

HOW TO ASK THE COURT TO CHANGE OR END YOUR GUARDIANSHIP

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I. Your Right To Review Your Guardianship

A. As a person with a guardian, you have the right to ask the court to review:

- If you need a guardian;
- If a different guardian may be better for you;
- If you should have more power to make your own decisions.

B. Before you ask the court for review, make sure that:

- It has been at least 180 days since you had a guardianship hearing; *or*
- It is an emergency; *or*
- You have new evidence to present to the court.

II. Steps To Take To Review Your Guardianship

A. File a Petition

- Fill out the form called a “*Petition for Termination of Guardianship*” (Form GN-3650) or the form “*Petition for Modification of Guardianship*” (Form GN-3655).
- The petition tells the court exactly how you want your guardianship changed, or if you want it ended.
- The form is on the internet at www.wicourts.gov. Or contact the Wisconsin Guardianship Support Center at 1-855-409-9410 or email guardian@gwaar.org.
- You can ask someone to help you fill out and file the petition.
- Sign the petition in front of a person who is a notary public. Usually, there is a notary public at the probate court where you file the form. If not, attorneys and bankers are usually notary publics.
- File the form in the probate court for the county that handles your guardianship case.
- Any person can fill in, sign and file a petition on your behalf.



B. The *Guardian ad Litem*

- The court will appoint a *guardian ad litem*.
- A *guardian ad litem* is an attorney who will investigate the changes you want.
- The *guardian ad litem* tells the court if she or he thinks that the changes you want are in your best interests. The *guardian ad litem* may or may not agree with you.

C. Your Own Attorney

- You have a right to an attorney. This attorney is different from the *guardian ad litem*. This attorney helps *you* at the hearing. This attorney will only argue for what *you* want.
- You may find an attorney on your own.
- You must get court approval to pay the attorney.
- If you want an attorney and are not able to find one on your own, you should tell the *guardian ad litem* right away. The *guardian ad litem* will ask the court to appoint an attorney for you. The court must appoint an attorney for you if you request one.
- If you do not have enough money for an attorney, the county will pay for one.

D. The Doctor or Psychologist

- If you want to end your guardianship or if you want to have more power to make your own decisions, you will need a written report from a doctor or psychologist who says you are competent.

E. Hearing

- The court will set a time for a hearing.
- You have the right to a jury trial at this hearing.
- You or your attorney will explain to the court why you think your guardianship should be changed or ended.
- The *guardian ad litem* will also tell the court what she or he thinks is in your best interests.
- Other people may talk to the court about your guardianship.
- The court will decide whether to change or end your guardianship based on the things people say at the hearing.

III. If You Have Questions

If you have questions about any part of the guardianship process, you can:

- Ask the *guardian ad litem*,
- Ask the court,
- Contact the Wisconsin Guardianship Support Center.

QUESTIONS? Call the Wisconsin Guardianship Support Center at 1-855-409-9410 or email at guardian@gwaar.org.

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