

WINGS Wisconsin (Working Interdisciplinary Networks of Guardianship Stakeholders) is a group of professionals dedicated to reviewing and improving the guardianship systems in Wisconsin.

This publication is provided for educational purposes only. The information contained herein is not intended, and should not be used, as legal advice. Application of the law depends upon individual facts and circumstances. In addition, statutes, regulations and case law are subject to change without notice. Consult a legal professional for assistance with individual legal issues.

## **WINGS: Online Resources for Alternatives to Guardianship**

### **Advance Directives**

Despite common belief to the contrary, family members are not authorized to make decisions in Wisconsin for other adult family members. However, adults who are of sound mind may voluntarily delegate certain decision-making powers to others of their choice. In addition, courts may delegate decision making power for those who need that, such as for incompetents or the mentally ill. Examples of both kinds of delegation are set forth below.

Link: [An Overview of Advance Directives](#)

### **Living Wills**

There may come a time when a person is not able to make important life and death decisions about their own health care. This could include when a person is in a persistent vegetative state or is terminally ill and near death. Therefore Wisconsin law permits a person to direct, in advance of such conditions, what life-sustaining procedures should be used, if any, under those circumstances. This is done by properly executing a Living Will.

Link: [Do-it-Yourself Consumer Packet: Living Will](#)

Link: [Living Will State Form](#)

### **Power of Attorney for Finances**

A Power of Attorney (POA) for Finances is a voluntary document used to give someone else the authority to manage all of an individual's finances and to make all legal decision about their money. It only gives authority for financial decisions (not health care or other decisions). A POA can be completed in advance of a need or can stipulate when it is to be enforced and can be terminated if it is no longer needed. Be aware that exercise of [a POA is not supervised by a court.](#)

Link: [Do-it-Yourself Consumer Packet: POA for Finance](#)

Link: [POA for Finance State Form](#)

### **Power of Attorney for Health Care**

A power of attorney for health care is a voluntary document one creates whereby another person is delegated future decision making authority for health care if and when the maker becomes incapacitated to make such decisions on their own. This is a broader ranging delegation of power than a living will. This arrangement is [not supervised by a court.](#)

Link: [Authority to Consent to Admission of Individual to Nursing Home](#)

Link: [Do-It-Yourself Consumer Packet: POA for Health Care](#)

Link: [Power of Attorney for Health Care State Form](#)

## Supported Decision Making

Supported Decision-Making is a recognized alternative to guardianship through which older adults and people with disabilities use friends, family members, and professionals to help them understand the situation and choices they face, so they may make their own decisions without the need for a guardian.

Supported decision-making is not unlike what anyone else uses to make decisions in their own lives. Most of us seek expert or trusted advice on decisions we don't feel comfortable making on our own.

Supported Decision- Making can assist older adults and people with disabilities to have more control over their lives and be more self-determined. People who experience more self-determination may also experience improved quality of life.

Link: [Family Voices of Wisconsin: Assisted Decision Making: What Parents of Transition Youth Need to Know](#)

## Conservatorship

A conservatorship is a voluntary arrangement whereby one person gives another person power to manage their money and property. There is no requirement of a showing of incompetency. Unlike a Power of Attorney for Finances, a conservatorship is set up with court approval and therefore is subject to court review. The person who voluntarily creates a conservatorship retains co-equal rights to make financial decision on their own. The person who created the conservatorship may also petition to terminate it .

Link: [Managing Your Finances Through Conservatorship](#)

## Resources Explaining Guardianship

A guardianship is a court approved arrangement for someone to make binding decisions for another person (the "ward") who has been determined to be incompetent. There are two general kinds of guardianship powers. A Guardian of the Person makes decisions regarding such things as the ward's health care and living arrangements, while a Guardian of the Estate makes decisions regarding the ward's finances including managing the ward's money and paying their bills. One person may be appointed by the court to serve as both the Guardian of the Estate and Guardian of the Person, although that is not required and separate individuals could be appointed. A Guardian must act in the best interest of the ward. Guardians have to report annually to the supervising court, and may be removed for cause.

Link: [Basics of Guardianship](#)

Link: [Managing Someone Else's Money: Help for Court Appointed Guardians](#)

