## The PROCESS for ESTABLISHING GUARDIANSHIP of an ADULT

I. FILING THE PETITION	II. BEFORE THE HEARING	III. AT THE HEARING	IV. AFTER THE HEARING	V. AFTER COURT APPOINTMENT
Any person may file a petition* for guardianship with or without a petition for protective placement/ services in Probate Court (there may be a fee, check with your county). The court assigns a case number, appoints a Guardian ad Litem (GAL) and sets a date for hearing. Petitioner serves the Order and Notice for Hearing and the Guardianship/Protective Placement/Services Petition(s) on the proposed ward and on all interested persons at least 10 business days before the hearing. Petitioner files Affidavit of Service with court.	GAL interviews proposed ward & nominated guardian; reviews records; determines whether ward needs/requests defense attorney; makes recommendation to the court about fitness of nominated guardian and whether petition should be granted or dismissed; and files a report. Court appoints Advocacy/ Adversary Counsel, if proposed ward needs/ requests a lawyer. Petitioner gathers evidence; prepares witnesses; ensures that proposed ward is examined by a physician or psychologist; and arranges transportation of proposed ward to hearing. Physician and/or psychologist examine the proposed ward and file report with court. Report is provided to the court, proposed ward, GAL and other attorneys 96 hours before the hearing.	Petitioner, nominated guardian, defense attorney (if any), and GAL attend. Witnesses appear in person or by phone, testify and are cross-examined. Case may be heard by court commissioner, judge or jury. A guardianship action must be completed in 90 days of the filing. Bond posted by Guardian of Estate if required by court. Letters of Guardianship issued to Guardian(s) by court.	decision to Court of Appeals.	Guardian of Estate files Guardianship Inventory within 60 days of appointment. Guardian of Estate files Annual Account for previous year by April 15 of each year unless otherwise ordered by the court. Guardian of Person files Annual Report each year (deadline varies). If ward is protectively placed, Court appoints GAL for ward's annual review. GAL meets with ward and consults with the Guardian of the Person. Ward has the right to contest placement and have an attorney.
	Proposed ward may request an independent examination by physician or psychologist.	* If the petition is granted, the ward has assets, and it is equitable, the ward pays costs and fees including GAL and petitioner's attorney fees. If the petition is granted and the ward has no assets, the petitioner pays their own attorney's fees and the GAL fees and defense attorney fees (if any) are paid at county or public expense. If the petition is denied, the petitioner pays their own costs, attorney's fees, GAL fees and defense attorney fees (if any).		GAL files report. Court holds summary hearing or evidentiary hearing.
*Forms are available at www.wicourts.gov	If Petition for Protective Placement filed, comprehensive evaluation of proposed ward is conducted by the county and a report is filed with the court.			If appropriate, guardianship/Protective Placement is modified or terminated. Updated July 2019
Gre	ardianship Support Center eater Wisconsin Agency on Aging Resources 5-409-9410 or email guardian@gwaar.org	s, Inc.	not address every situati	rmational purposes only and does on. Consultation with a private d if you are seeking legal advice.

This document is for informational purposes only and does not address every situation. Consultation with a private attorney is recommended if you are seeking legal advice.