

Table of Contents

CHAPTER 1

THE GUARDIAN AD LITEM: AN OVERVIEW

by *Brittney A. Busalacchi*

- I. Scope of Chapter [§ 1.1]**
- II. General Concepts Common to All Guardian ad Litem Practice [§ 1.2]**
 - A. Guardian ad Litem as Court-Appointed Lawyer [§ 1.3]
 - B. Guardian ad Litem as “Best Interests” Lawyer [§ 1.4]
 - C. Guardian ad Litem as Trial Advocate [§ 1.5]
 - D. Guardian ad Litem Contrasted with General Guardian [§ 1.6]
- III. Ethics and Liability [§ 1.7]**
 - A. Application of Rules of Professional Conduct [§ 1.8]
 - B. Complications Caused by “Best Interests” as Client [§ 1.9]
 - C. “Trial Advocate” Contrasted with “Witness” [§ 1.10]
 - D. Liability: Quasi-Judicial Immunity [§ 1.11]
 - E. Office of Lawyer Regulation [§ 1.12]
- IV. Court Appointment of Guardians ad Litem [§ 1.13]**
 - A. Overview [§ 1.14]
 - B. Training Requirements: Overview of Common Elements of SCR ch. 35 and SCR ch. 36 [§ 1.15]
 - C. Specific Training Requirements: Guardian ad Litem-Minor in Children’s Court and Juvenile Court [§ 1.16]
 - D. Specific Training Requirements: Guardian ad Litem-Minor in Family Court [§ 1.17]
 - E. Specific Training Requirements: Guardian ad Litem-Adult [§ 1.18]
 - F. Gaps in Training Requirements [§ 1.19]
 - G. Payment of the Guardian ad Litem [§ 1.20]

- V. Selected Challenges [§ 1.21]**
 - A. Litigation Issues [§ 1.22]
 - B. Difficult Situations and People [§ 1.23]
- VI. Broader Thoughts: Serving as Guardian ad Litem [§ 1.24]**

CHAPTER 2

CHILDREN: THE HUMAN SIDE

by David W. Thompson

- I. Scope [§ 2.1]**
- II. The Stages of Human Development [§ 2.2]**
 - A. Overview [§ 2.3]
 - B. Infancy and the Early Years [§ 2.4]
 - 1. Attachment [§ 2.5]
 - 2. Basics of Physical Maturation and Speech Development During the Early Years [§ 2.6]
 - C. The Toddler Period [§ 2.7]
 - D. The Early School Years [§ 2.8]
 - E. Early Adolescence [§ 2.9]
 - F. Adolescence [§ 2.10]
 - G. The Total Picture [§ 2.11]
- III. Domestic Violence, Abuse, and Neglect [§ 2.12]**
- IV. Sexual Abuse of Children [§ 2.13]**
- V. Alternative Care and Termination of Parental Rights [§ 2.14]**
- VI. Divorce [§ 2.15]**
 - A. Overview [§ 2.16]
 - B. Effects on Infants [§ 2.17]
 - C. Effects on Young Children [§ 2.18]
 - D. Effects on Early School-Aged Children [§ 2.19]
 - E. Effects on Older School Children [§ 2.20]
 - F. Effects on Adolescents [§ 2.21]
 - G. Differential Effects on Girls and Boys [§ 2.22]

- H. Custody [§ 2.23]
 - 1. In General [§ 2.24]
 - 2. Joint Custody [§ 2.25]
 - 3. Sole Custody Versus Joint Custody [§ 2.26]
- I. Physical Placement [§ 2.27]
- J. Visitation [§ 2.28]
- K. Stepfamilies [§ 2.29]
- L. Nontraditional Families [§ 2.30]
- M. Resist-Refuse Dynamics and Parental Alienation [§ 2.31]
 - 1. In General [§ 2.32]
 - 2. History and Definition [§ 2.33]
 - 3. Recent Research [§ 2.34]
 - 4. Assessment of Parental Alienation [§ 2.35]
 - a. Five-Factor Model [§ 2.36]
 - b. Alternative Explanations [§ 2.37]
 - 5. Effects of Parental Alienation [§ 2.38]
 - 6. Treatment of Parental Alienation [§ 2.39]
 - 7. Cautionary Considerations [§ 2.40]

VII. Role of the Guardian ad Litem [§ 2.41]

VIII. The Interview Process [§ 2.42]

- A. Overview [§ 2.43]
- B. Adapting the Interview to the Interviewee’s Age [§ 2.44]
- C. Eliciting Information [§ 2.45]
- D. A Checklist for the Interviewer [§ 2.46]

IX. Special Topics [§ 2.47]

- A. COVID-19-Related Disruptions [§ 2.48]
- B. Sexual Orientation and Gender Identity [§ 2.49]
- C. Cell Phones and Other Electronic Communications Devices [§ 2.50]

X. Appendices [§ 2.51]

- A. Appendix 2A: Overview of Influential Theories of Human Development [§ 2.52]
- B. Appendix 2B: Asking Children Questions [§ 2.53]
- C. Appendix 2C: Reference List [§ 2.54]

CHAPTER 3

FAMILY COURT: WIS. STAT. CH. 767

by Kate A. Neugent

- I. Scope [§ 3.1]**
- II. When a Guardian ad Litem Is Necessary [§ 3.2]**
- III. Role, Duties, and Powers of the Guardian ad Litem [§ 3.3]**
 - A. In General [§ 3.4]
 - B. Guardian ad Litem as Advocate [§ 3.5]
 - C. Best Interest of the Child Versus Wishes of the Child [§ 3.6]
 - D. Recommendation by the Guardian ad Litem and Initial Determination by the Court [§ 3.7]
 - E. Authority Created by Court Order or by Parties' Stipulation [§ 3.8]
 - 1. In General [§ 3.9]
 - 2. Practice Tips [§ 3.10]
 - a. Decision-Making in Pending Cases [§ 3.11]
 - b. Involvement in Post-Litigation Situations [§ 3.12]
 - F. Ethical Obligations of a Guardian ad Litem [§ 3.13]
- IV. Appointment [§ 3.14]**
 - A. Training Requirements and Obtaining Appointments [§ 3.15]
 - B. Time of Appointment [§ 3.16]
 - C. Termination and Extension of Appointment [§ 3.17]
 - D. Status Hearing to Review Actions of Guardian ad Litem [§ 3.18]
- V. Legal Custody and Physical Placement Actions [§ 3.19]**
 - A. Procedure upon Being Appointed [§ 3.20]
 - B. Temporary Hearing Procedures [§ 3.21]
 - C. Discovery and Trial Preparation [§ 3.22]
 - D. Trial [§ 3.23]
 - E. Postjudgment [§ 3.24]
 - 1. Appeal [§ 3.25]

2. Change of Legal Custody and Physical Placement
[§ 3.26]
3. Relocating with a Minor Child [§ 3.27]

VI. Paternity Actions [§ 3.28]

- A. Overview [§ 3.29]
- B. Procedure upon Being Appointed in a Paternity Action
[§ 3.30]

**VII. Practical Concerns and Considerations for a Guardian
ad Litem in Family Court [§ 3.31]**

- A. Costs [§ 3.32]
- B. Payment [§ 3.33]
- C. Miscellaneous Concerns [§ 3.34]

VIII. Forms [§ 3.35]

- A. In General [§ 3.36]
- B. Order and Judgment for Payment of Guardian ad Litem
Fees [§ 3.37]

IX. Appendix [§ 3.38]

- A. Appendix 3A: Domestic Abuse Cases: Four-Part
Framework [§ 3.39]

CHAPTER 4

JUVENILE COURT: WIS. STAT. CHAPTER 48

by Samantha S. Wagner

I. Scope [§ 4.1]

II. Legislative Purpose of Wis. Stat. Ch. 48 [§ 4.2]

III. The Guardian ad Litem in Juvenile Court [§ 4.3]

- A. Appointment [§ 4.4]
- B. Qualifications and Responsibilities [§ 4.5]
 1. Statutory Provisions and Supreme Court Rules
[§ 4.6]
 2. Guiding Principles [§ 4.7]

- IV. Children and Unborn Children in Need of Protection or Services [§ 4.8]**
- A. Jurisdiction [§ 4.9]
 - B. Venue [§ 4.10]
 - C. Taking a Child or Expectant Mother into Custody [§ 4.11]
 - D. Filing of the Petition [§ 4.12]
 - E. Content of the Petition [§ 4.13]
 - F. Notice and Service [§ 4.14]
 - G. Preadjudication [§ 4.15]
 - 1. Right to Counsel [§ 4.16]
 - 2. Substitution of Judge [§ 4.17]
 - 3. Physical, Psychological, Mental, or Developmental Examination [§ 4.18]
 - 4. Discovery and Pretrial Motions [§ 4.19]
 - 5. Delays, Continuances, and Extensions [§ 4.20]
 - 6. Consent Decree [§ 4.21]
 - H. Plea Hearing [§ 4.22]
 - I. Fact-Finding Hearing [§ 4.23]
 - J. Disposition [§ 4.24]
 - 1. In General [§ 4.25]
 - 2. Court Reports [§ 4.26]
 - 3. Hearing [§ 4.27]
 - 4. Order [§ 4.28]
 - 5. Role of the Guardian ad Litem [§ 4.29]
 - K. Postdisposition [§ 4.30]
 - 1. Change in Placement [§ 4.31]
 - 2. Revision of Orders [§ 4.32]
 - 3. Extension of Orders [§ 4.33]
 - 4. Termination of Orders [§ 4.34]
 - a. In General [§ 4.35]
 - b. Case Closure Orders [§ 4.36]
 - L. Rehearing and Appeal [§ 4.37]
 - M. Permanency Planning [§ 4.38]
 - 1. In General [§ 4.39]
 - 2. Implementation of the Permanency Plan [§ 4.40]
 - 3. Permanency Review [§ 4.41]
 - 4. Permanency Hearing [§ 4.42]
 - N. Miscellaneous Provisions [§ 4.43]
 - 1. Procedure at Hearings [§ 4.44]
 - 2. Involuntary Removal of the Child or the Expectant Mother of an Unborn Child [§ 4.45]

- 3. Jeopardy [§ 4.46]
 - 4. Supervised Independent Living [§ 4.47]
 - 5. Visitation [§ 4.48]
 - 6. Medical Authorization [§ 4.49]
 - 7. Custody of Children [§ 4.50]
 - 8. Indian Child Welfare Act [§ 4.51]
 - O. Children with Special Needs [§ 4.52]
 - 1. Jurisdiction [§ 4.53]
 - a. Voluntary Petition for Services [§ 4.54]
 - b. Involuntary Petition for Services [§ 4.55]
 - c. Abuse and Neglect [§ 4.56]
 - d. Wis. Stat. § 48.13(9) [§ 4.57]
 - 2. Disposition [§ 4.58]
 - a. In General [§ 4.59]
 - b. Evaluation [§ 4.60]
 - c. Coordination [§ 4.61]
 - d. Resources [§ 4.62]
 - e. Alternatives to Institutional Placement [§ 4.63]
 - P. Voluntary Petition for Services [§ 4.64]
- V. Miscellaneous Wis. Stat. Ch. 48 Proceedings [§ 4.65]**
- A. Wis. Stat. § 48.977 Guardianships [§ 4.66]
 - B. Wis. Stat. § 48.9795 Guardianships [§ 4.67]
 - 1. In General [§ 4.68]
 - 2. Four Guardianship Types [§ 4.69]
 - 3. Who Can File? [§ 4.70]
 - 4. Venue and Jurisdictional Matters [§ 4.71]
 - 5. Petition Contents [§ 4.72]
 - 6. Guardian ad Litem [§ 4.73]
 - 7. Emergency Guardianships [§ 4.74]
 - 8. Initial Hearing Time Frame and Notice (Full, Limited, and Temporary Guardianships) [§ 4.75]
 - 9. Statement by Proposed Guardian [§ 4.76]
 - 10. Procedures at Hearings [§ 4.77]
 - 11. Dispositions [§ 4.78]
 - 12. Standby and Successor Guardians [§ 4.79]
 - 13. Other Postdispositional Matters [§ 4.80]
 - 14. Termination [§ 4.81]
 - 15. Nonparental Visitation [§ 4.82]
 - 16. Appeals [§ 4.83]
 - C. Other Minor Guardianships [§ 4.84]
 - D. Restraining Orders and Injunctions [§ 4.85]

- E. Wis. Stat. Ch. 51 and 55 Proceedings [§ 4.86]
- F. Wis. Stat. § 48.979 Power of Attorney [§ 4.87]

VI. Termination of Parental Rights [§ 4.88]

- A. Jurisdiction and Venue [§ 4.89]
- B. Filing the Petition [§ 4.90]
- C. Content of the Petition [§ 4.91]
- D. Notice and Service [§ 4.92]
- E. Preadjudication [§ 4.93]
 - 1. Right to Counsel [§ 4.94]
 - 2. Status Conference [§ 4.95]
 - 3. Discovery and Pretrial Motions [§ 4.96]
- F. Initial Hearing [§ 4.97]
- G. Hearing on the Petition for Voluntary Termination of Parental Rights [§ 4.98]
- H. Summary Judgment [§ 4.99]
- I. Fact-Finding Hearing for Contested Petition [§ 4.100]
- J. Parental Unfitness [§ 4.101]
- K. Court Report [§ 4.102]
- L. Disposition [§ 4.103]
 - 1. Hearing [§ 4.104]
 - 2. Order [§ 4.105]
- M. Rehearing and Appeal [§ 4.106]
- N. Miscellaneous Provisions [§ 4.107]
 - 1. Procedure at Hearings [§ 4.108]
 - 2. Indian Child Welfare Act [§ 4.109]

VII. Independent Adoption [§ 4.110]

- A. General Information [§ 4.111]
- B. Financial Arrangements [§ 4.112]
- C. Jurisdiction and Venue [§ 4.113]
- D. Required Documents [§ 4.114]
- E. Responsibilities of the Court [§ 4.115]
 - 1. Scheduling of Hearings [§ 4.116]
 - 2. Appointment of Guardian ad Litem [§ 4.117]
 - 3. Investigation by Child Welfare Agency [§ 4.118]
- F. Prehearing Responsibilities of the Guardian ad Litem [§ 4.119]
- G. Hearings on the Petitions [§ 4.120]
- H. Court Orders [§ 4.121]

VIII. Payment of the Guardian ad Litem [§ 4.122]

CHAPTER 5

ADULTS WITH MENTAL DISABILITIES: THE HUMAN SIDE

by Jeffrey Spitzer-Resnick

- I. Scope [§ 5.1]**
- II. Understanding People with Mental Disabilities [§ 5.2]**
 - A. Overview [§ 5.3]
 - B. Intellectual Disability [§ 5.4]
 - C. Autism Spectrum Disorder [§ 5.5]
 - D. Severe Traumatic Brain Injuries [§ 5.6]
 - E. Serious and Persistent Mental Illness [§ 5.7]
 - 1. In General [§ 5.8]
 - 2. Types of Serious and Persistent Mental Illness [§ 5.9]
 - 3. Treatment and Support Services [§ 5.10]
 - F. Mental Disabilities Associated with Advanced Age [§ 5.11]
 - G. Multiple Disabilities [§ 5.12]
 - H. Challenging Behaviors [§ 5.13]
- III. Defining Best Interests in Human Terms [§ 5.14]**
- IV. Guardianship [§ 5.15]**
 - A. Overview [§ 5.16]
 - B. Tailoring Guardianships to Individual Needs [§ 5.17]
 - C. Conduct of Guardian; Removal; Supervisory Orders [§ 5.18]
 - D. Medical Decision-Making [§ 5.19]
 - E. Involuntary Treatment and Medication for Mental Illness [§ 5.20]
 - F. Alternative to Guardianship: Supported Decision-Making Agreements [§ 5.21]
- V. Protective Services and Placement [§ 5.22]**
 - A. Overview [§ 5.23]
 - B. Purpose of Protective Services and Placement [§ 5.24]
 - C. Patients' Rights [§ 5.25]
 - D. Right to Services in the Least Restrictive Environment [§ 5.26]
 - E. Right to Adequate and Appropriate Treatment and Services [§ 5.27]

- F. Responsibility of the County to Provide Services That Are Least Restrictive and Consistent with Individual Needs [§ 5.28]
- G. Special Provisions for People with Developmental Disabilities Placed in or at Risk of Placement in Intermediate Care Facilities and Nursing Homes [§ 5.29]
- H. Denial of Least Restrictive Placement or Appropriate Services on Grounds of Lack of Funding: Constitutional Issues [§ 5.30]
- I. Americans with Disabilities Act (ADA) [§ 5.31]
- J. Injunctions, Restraining Orders, and Criminal Prosecution as Protective Measures [§ 5.32]

VI. Collecting and Evaluating Information [§ 5.33]

- A. Overview [§ 5.34]
- B. Interviewing and Getting to Know the Client [§ 5.35]
- C. Talking to Significant People in the Client’s Life [§ 5.36]
- D. Checking Files and Records [§ 5.37]
- E. Legal Requirements for Evaluations [§ 5.38]
- F. Critical Review of Evaluations [§ 5.39]
 - 1. Purpose of Evaluation [§ 5.40]
 - 2. Evaluators’ Expertise [§ 5.41]
 - 3. Sources of Information About the Client [§ 5.42]
 - 4. Common Assumptions That Limit Usefulness of Evaluations [§ 5.43]
 - 5. Evaluation Contents [§ 5.44]
 - a. A Support Model of Services [§ 5.45]
 - b. Consideration of All Individual and Human Needs [§ 5.46]
 - c. Functional Evaluations of Skills and Abilities Needed for Usual Life Experiences [§ 5.47]
 - d. Evaluations for Individualized Guardianships [§ 5.48]
- G. Obtaining Additional Evaluations and Information [§ 5.49]

VII. Long-Term Support Services in Wisconsin [§ 5.50]

- A. Support Packages in General [§ 5.51]
- B. Medical Assistance Program (Medicaid) [§ 5.52]

- C. Family Care and Other Managed Long-Term Care Programs and Waivers [§ 5.53]
 - 1. Family Care [§ 5.54]
 - 2. Family Care Partnership Program [§ 5.55]
 - 3. Job-Coaching Programs (Employment First) [§ 5.56]
- D. Supplemental Security Income (SSI) [§ 5.57]
- E. Community Support Services for People with Mental Illness [§ 5.58]
- F. Residential and Institutional Placements [§ 5.59]

VIII. Appendices [§ 5.60]

- A. Appendix 5A: Types of Adult Residential and Institutional Placements [§ 5.61]
- B. Appendix 5B: Resources [§ 5.62]

CHAPTER 6

GUARDIANSHIP: WIS. STAT. CH. 54

by Margaret V. Kaiser

I. Scope of Chapter [§ 6.1]

II. Adult Guardianships [§ 6.2]

- A. Overview [§ 6.3]
- B. Role of the Guardian ad Litem [§ 6.4]
 - 1. In General [§ 6.5]
 - a. Representation of Proposed Ward's Best Interests [§ 6.6]
 - b. Qualifications [§ 6.7]
 - (1) Absence of Conflicts of Interest [§ 6.8]
 - (2) Training Under SCR Ch. 36 [§ 6.9]
 - c. General Duties [§ 6.10]
 - 2. Initial Considerations [§ 6.11]
 - 3. Interviewing Proposed Ward and Proposed, Potential, and Current Guardians [§ 6.12]
 - a. Proposed Ward [§ 6.13]
 - b. Proposed and Potential Guardians [§ 6.14]
 - c. Current Guardian [§ 6.15]
 - 4. Assessing Powers of Attorney and Agents [§ 6.16]
 - 5. Reviewing Records [§ 6.17]
 - 6. Making Requests to Court [§ 6.18]

- a. Independent Medical or Psychological Evaluation [§ 6.19]
 - b. Advocacy Counsel [§ 6.20]
 - 7. Anticipating Attendance Issues [§ 6.21]
 - 8. Considering the Type and Extent of Guardianship [§ 6.22]
 - a. Type of Guardianship [§ 6.23]
 - b. Extent of Guardianship [§ 6.24]
 - 9. Reporting to Court [§ 6.25]
 - 10. Representing Proposed Ward at Hearing [§ 6.26]
 - a. In General [§ 6.27]
 - b. Uncontested Hearing [§ 6.28]
 - (1) Preparing [§ 6.29]
 - (2) Participating in Hearing [§ 6.30]
 - (3) Checklist: Duties of Guardian ad Litem in Uncontested Guardianship Proceedings (ELD-0042) [§ 6.31]
 - c. Contested Hearing [§ 6.32]
 - (1) Preparing [§ 6.33]
 - (2) Participating [§ 6.34]
 - C. Appeals [§ 6.35]
 - D. Temporary Guardianships [§ 6.36]
 - 1. In General [§ 6.37]
 - 2. Initial Considerations [§ 6.38]
 - 3. Before the Hearing [§ 6.39]
 - 4. At the Hearing [§ 6.40]
 - 5. After the Hearing [§ 6.41]
 - 6. Reporting Duties: Summary Flow Chart [§ 6.42]
 - E. Paying the Guardian ad Litem [§ 6.43]
 - 1. Amount of Payment [§ 6.44]
 - 2. Responsibility for Payment [§ 6.45]
- III. Minor Guardianships of the Estate [§ 6.46]**
- A. Minor Guardianships of the Estate as They Relate to Guardian of the Person for a Child [§ 6.47]
 - B. Initial Considerations [§ 6.48]
 - C. Role of the Guardian ad Litem [§ 6.49]
 - D. Postjudgment Matters [§ 6.50]

IV. Forms [§ 6.51]

- A. In General [§ 6.52]
- B. Letter Notice of Proposed Adult Ward’s Rights (ELD-0043) [§ 6.53]
- C. Letter Notice of Proposed Adult Ward’s Rights (Alternate Form) (ELD-0044) [§ 6.54]
- D. Statement of Rights of the Proposed Adult Ward (ELD-0045) [§ 6.55]
- E. Report of Guardian ad Litem (Temporary Guardianship) (ELD-0046) [§ 6.56]
- F. Order for Release of Confidential Information (ELD-0047) [§ 6.57]

V. Appendix [§ 6.58]

- A. Appendix 6A: Indicators of Possible Elder Abuse (ELD-0054) [§ 6.59]

CHAPTER 7

PROTECTIVE SERVICES AND

PROTECTIVE PLACEMENT: WIS. STAT. CH. 55

by Victoria Davis Dávila

I. Scope [§ 7.1]

II. Purpose of Wis. Stat. Ch. 55: The Protective Service System [§ 7.2]

III. Court-Ordered Protective Services [§ 7.3]

- A. Protective Services in General [§ 7.4]
- B. Psychotropic Medication as a Protective Service [§ 7.5]
 - 1. Voluntary Administration of Psychotropic Medication [§ 7.6]
 - 2. Involuntary Administration of Psychotropic Medication [§ 7.7]

IV. Protective Placement [§ 7.8]

- A. What Is Protective Placement and When Is It Required? [§ 7.9]
- B. Standard for Protective Placement [§ 7.10]
- C. Overview of the Procedures [§ 7.11]
 - 1. Petition and Notice Requirements [§ 7.12]

- 2. Guardian ad Litem Appointment [§ 7.13]
- 3. Evaluation [§ 7.14]
- 4. Court Hearing [§ 7.15]
- D. Disposition: Placement or Services [§ 7.16]
- E. Disposition: Firearms Restrictions [§ 7.17]

V. Emergency Protective Services and Protective Placement [§ 7.18]

- A. Protective Services [§ 7.19]
- B. Protective Placement [§ 7.20]

VI. Role of the Guardian ad Litem in Initial Protective Services or Protective Placement Proceedings [§ 7.21]

- A. Overview of Statutory Requirements [§ 7.22]
- B. Carrying out the Statutory Requirements [§ 7.23]
 - 1. Conducting Interviews and Gathering Additional Information [§ 7.24]
 - a. Interviewing [§ 7.25]
 - b. Requesting and Reviewing Evaluations [§ 7.26]
 - c. Evaluating Potential Placement Resources and Plans [§ 7.27]
 - d. Assessing Need for Psychotropic Medications [§ 7.28]
 - 2. Making Requests to the Court [§ 7.29]
 - 3. Attending the Hearing [§ 7.30]
 - 4. Making Reports and Recommendations [§ 7.31]
 - 5. Determining Extent and Termination of Appointment [§ 7.32]
- C. Working with Defense Counsel [§ 7.33]
- D. Obtaining Payment of Fees and Costs [§ 7.34]
 - 1. Guardian ad Litem Fees [§ 7.35]
 - 2. Petitioner’s Fees and Costs [§ 7.36]

VII. Annual Reviews [§ 7.37]

- A. Background of Annual Reviews of Protective Placement Orders [§ 7.38]
- B. Statutory Requirements for Annual Reviews of Protective Placement Orders [§ 7.39]
 - 1. In General [§ 7.40]
 - 2. County Responsibilities [§ 7.41]

- 3. Guardian ad Litem Appointment and Duties [§ 7.42]
- 4. Court Review [§ 7.43]
- 5. Dispositional Options [§ 7.44]
- C. Statutory Requirements for Annual Reviews of Court Orders for Involuntary Administration of Psychotropic Medication [§ 7.45]
- D. Role of the Guardian ad Litem [§ 7.46]

VIII. Other Wis. Stat. Ch. 55 Proceedings [§ 7.47]

- A. Court Review of Transfers [§ 7.48]
- B. Modification of a Court Order for Protective Placement or Services [§ 7.49]
- C. Termination of Order for Protective Services or Protective Placement [§ 7.50]

IX. Forms [§ 7.51]

CHAPTER 8

STATE MENTAL HEALTH ACT: WIS. STAT. CH. 51

by Kristin Kerschensteiner

I. Scope [§ 8.1]

II. Voluntary Admission to Inpatient Units [8.2]

- A. Voluntary Admission of Adults for Treatment of Mental Illness, Developmental Disability, or Drug Dependence [§ 8.3]
 - 1. Overview of the Procedures [§ 8.4]
 - 2. Voluntary Admission of an Incompetent Person [§ 8.5]
- B. Voluntary Admission of Adults for Treatment of Alcoholism and Drug Dependence [§ 8.6]
- C. Nonprotesting Voluntary Admission [§ 8.7]
 - 1. Overview of the Procedures [§ 8.8]
 - 2. Role of the Guardian ad Litem [§ 8.9]
- D. Voluntary Admission of Minors to Psychiatric Hospitals or Units, Treatment Facilities for Alcoholism or Drug Abuse, or Centers for the Developmentally Disabled [§ 8.10]
 - 1. Introduction [§ 8.11]

2. Court Review Procedures [§ 8.12]
3. Short-Term Admissions [§ 8.13]
4. Discharge [§ 8.14]
5. Role of the Guardian ad Litem [§ 8.15]

III. Outpatient Treatment of Minors [§ 8.16]

- A. Review of Outpatient Mental Health Treatment of Minors [§ 8.17]
- B. Emergency Outpatient Treatment of Minors [§ 8.18]

IV. Involuntary Civil Commitment [§ 8.19]

- A. Standards for Commitment for Mental Illness, Developmental Disability, or Drug Dependence [§ 8.20]
 1. In General [§ 8.21]
 2. Mental Illness [§ 8.22]
 3. Treatability [§ 8.23]
 4. Dangerousness Standards [§ 8.24]
 - a. In General [§ 8.25]
 - b. Standard on Recommitment [§ 8.26]
 - c. Exclusions [§ 8.27]
- B. Standards for Commitment for Alcoholism and Drug Dependence [§ 8.28]
- C. Overview of the Procedures [§ 8.29]
 1. Commitment for Mental Illness, Developmental Disability, or Drug Dependence [§ 8.30]
 2. Commitment for Alcoholism and Drug Dependence [§ 8.31]
- D. Involuntary Treatment [§ 8.32]
- E. Relationship to Protective Placement [§ 8.33]
 1. Differences Between Civil Commitment and Protective Placement [§ 8.34]
 2. Switching to Protective Placement from Civil Commitment [§ 8.35]
- F. Role of the Guardian ad Litem [§ 8.36]

V. Other Proceedings [§ 8.37]

CHAPTER 9
PROBATE COURT
by Margaret V. Kaiser

- I. Scope [§ 9.1]**
- II. Appointment [§ 9.2]**
- III. Role and Duties [§ 9.3]**
- IV. Representing the Incompetent Surviving Spouse [§ 9.4]**
- V. Payment of the Guardian ad Litem [§ 9.5]**

CHAPTER 10
PERSONAL INJURY
by Eric J. Ryberg

- I. Scope of Chapter [§ 10.1]**
- II. Procedural Requirements for Settlement of Claims on Behalf of Minors and Incompetent Persons [§ 10.2]**
- III. Appointment [§ 10.3]**
- IV. The Role of the Guardian ad Litem [§ 10.4]**
- V. Injury to the Minor: A Format for Evaluating Proposed Settlements [§ 10.5]**
 - A. In General [§ 10.6]
 - B. Timing [§ 10.7]
 - C. The Claim [§ 10.8]
 - 1. In General [§ 10.9]
 - 2. Liability [§ 10.10]
 - 3. Damages [§ 10.11]
 - 4. Collectibility [§ 10.12]
 - D. Proposed Distribution of Settlement Proceeds [§ 10.13]
 - E. Settlement Formats and the Handling of a Minor's Settlement Proceeds [§ 10.14]
 - 1. In General [§ 10.15]
 - 2. Statutory Considerations [§ 10.16]

3. Alternatives to Consider [§ 10.17]
4. Miscellaneous Pitfalls to Avoid [§ 10.18]

VI. Injury to Persons Other Than the Minor [§ 10.19]

- A. Wrongful Death Cases [§ 10.20]
 1. Statutory Framework [§ 10.21]
 2. Minor Is a Plaintiff [§ 10.22]
 3. Minor Is Not a Plaintiff [§ 10.23]
- B. Injury to Minor’s Parent [§ 10.24]
- C. Injury to Minor’s Child [§ 10.25]

VII. Payment of the Guardian ad Litem [§ 10.26]

VIII. Forms [§ 10.27]

- A. In General [§ 10.28]
- B. Petition for Order Appointing Guardian ad Litem and Consent to Act for Minor Under Age 14 (ELD-0048) [§ 10.29]
- C. Petition for Order Appointing Guardian ad Litem and Consent to Act for Minor over Age 14 (ELD-0049) [§ 10.30]
- D. Sample Petition for Approval of Settlement of Minor’s Claim (ELD-0050) [§ 10.31]

Index