

Index

References are to sections.

A

Abuse

See Elder Abuse

Advance Directives

See Health-Care Power of Attorney

Advocacy Counsel

Generally, 5.28

Appointment, 5.13

Role at contested hearing, 5.26

Alzheimer's Disease

Institutional care of individuals with, 6.6, 9.22

Appeal

Generally, 5.29

Ward's right to, 5.6

Artificial Nutrition and Hydration

Guardian's right to refuse, 6.6

Assets

Control by guardian of estate

—generally, 2.4, 6.14

—corporate guardian, 3.13

Identification in petition, 4.7

Attendance at Hearing

By ward, 4.27, 5.14

Attorney-Client Relationship

Guardian ad litem, 5.2–.27

Ethical issues, 4.2

Representation of petitioner
—generally, ch. 4
—checklist of duties, 4.38
Representation of proposed ward, 5.28

Attorney Fees

Ethical issues, 4.2
Provision in court order, 4.30

B

Banks (as Guardians), 3.13

See also Guardian

Bond, 4.28

C

Capacity

See Incompetency

Certificate of Service, 4.14, app. B (form)

Checklists

Elder abuse, possible indicators of, 3.8
Guardian ad litem, duties, 5.27, 7.12
Petition, contents, 4.7
Petitioner's attorney, duties, 4.38

Community-Based Residential Facilities

Emergency placement after hospitalization, 9.16
Guardian's right to admit ward, 2.5, 2.12

Competency

See Incompetency

Comprehensive Evaluation

Generally, 4.22
As evidence at uncontested hearing, 4.29, 4.33
Guardian ad litem's review, 5.10
Order for, 4.12, app. B (form)

Contested Proceedings

See also Hearings

Guardian ad litem's role, 5.24–.26

Petitioner's attorney's role, 4.34–.37

Corporate Guardian

Bank, 3.13

Individual versus, 3.11

Nonprofit corporation, 3.14

Court Orders

Appointment of guardian ad litem, 4.10

Appointment of physician or psychologist, 4.13, app. B (form)

For comprehensive evaluation, 4.12, app. B (form)

For guardianship and protective placement, 4.30

For hearing, 4.11

COVID-19

Effects on legal system and court practices, 4.4, 5.3, 5.6

D

Durable Power of Attorney, 1.6, 2.14, 2.18

E

Elder Abuse

Generally, 3.6

Indicators of, 3.8

Statute, 3.7

Elder Law

Resources, app. A

Emergency Protective Placement or Services

See also Protective Placement or Services

Generally, 9.18

After hospitalization, 9.16

Limitations, 9.20

Procedure, 9.19

Respite placement, 9.15

F

Fees and Expenses, Payment

- Ethical issues, 4.2
- Provision in court order, 4.30

G

Guardian

See also Guardian of Estate; Guardian of Person; Guardianship; Temporary Guardianship

- Abuse, 3.5–.8. *See also* Elder Abuse
- Appointment, 4.30–.32
 - anticipatory nomination by ward, 3.3
 - family member of ward, 3.10–.11
 - order, 4.30
 - successor guardian, 8.8
- Change of, 8.8
- Choice of
 - generally, ch. 3
 - factors to consider, court selection, 3.4
 - family member of ward, 3.10–.11
 - potential for abuse, 3.5–.8. *See also* Elder Abuse
- Consent to serve, 4.32
- Death, 8.8
- Duties
 - generally, 6.7–.10, 6.16
 - annual report, 6.10
- Incapacity, 8.8
- Interview by guardian ad litem, 5.7
- Order appointing, 4.30
- Powers
 - generally, 6.4–.6, 6.13–.15
 - placement of ward for respite care, 9.15
- Removal, 8.8
- Resignation, 8.8
- Responsibilities, *see* Duties
- Role, ch. 6
- Statement of acts, 4.32
- Training requirements, 3.1, 4.32, 5.3
- Types
 - generally, 2.2–.5, ch. 6
 - corporate, 3.12–.14
 - of estate, 2.4, 6.11–.16. *See also* Guardian of Estate
 - individual, 3.10–.11

- of person, 2.5, 6.2–.10. *See also* Guardian of Person
- standby, 8.8
- successor, 8.8
- temporary, 9.2–.12. *See also* Temporary Guardianship

Guardian ad Litem

- Generally, 5.3–.4
- Appointment, 4.10, 5.3
- Checklist, 5.27
- Duties
 - annual review of protective placement, 7.12–.13
 - anticipating transportation and attendance issues, 5.14
 - checklist, 5.27
 - considering type and extent of guardianship, 5.15–.17
 - interviews with proposed ward and current, proposed, and potential guardians, 5.5–.8
 - participation in hearing, 5.23, 5.26
 - preparation for hearing, 5.22, 5.25
 - reports, 4.23, 5.18, 7.13, app. B (form)
 - representation of proposed ward, 5.19–.26
 - requests to court, 5.11–.13
 - review of records, 5.10
- Order appointing, 4.10
- Temporary guardianship
 - flowchart, app. B
 - report, app. B (form)
- Training, 5.3

Guardian of Estate

- See also* Guardian; Guardianship
- Generally, 2.3, 2.4
- Duties, 6.16
- Powers, 6.13–.15
 - estate of married ward, 6.15
 - execution of will, excluded, 6.15
 - Social Security and SSI, 6.14
- Statutory authority for, 6.12

Guardian of Person

- See also* Guardian; Guardianship
- Generally, 2.3, 2.5
- Annual report, 6.10
- Consent to medical treatment, 6.6
- Duties, 6.7–.10

Powers, 6.4–6
 Statutory authority for, 6.3

Guardianship

See also Guardian; Guardian of Estate; Guardian of Person; Temporary Guardianship

Appeal, 5.29
 Commencement of action, 4.17
 Foreign, 4.9
 Guardian ad litem, appointment, 4.10
 Hearings. *See also* Hearings
 —generally, 4.25
 —contested, 4.34–.37
 —order and notice, 4.11
 —uncontested, 4.26–.33
 Incompetency standard, 1.5. *See also* Incompetency
 Letters of, 4.31
 Modification, 8.5–.8
 Notice
 —generally, 4.11
 —service, 4.14, 4.18–.20
 Order for, 4.30
 Petition for
 —generally, 4.5–.9
 —filing, 4.17
 —service, 4.14, 4.18–.20
 Physician or psychologist
 —order appointing, 4.13
 —report, 4.21
 Protective placement or services and, 2.18, 2.20
 Purpose, 1.4
 Statutory authority for, 1.3
 Supported decision-making agreements, 1.5, 5.17
 Termination, 8.3
 Training requirements for proposed guardians, 3.1, 4.32, 5.3
 Types
 —generally, 2.2–.5, ch. 6
 —corporate, 3.12–.14
 —of estate, 2.4, 6.11–.16. *See also* Guardian of Estate
 —individual, 3.10–.11
 —of person, 2.5, 6.2–.10. *See also* Guardian of Person
 —standby, 8.8
 —successor, 8.8
 —temporary, 9.2–.12. *See also* Temporary Guardianship
 Uniform adult guardianship jurisdiction, 4.9

Venue

- generally, 4.8
- change of, 8.7

H

Health-Care Power of Attorney

Agent, 3.4

Guardianship

- generally, 1.6, 2.14, 2.18
- selection of guardian, 3.3, 3.4

Hearings

Generally, 4.25

Annual review of protective placement, 7.14

Contested

- guardian ad litem’s role, 5.24–.26
- petitioner’s attorney’s role, 4.34–.37
- witnesses and evidence, 5.25–.26

Order and notice, 4.11

Uncontested

- attendance by proposed ward, 4.27, 5.14
- bond, 4.28
- determination and order, 4.30
- guardian ad litem’s role, 5.21–.23
- letters of guardianship, 4.31
- petitioner’s attorney’s role, 4.26–.33, .37
- procedure, 4.33
- witnesses, 4.29

Ward’s attendance, 4.27, 5.16

HIPAA (Health Insurance Portability and Accountability Act)

See Medical Records

I

Incapacity

See Incompetency

Income

Control by guardian of estate, 2.4, 6.14

Identification in petition, 4.7

Incompetency

Contested, 4.37
Evaluation, 5.12
Identification in petition, 4.7
Legal standard, 1.5
Protective placement or services
—generally, 2.6–.16, 2.19
—nursing home placement, 9.11
Successor guardianship proceedings, 8.8

Insurance

Identification in petition, 4.7

Interested Person

Generally, 4.7
Filing by, 4.6
Objections at contested hearing, 4.36
Service on, 4.20

L

Least Restrictive Placement

Comprehensive evaluation, recommendation, 4.14
Guardian ad litem's evaluation, 5.16
Guardian's annual report, 6.10
Physician's or psychologist's report, recommendation, 4.24
Protective placement or services
—generally, 1.9, 2.16
—changes in, 7.2–.6

Letters of Guardianship, 4.30

Life Insurance

Identification in petition, 4.7

M

Marital Property

Control by guardian of estate, 6.15

Medical or Psychological Evaluation, Independent, 5.12

Medical Records

Guardian ad litem's duty to review, 5.10

Health Insurance Portability and Accountability Act (HIPAA), effect of, 5.4, 6.6

Medical Treatment

Guardian's power to consent to, 2.5, 2.18, 6.6

Right to refuse, 6.6

Withholding or withdrawal of, 6.6

Mental Health Act

Temporary protective placement under Wis. Stat. § 51.67, 9.21–.23

N

Nonprofit Corporations (as Guardians), 3.14

See also Guardian

Notice

Appointment of temporary guardian (form), app. B

Hearing, 4.11

Ward's rights, app. B (forms)

Nursing Home Placement

After hospitalization, 9.16

Protective placement required, 2.19

Recuperative care, 2.12

Service on resident ward, 4.19

Temporary guardianship, limitations, 9.11

Ward's county of residence and, 4.8

O

Orders

See Court Orders

P

Petition for Guardianship or Protective Placement

Contents (checklist), 4.7

Filing, 4.5–.9, 4.17

Service, 4.14, 4.18–.20

Petitioner’s Attorney

See also Attorney Fees, Payment; Attorney-Client Relationship
 Generally, ch. 4
 Checklist of duties, 4.38
 Conflicts of interest, 4.2

Physician

Independent evaluation by
 —request for, 5.12
 —ward’s right to, 5.6
 Order appointing, 4.13, app. B (form)
 Report, 4.21

Power of Attorney, 1.6, 2.18

Power of Attorney for Health Care

See Health-Care Power of Attorney

Protective Placement or Services

Annual review
 —generally, 7.8
 —by agency, 7.9
 —by court, 7.10–.14
 —due process hearing, 7.14
 Appeal, 5.29
 Change of, 7.2–.6
 Commencement of action, 4.17
 Comprehensive evaluation, 4.12, 4.22
 Emergency, 9.13–.20. *See also* Emergency Protective Placement or Services
 Guardian ad litem, 4.10, 7.12–.13
 Guardianship and, 2.19–.20
 Hearings. *See also* Hearings
 —generally, 4.25
 —contested, 4.34–.37
 —order and notice, 4.11
 —uncontested, 4.26–.33
 Least restrictive, 2.18, 7.2–.6. *See also* Least Restrictive Placement
 Modification
 —placement, 7.2–.6
 —venue, 8.7
 Notice
 —generally, 4.11
 —service, 4.14, 4.18–.20
 Nursing home placement, 2.12, 2.19
 Petition for
 —generally, 4.5–.9

- filing, 4.17
- service, 4.14, 4.18–20
- Physician or psychologist
 - order appointing, 4.13, app. B (form)
 - report, 4.21
- Psychiatric facilities, 7.6, 9.21–23
- Purpose, 1.9
- Statutory authority for, 1.8
- Temporary, under Wis. Stat. § 51.67, 9.21–23
- Termination, 8.4
- Types
 - generally, 2.7
 - involuntary, 2.10–16
 - voluntary, 2.9

Psychiatric Facility

- Temporary placement under Wis. Stat. § 51.67, 9.21–23
- Transfer to, 7.6

Psychologist

- Independent evaluation by
 - request for, 5.12
 - ward’s right to, 5.6
- Order appointing, 4.13, app. B (form)
- Report, 4.21

R

Recuperative Care, 2.12

Resources

- Guardianship and protective placement, app. A

Respite Care, 9.15

S

Service

- Certificate of, 4.14, app. B (form)
- On interested persons, 4.20
- On proposed ward, 4.19

Social Security

Guardian of estate and, 6.14

Standby Guardian, 8.8

See also Guardian; Guardianship

Successor Guardian, 8.8

See also Guardian; Guardianship

Supplemental Security Income

Guardian of estate and, 6.14

T

Temporary Guardianship

See also Guardianship

Flowchart, app. B (form)

Guardian ad litem, appointment, 9.7

Hearing, 9.8

Initial documents, 9.5

Letters of, 9.8

Limitations

—generally, 9.10

—duration, 9.12

—nursing home placement, 9.11

Notice, 9.5

Order appointing, 9.8

Report, app. B (form)

Service, 9.6

Temporary Protective Placement Under Wis. Stat. § 51.67, 9.21–.23

U

Uncontested Proceedings

See also Hearings

Guardian ad litem's role, 5.21–.23

Petitioner's attorney's role

—generally, 4.26–.33

—checklist, 4.38

V

Venue

Change of, 8.7

Filing of initial documents, 4.8

W

Ward

Advocacy counsel, 5.28. *See also* Advocacy Counsel

Attendance at hearings

—requirement, 4.27

—transportation, 5.14

County of residence, 4.8

Guardian ad litem, 5.2–.27. *See also* Guardian ad Litem

Married, estate of, 6.15

Medical treatment, consent to, 6.6

Nomination of guardian, 3.3

Service on, 4.19

Will, 6.15

Withholding or Withdrawal of Medical Treatment, 6.6

Witnesses, 4.29, 5.8, 5.17, 5.25–.26

