, ROOM 2201
EAU CLAIRE, WI 54703

HOURS:
MONDAY – FRIDAY
8:00 AM – 4:30 PM

PHONE: 715-839-4823

NOTE: This guideline is provided only as a public service and is not meant to be used as legal authority. The Register in Probate personnel cannot complete forms or give legal advice. Please contact an attorney for legal advice.

I. LETTERS OF GUARDIANSHIP

- A. Certified copies of the letters of guardianship may be purchased from the Register in Probate office.

II. DUTIES AND POWERS OF THE GUARDIAN OF PERSON

- A. See brochure – Guardian of the Person: Duties and Powers

III. ANNUAL REPORT

- A. Every year each guardian of the person of the ward must file an annual report to provide information to the Court on the health, welfare, and condition of the ward to both the Court and the County Human Services Department.
- B. Annual report forms are mailed to the guardian by the Court at the end of each year.

PROTECTIVE PLACEMENTS

I. WHAT IS A PROTECTIVE PLACEMENT?

Court ordered placement made to provide for the care and custody of an individual.

II. WHAT IS NECESSARY FOR A PROTECTIVE PLACEMENT?

- A. The ward must have been determined by a Court to be legally incompetent and in need of a guardian.
- B. The ward must have a primary need for residential care and custody.
- C. The ward must be so totally incapable of providing for his or her own care or custody as to create a substantial risk of serious harm to him/herself or others. The condition must be result of: developmental disabilities, degenerative brain disorder, serious and persistent mental illness, or other like incapacities.
- D. The ward has a disability that is permanent or likely to be permanent.

III. IF THE COURT ORDERS PLACEMENT, WHO MAKES THE DECISION AS TO WHERE THE WARD SHOULD BE PLACED?

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- A. Under Chapter 55 of the Wisconsin Statutes, placement authority is given to the County Human Services Board.
- B. The Court, in determining placement, would designate a specific facility or a 'like' facility to receive the ward that is the least restrictive environment consistent with the needs of the ward.

IV. IS THE PROTECTIVE PLACEMENT EVER REVIEWED?

- A. Protective placements must be reviewed annually. A summary hearing is held before the Court to determine continued placement.
- B. Court appoints a guardian ad litem (GAL) for the ward to conduct an investigation and make a report to the Court advising whether a full hearing is necessary; and
 - 1. Whether the person still meets all the requirements for a protective placement; and
 - 2. Whether the ward is still in the least restrictive placement.
- C. The guardian of the estate is responsible for paying the GAL's fees out of the guardian's funds if ordered by the Court.

ADDITIONAL RESOURCES

ADDITIONAL FORMS

Guardianship forms are available on the Wisconsin Court System website at www.wicourts.gov by clicking on "Forms," "Circuit court," "Guardianship," then "all guardianship forms."

ADDITIONAL INFORMATION

The Wisconsin Guardianship Association has developed Standards of Practice: Best Practices for Wisconsin Independent and Corporate Guardians manual. This manual may be found at the following website: <http://www.wisconsinguardianshipassociation.com/> (scroll down to "Information and Training.")