

YOU HAVE BEEN APPOINTED GUARDIAN OF THE PERSON – WHAT’S NEXT?

As guardian of the person, you have been appointed by a Wisconsin court to make personal decisions for another adult (called a “ward”) who the court has determined to be incompetent. You may exercise only those powers that are specifically authorized by statute or by order of the court – refer to the “Letters of Guardianship” issued to you by the court. As guardian, you must:

- Exercise the degree of care, diligence, and good faith when acting on behalf of a ward that an ordinarily prudent person exercises in his or her own affairs.
- Advocate for the ward’s best interests.
- Exhibit the utmost degree of trustworthiness, loyalty, and fidelity in relation to the ward.
- Endeavor to secure necessary care or services that are in the ward’s best interests based upon regular in-person inspection of the ward’s condition, surroundings, and treatment; examination of ward’s health care and treatment records; attendance at staffings; inquiry into the risks and benefits and alternatives to proposed treatment; and consultation with providers of health care and social services.
- Make an annual report to the court and county.
- Notify the court of any change of address of the guardian or ward.

When exercising your authority, you are required, consistent with meeting the ward’s essential requirements for health and safety and protecting the ward from abuse, exploitation and neglect, to:

- Place the least possible restriction on personal liberty and exercise of constitutional and statutory rights, and promote the greatest possible integration of the ward into his or her community.

- Make diligent efforts to identify and honor the ward’s preferences.
- Consider whether the ward’s estate is sufficient to pay for the needed services.

This checklist is designed to assist you as you begin your duties. Each guardianship case is different, so certain steps may not apply to all guardians. The order you follow will also be determined by the circumstances of your individual case.

Please see the brochure “Guardian of the Person: Duties and Powers” for more detailed information about some of the items in this brochure.

OBTAIN DOCUMENTS AND INFORMATION FROM THE PROBATE COURT

- Obtain a certified copy of the “Letters of Guardianship of the Person” (form GN-2008 for guardianship petitions filed prior to December 1, 2006, or form GN-3200 for guardianship petitions filed on or after December 1, 2006) and “Determination and Order on Petition for Guardianship due to Incompetency” (form GN-2007 for guardianship petitions filed prior to December 1, 2006, or form GN-3170 for guardianship petitions filed on or after December 1, 2006). There is usually a fee to obtain copies. Make several photocopies. Retain at least one certified original copy of each document for yourself for future photocopying.
- Find out when your annual report is due and calendar that date. The Annual Report (form GN-3480) provides information on the condition of the ward, including the ward’s location, health condition, and recommendations for changes in treatment, services and living arrangements.

KNOW THE SCOPE OF YOUR AUTHORITY

- Review the Letters of Guardianship and the Determination and Order to determine your specific powers. Remember that you may exercise only the powers that the court has authorized. The ward retains all rights and powers that the court did not specifically remove.
- If you were appointed Temporary Guardian, your initial appointment is for a period of 60 or fewer days. The Letters of Guardianship indicate the specific expiration date. Find and calendar this date. You may request an extension for an additional 60 days, if needed, but be sure to do so before the expiration of the order. Once the order has expired, the court cannot order another temporary guardianship for at least 90 days.

DEVELOP A LIST OF RESOURCES

- Contact the Guardianship Support Center at CWAG at 1-800-488-2596 ext 314 or guardian@cwag.org to subscribe to the free quarterly newsletter and to ask questions. Retain contact information for future questions.
- Begin locating organizations that can assist you in learning about your ward’s condition and in advocating for your ward’s best interests.

CREATE A SYSTEM FOR RECORD-KEEPING

- Create a system for maintaining records and information pertaining to the ward, such as labeled file folders, spiral notebooks, computer files, etc.
- Make a list of names and phone numbers of all the people, facilities, and organizations that provide services to your ward so that you can keep in contact with them and up-to-date on your ward’s condition.

- Keep notes of phone calls, visits and meetings regarding your ward.
- If appropriate, contact the post office and have ward's mail delivered to you.

BEGIN WORKING WITH SERVICE PROVIDERS

- Write a letter to the ward's doctors and service providers, notifying them that you have been appointed Guardian of the Person for the purpose of making personal and medical decisions on behalf of the ward. Enclose a copy of the Letters of Guardianship.

NOTE: Some physicians and other service providers may accept a photocopy of a certified court document, while others will only accept an original certified document, so you may need to obtain more than one certified original from the court.

- Examine your ward's health care and treatment records. Under both Wisconsin law and federal law (HIPPA), a guardian has the right to review and receive copies of his or her ward's records.
- Attend and participate in staff meetings about your ward. Meet with the staff and get to know them.
- Ask questions about the risks, benefits and alternatives to any proposed treatment, especially if the proposed treatment is highly invasive or risky.
- Ask questions so you can determine whether your ward is receiving adequate care and treatment.
- Inquire as to whether the treatment and services are being delivered in ways that place the least possible restriction on the ward's personal liberty and exercise of constitutional and statutory rights, and that

promote the greatest possible integration of the ward into his or her community.

- Identify concerns you want to have addressed.

ADVOCATE FOR YOUR WARD

- Get to know your ward so that you can identify and honor the ward's preferences.
- Get to know friends and family of the ward to find out more about the ward, such as likes and dislikes, what the ward values, whether the ward ever expressed any wishes regarding end-of-life issues.
- Visit your ward regularly and inspect the ward's surroundings. How frequent your visits should be depends on the circumstances of your ward – in some cases, a daily visit may be necessary; in others, weekly; in others monthly. Provide your ward an opportunity to let you know about any problems and to be involved in decisions.
- Keep notes when you visit the ward. Things to specifically notice are the ward's physical appearance, health, and emotional status, and changes since the last visit.
- Do follow-up as needed if you have concerns about the ward's wellbeing or if the ward reports problems.
- Although you may not be the guardian of the ward's estate, inquire as to whether or not the services and care that are being provided are worth what the ward is paying for.

WHO CAN A GUARDIAN OF THE PERSON CALL WITH QUESTIONS?

Guardians and others with questions about guardianship can contact the Wisconsin Guardianship Support Center at 1-800-488-2596, ext. 314 or guardian@cwag.org.



GUARDIAN OF THE PERSON: A Checklist to Get Started

Published by the **ELDER LAW CENTER**

Reproduction of this brochure is encouraged, provided credit to the Elder Law Center of the Coalition of Wisconsin Aging Groups is retained.



Coalition of Wisconsin Aging Groups
Advocacy ■ Membership ■ Elder Law

2850 Dairy Drive, Suite 100
Madison, Wisconsin 53718-6751
608 224-0606 / 800-488-2596, ext. 314
guardian@cwag.org
www.cwag.org/legal/guardian-support

12/22/06