



The Guardian is a quarterly newsletter published by the Greater Wisconsin Agency on Aging Resources' (GWAAR) Wisconsin Guardianship Support Center (GSC).

The GSC provides information and assistance on issues related to guardianship, protective placement, advance directives, and more.

To contact the GSC:

Call:
(855) 409-9410

E-mail:
guardian@gwaar.org

Website:
<http://gwaar.org/guardianship-resources>

Subscriptions to *The Guardian* are free. To subscribe, fill out our newsletter contact form.

In This Issue:

Points of Interest.....2-4

- Healthy Meals, Healthy Minds Grant Program for Family Caregivers
- Wisconsin Owns Wellbeing Collaborative 2026 Regional Learning Exchanges
- 2026 Alzheimer's Association Wisconsin Advocacy Day
- Survival Coalition "Community Organizing to Maximize Power the Impact" Online Training Series
- Disability Advocacy Day of Action
- Wisconsin Caregivers: CARE U Workshop
- 2026 Falls Free Wisconsin Summit: Advancing Resilience

News.....5-13

- Next-of-Kin Decision-Making Legislation Update
- NCEA Issue Brief: Restorative Justice in Family Guardianships
- Medicare Plan Finder Directory Special Enrollment Period
- Legal Action of Wisconsin and Judicare Legal Aid Merge
- USPS Postmarking Notice
- Researching Long-term Care Facilities
- Coping with Caregiving
- Medicaid Work Requirements Coming Soon
- Social Security Cost of Living Adjustments for 2026
- Understanding Social Security Administration Notices
- Tax Assistance Programs

Helpline Highlights.....14

- Are the guardianship court forms available in any other language? What about other resources in other languages?
- Are there any citizenship requirements for guardianship?

Case Law.....15-19

- *La Crosse County v. M.A.* — standard for protective placement continuation
- *Ozaukee County v. J.D.A.* — sufficiency of evidence for guardianship and protective placement

Points of Interest



Healthy Meals, Healthy Minds Grant Program for Family Caregivers

The Respite Care Association of Wisconsin Healthy Meals, Healthy Minds Grant Program supports family caregivers by funding \$250 for services promoting mental health, wellness, and nutritious meals through meal kits. Applicants can reapply every 60 days/two months. To qualify, the primary or family caregiver must have a professional (such as an ADRC staff member, Tribal ADRS, or county case manager) complete the supporting documentation form to show that the care recipient meets one of the following conditions:

- **Applied for a Long-Term Care Waiver or similar program** but will not receive services or approval within 30 days.
- **Denied** Long-Term Care Waiver support or other respite programs.
- **Approved** for a Long-Term Care Waiver or respite program but has already used all available funds.
- **Receiving other support** but needs flexibility for services that current funding does not cover.
- **Did not apply** for a Long-Term Care Waiver because they are not eligible for other supports.

For more information, visit RCAW's [info page](#).

Wisconsin Owns Wellbeing Collaborative 2026 Regional Learning Exchanges

Locally based health and wellbeing organizations are invited to upcoming Regional Learning Exchanges hosted by the Wisconsin Owns Wellbeing (WOW) Collaborative. Events take place January-April 2026.

During each Regional Learning Exchange, participants will:

- Celebrate and learn from community collaborations already operating in the region
- Discuss priority issues, challenges, and opportunities in the region, connecting them to broader state and national trends
- Begin to develop strategies to grow or enhance collaboration at all stages of development
- Identify ways that statewide partners can better support and learn from local partners to make meaningful collaborative impact, regionally and statewide
- Build and strengthen relationships across organizations

Register today for the event that best matches your service area!

- Jan. 27, 2026: Market on River, Chippewa Falls
Registration: <https://bit.ly/4qkIN3P>
- Feb. 17, 2026: Lake of the Torches, Lac du Flambeau
Registration: <https://bit.ly/4sbmRda>
- Mar. 4, 2026: St. Norbert College, De Pere
Registration: <https://bit.ly/4aMP2cr>
- Mar. 19, 2026: Baraboo Arts, Baraboo
Registration: <https://bit.ly/4qslpAx>
- Apr. 15, 2026: Waukesha Area Technical College, Pewaukee
Registration: <https://bit.ly/3MHUyTH>

View the flyer: <https://gwaar.org/api/cms/viewFile/id/2008840>



Points of Interest



2026 Alzheimer's Association Wisconsin Advocacy Day

Tuesday, Feb. 3, 9:00 a.m. - 4:00 p.m.

Registration deadline: Friday, Jan. 23

Join Alzheimer's advocates from across Wisconsin to raise awareness and make sure that Alzheimer's and all related dementias remain a legislative priority in 2026 and beyond!

- Advocate for enhanced care and support services for individuals living with dementia and their caregivers.
- Use Your Voice to share your story, family experiences, and the issues facing your community with policymakers.
- Empower the 110,900 Wisconsinites living with Alzheimer's and the 205,000 individuals serving as their caregivers.

More information and event registration: <https://alz-wi.quorum.us/event/25900/>



Survival Coalition

of Wisconsin Disability Organizations

Survival Coalition – “Community Organizing to Maximize Power the Impact” Online Training Series

Jan. 28, Feb. 11, Feb. 25: 10:00 a.m. -1:00 p.m.

This 3-part, 9-hour training is free to members of the disability community in Wisconsin who want to explore the principles of collective action to impact issues important to the disability community. Whether it's cuts to Medicaid and SNAP, the lack of caregivers, quality education, or other issues important to the disability community, this training will give participants the connections and skills to have greater impact on public policy.

Sessions are 10 a.m. until 1 p.m. on the dates below and will not be recorded. Participation in ALL THREE sessions is strongly recommended by the organizers to improve effectiveness in community organizing. Registrants are encouraged to participate in groups because there will be opportunities for small group discussions.

This series will also serve as training to help attendees prepare for Disability Advocacy Day, which will be March 19 at Monona Terrace and the Capitol in Madison. (more information below)

Training Session Dates & Registration

- Session #1 (January 28): Learning the basics of power, control, and how to motivate others.



Points of Interest



- Session #2 (February 11): Identifying challenges and developing strategies for change.
- Session #3 (February 25): Forming cohesive groups and maximizing strengths for bigger impact

Questions about the trainings: Contact Jeremy Gundlach at jeremy.gundlach@wisconsin.gov.

Training registration: <https://bit.ly/CommunityOrganizing2026>

View the training flyer: <https://gwaar.org/api/cms/viewFile/id/2008874>

Disability Advocacy Day of Action!

Thursday, March 19, 10:00 a.m. – 3:00 p.m.

Registration opens Feb. 1

Starting at Monona Terrace, One John Nolen Drive, Madison, WI (and State Capitol)

Disability Day of Action is back in person! The event is focused on connecting Disability Advocates with their legislators to talk about issues that matter to them. Attendees are expected to participate in the morning briefing and visit their legislators in the afternoon.

Save the date Disability Advocacy Day of Action flyer: <https://bit.ly/3ZjUKLE>

Wisconsin Caregivers: You're invited! CARE U Workshop, Feb. 26, Green Bay

The CARE U Workshop offers supportive, practical education to help caregivers navigate challenges like stress, communication, and day-to-day caregiving needs. A great opportunity to learn, connect, and feel more supported.

Please see the flyer for the QR code or additional information using this link: <https://gwaar.org/api/cms/viewFile/id/2008879>

More information: <https://bit.ly/3LVvDM7>

2026 Falls Free Wisconsin Summit: Advancing Resilience – April 21 & 23, 2026

Registration is now open for Falls Free Wisconsin Coalition's 2026 Summit on the theme of Advancing Resilience. This event is virtual and will take place over two half days and is designed to inform, inspire, and advance falls prevention efforts statewide. More information, including a detailed agenda, will be released as it gets closer. <https://us06web.zoom.us/meeting/register/WlKeKFwoRZ2MJ7BBdms3Ww#/registration>. ☐





Next-of-Kin Decision-Making Legislation Update

In October, Wisconsin legislators introduced a bill to expand next-of-kin decision-making for post-inpatient facility admissions for rehab or long-term care. In the Assembly, the bill is numbered [AB 598](#); in the Senate it is [SB 578](#). The bill has passed through committee votes in both the Assembly and Senate and may be scheduled for a full vote soon.

The bill would authorize a “patient representative” (a family member or close friend) to authorize admission of an incapacitated patient to post-inpatient care facilities without filing for guardianship or protective placement. During the patient’s post-inpatient admission, the patient representative would have the same authority to make medical decisions as a guardian of person and the same authority to authorize expenditures as a guardian of estate. The bill would require the hospital to notify the register in probate and Adult/Elder Protective Services in patient’s county of residence.

An amendment introduced on January 16th notes that the Adult/Elder Protective Services agency would have no obligation to take any action on the notification.

The bill is similar to [2023 Assembly Bill 1088](#), which was introduced in February 2024 and ultimately failed to reach a vote in the state Senate.

Note: while the GSC is non-lobbying, GWAAR has registered against the bill and testified against it at the Senate Health Committee hearing. The GSC testified for information purposes at the Assembly Health, Aging and Long-Term Care Committee hearing. All submitted Senate testimony is available [here](#) and Assembly testimony is available [here](#).

NCEA Issue Brief: Restorative Justice in Family Guardianships

The NCEA is pleased to share a new issue brief, “[How Can Restorative Justice Help in Family Guardianships?](#)” Guardianship is an adversarial process. Because guardianship is such an extreme step, it can fragment—or further fragment—families, aggravating conflict rather than resolving it.

This [brief](#) explores how restorative justice, a holistic, person-centered, and solutions-oriented form of justice that promotes accountability, reparation, and resolution between parties and among the larger community, may offer an alternative framework that would better repair harm and restore relationships.

Medicare Plan Finder Provider Directory Special Enrollment Period

New in 2026, the Medicare Plan Finder tool now includes a provider directory for beneficiaries to verify their doctors or other healthcare providers are in network for Medicare Advantage plans.

The Center for Medicare and Medicaid Services (CMS), in response to potential errors that may exist within the Medicare Plan Finder's provider directory tool, has granted a temporary special enrollment period for beneficiaries who enrolled using this tool and later discovered that their provider is not in their Advantage plan's network ([HPMS Memo](#)).

To be eligible for this special enrollment period, beneficiaries must:

- Have enrolled in their current Advantage plan with a start (effective) date between 1/1/2026 and 12/1/2026,
- Used the Plan Finder tool on Medicare.gov to

(Continued on page 6)





enroll in their Advantage plan, and

- Be within 3 months of their plan's start (effective) date.

To use this special enrollment period, beneficiaries must contact 1-800-MEDICARE (633-4227) and speak with a customer service representative. When utilizing this special enrollment period, beneficiaries can change Medicare Advantage plans, return to Original Medicare, or return to Original Medicare and enroll in a Medicare Part D plan.

For further questions or assistance about Medicare-related health insurance coverage in Wisconsin, contact the Medigap Helpline at 1-800-242-1060 to speak with a counselor.

Press Release: Legal Action of Wisconsin and Judicare Legal Aid Merge, Creating Wisconsin's Largest Statewide Civil Legal Aid Firm

(MILWAUKEE, WI — January 2, 2026) [Legal Action of Wisconsin](#) and Judicare Legal Aid announced today that the two long-standing nonprofit law firms have officially merged, uniting their staff, programs, and resources to form a single, statewide legal aid organization dedicated to providing exceptional civil legal services and structural change advocacy, free of cost, to those most in need across Wisconsin.

Effective January 1, the merger brings together decades of experience serving clients in housing law, family law, public benefits, consumer protection, legal barriers to employment, reentry, veterans' benefits, elder rights, victim rights, Tribal courts, and other critical areas of civil and administrative law. By joining forces, the new, merged firm —operating under the name Legal

Action of Wisconsin—will expand statewide reach, streamline access to services, and strengthen its capacity to respond to urgent and emerging legal needs.

"This merger allows us to better meet the needs of clients, no matter where in Wisconsin they live," said [Deedee Peterson](#), Legal Action's Chief Executive Officer. "Together, we are building a stronger, more coordinated equal justice safety net."

Legal Action of Wisconsin and Judicare Legal Aid have collaborated for many years on many initiatives and impact litigation and advocacy. The merger formalizes and builds upon that collaboration.

"In many ways, this is a natural next step," said Peterson. "Merging allows us to bring our strengths together in a way that is more strategic, more efficient, and more responsive to the communities we serve."

"Legal problems don't stop at county lines—and now neither do we," said Attorney [Danielle White](#), President of the Legal Action Board of Directors. "One statewide entry point for people seeking the services we provide strengthens our ability to ensure low-income people can get the legal help they need when they need it."

The new, merged firm will operate under the existing name and brand of Legal Action of Wisconsin. The work and legacy of Judicare Legal Aid will continue within the new structure, informed by the region's deep community relationships.

"The vital work that made Judicare a pillar in the Northwoods will continue," said Attorney [Beth Ann Richlen](#), former Executive Director of Judicare Legal

(Continued on page 7)





Aid and now Chief Strategy Officer at Legal Action. “Our history, our relationships, and our commitment to northern Wisconsin and tribal communities statewide will enhance Legal Action’s work just as their statewide reach and expertise will expand and enrich services in the Northwoods. This truly is a merger of strengths.”

USPS Postmarking Notice

By the GWAAR Legal Services Team (for reprint)

In August of 2025, the United States Postal Service proposed a rule defining what a postmark is and clarifying the circumstances under which they are applied. The rule also intends to serve as a change to mailing standards that postmarks do not necessarily align with the exact date that the Postal Service first accepted possession of a mailing.

A postmark on a mail piece confirms that the Postal Service had possession of that mail piece on that date but does not necessarily indicate the first day that the Postal Service had possession of the mail piece. Typically, this would only be a discrepancy of one day but depending on when the item was dropped off or picked up, it could be three or more days. This is because the postmarks are applied at the regional processing centers, not at each individual office.

This is especially impactful in a state like Wisconsin, where the only regional processing facility is in Milwaukee – the southeast corner of the state. In 2014, the USPS closed the regional processing facility in Madison, so now mail for the majority of the state must travel there before being postmarked.

Due to these changes, consumers should be aware of this before mailing anything time-sensitive that

requires proof of mailing such as tax returns, appeals, or any other kind of official documents. Customers can go into their local post office and request a postmark on any item that will be marked locally on that day. Additionally, customers can purchase a certificate of mailing or may send the item via registered or certified mail.

For more information, see the USPS Official Statement: <https://about.usps.com/newsroom/statements/082625-federal-register-notice-of-additional-postmarking-information.htm>

Researching Long-term Care Facilities

By the GWAAR Legal Services Team (for reprint)

Thinking about having to leave your home or find a suitable place to trust with the care of a spouse or other loved one can be daunting. It is easy to want to avoid the issue until it’s a pressing matter, when it can be too late to do your research and try to find the best fit. Here are some tips for researching potential facilities, and questions to think about when visiting.

- Keep in mind that you may be getting a tour from or meeting with a marketing person, whose job is to sell the facility to you. They may not know specifics regarding health care and finances. Ask to speak to someone with that knowledge before making any decisions.
- Is the facility publicly or privately owned? Changes in ownership can cause changes in practices at the facility. You can’t assume that the way something is at the time you are considering a facility is the way it will remain for the duration of your/your loved one’s stay.

(Continued on page 8)





- Your/your loved one's needs may change over time. A Community-Based Residential Facility (CBRF) may initially be appropriate, but if medical issues develop or progress, a Skilled Nursing Facility may be needed. Think about how you would transition if need be and ask the facility how they would handle increasing care needs.
- Ask the facility how they deal with conflict. What situations might cause them to ask someone to leave? What would that procedure look like? Would you get a refund of any funds paid in advance that weren't used?
- Don't rely on verbal assurances. Make sure to get things in writing that you are relying on when choosing a facility.
- Make use of Wisconsin's circuit court access tool (CCAP) <https://wcca.wicourts.gov>. Wisconsin Circuit Court Access allows you to search for a person or business to see legal proceedings. It's helpful to know if there are small claims, larger lawsuits, or bankruptcies involving a facility you're interested in. These may be red flags. Note that this issue can be complicated – the facility name may not bring up anything because it is owned by a larger entity. Inquire about the ownership structure of the facility to better assist your research.
- Consult a financial planner and/or estate attorney if you have questions about your private funds interacting with Medicaid. Don't rely on advice from long-term care facility staff regarding spending your personal money vs. using government

funding.

- For additional information and resources, visit How To Choose a Nursing Home or Other Long-Term Care Facility | National Institute on Aging: <https://www.nia.nih.gov/health/assisted-living-and-nursing-homes/how-choose-nursing-home-or-other-long-term-care-facility>.

Coping with Caregiving

By the GWAAR Legal Services Team (for reprint)

If you're one of the more than 1 million caregivers in Wisconsin providing support to a loved one, you know the challenges that exist. Caregiver stress can put your own health at risk, jeopardizing both you and your family members. Your ADRC can help provide information and resources to manage caregiving and perhaps reduce some of the responsibilities you have.

Caring for someone with Alzheimer's or another form of dementia can be especially trying. The emotional ups and downs associated with moments of clarity and confusion take a toll. You can take a caregiver stress check at <https://www.alz.org/help-support/caregiving/caregiver-health/caregiver-stress> to see what your stress level is. Some tips from Alzheimer's Association include accepting changes as they occur, keeping current with your doctor's appointments, being realistic about what you can manage, and making legal and financial plans.

Another form of caregiving increasing in frequency is grandfamilies, where a grandparent is the primary caregiver of a grandchild. In Wisconsin, more than 20,000 grandparents are responsible for their grandchildren. This provides its own set of

(Continued on page 9)





challenges, from income and nutrition to health care and education. Legal issues also come into play, such as whether someone will be adopting, setting up a guardianship, fostering, or pursuing some other form of custodial agreement for caring for the grandchild.

Medicaid Work Requirements Coming Soon

By the GWAAR Legal Services Team (for reprint)

The 2025 budget reconciliation law, called the “One Big Beautiful Bill” or “H.R. 1,” signed by President Trump on July 4, 2025, will make several changes to Wisconsin’s Medicaid programs. One change will require BadgerCare Plus members between the ages of 19 and 64 to meet work requirements beginning January 1, 2027 unless they are exempt. The Wisconsin Department of Health Services (DHS) will send notices in fall 2026 to all childless adults who will have to meet this requirement.

BadgerCare Plus members who are required to meet the work requirement must prove that they are doing 80 hours of work, or another approved activity, each month. Other activities that meet the work requirement include volunteering or being enrolled in at least a part-time education or job-training program. People whose monthly income is at least equal to the minimum wage multiplied by 80 hours and seasonal workers whose average monthly income over the past six months is at least the minimum wage multiplied by 80 hours will also meet the work requirement. Wisconsin’s minimum wage is \$7.25 per hour.

People who do not meet these requirements will receive a notice telling them that they have 30 days to prove they are working, volunteering, or enrolled in an education or job training program. If they cannot prove this, they will be disenrolled from

BadgerCare Plus. New applicants who do not meet these requirements will have their applications denied.

Some people will be exempt from the work requirement. These people include:

- Parents, guardians, or caretakers of dependent children under age 13 or disabled individuals;
- Individuals who are pregnant;
- Former foster care youth under age 26;
- Individuals who are medically frail;
- Individuals participating in a substance use disorder treatment program;
- Individuals who meet FoodShare work requirements;
- Native American tribal members;
- Disabled veterans; and
- Individuals who are incarcerated or who were released from incarceration within the last 90 days.

The federal government is expected to release more guidance by June 2026. For the latest news from the Wisconsin Department of Health Services about upcoming Medicaid changes, please see: <https://www.dhs.wisconsin.gov/forwardhealth/partners/federal-changes.htm>.

Social Security Cost of Living Adjustments for 2026

By the GWAAR Legal Services Team (for reprint)

The Social Security Administration (SSA) has announced a cost-of-living adjustment (COLA) of 2.8% for 2026. This means, beginning with your January 2026 Social Security Retirement, Disability, and/or Supplemental Security Income (SSI) payment (paid in February), you will see an increase of 2.8%. Other important changes for 2026 are as follows,

(Continued on page 10)





along with a brief explanation of what these numbers mean for you.

Taxable Earnings and Maximum Benefit

The maximum taxable earnings for Social Security increased from \$176,100 in 2025 to \$184,500 in 2026. When you have earnings through most employers, your employer pays a Social Security tax of 6.2% and you pay 6.2%. If you are self-employed, you pay both portions of the tax, so 12.4%. In 2026, any earnings you have up to \$184,500 will be subject to this tax.

However, there is no limit for the Medicare tax, so all earnings will be subject to Medicare tax of 1.45% paid by you and 1.45% paid by your employer. Or if you are self-employed, you will pay the entire 2.9% Medicare tax on all earnings. To qualify for premium-free Medicare Part A, you need 40 quarters of coverage. To earn a quarter of coverage, you need to earn over a certain amount in a quarter, but you cannot earn more than four quarters in one year, regardless of how much you earn. That threshold to earn a quarter of coverage for Medicare increased from \$1,810 per quarter in 2025 to \$1,890 per quarter in 2026.

Also note that the maximum federal Social Security benefit for someone who retires at full retirement age has increased from \$4,018 per month in 2025 to \$4,152 per month in 2026.

Early Retirement Work Reduction

If you collect Social Security Retirement before you reach your full retirement age, your benefit will have a lifetime reduction. This reduction factor has not changed and typically does not change from year to year. However, if you collect Social Security

Retirement early and continue to work, you may be subject to a reduction of your benefit if you earn over a certain amount. In 2025, that amount was \$23,400 per year or \$1,950 per month and in 2026 that amount has increased to \$24,480 per year or \$2,040 per month. One dollar for every two dollars you go over the limit will be withheld from your benefit. Essentially, this means that your benefit will be reduced by half of the amount that you go over this threshold. For example, if you go over by \$10,000, your Social Security benefit will be reduced by \$5,000.

This early retirement reduction is a little different if you are in the calendar year in which you reach your full retirement age, and it only applies for the months before the month you reach full retirement age. For example, if you reach full retirement age in June of 2026, the early retirement benefit reduction will only apply from January through May. Additionally, the earnings limit is much higher in the year you reach full retirement age, and the reduction is one dollar for every three dollars over the limit (one third instead of one half). In 2025 the earnings limit the year you reach full retirement age was \$62,160 per year or \$5,180 per month, and in 2026, that limit has increased to \$65,160 per year and \$5,430 per month.

Social Security Disability Thresholds

To be eligible for Social Security Disability Insurance (SSDI) benefits, you must be unable to engage in substantial gainful activity (SGA). If you are earning more than a certain monthly amount (less any impairment related work expenses or employer subsidies), you will be considered to be engaged in SGA and will therefore be ineligible for SSDI unless you are in your trial work period. This SGA amount for non-blind individuals in 2025 was \$1,620 per

(Continued on page 11)





month and has increased to \$ 1,690 per month in 2026. For blind individuals in 2025, the SGA amount was \$ 2,700 per month and has increased to \$ 2,830 per month in 2026.

If you are on SSDI, you have the option to try to go back to work without losing your benefits. This is called a trial work period. The trial work period is nine months that can be consecutive or non-consecutive where you can earn money through employment without any limit. The earnings threshold that triggers a month to count as a trial work period month is less than the SGA amount. This threshold is also the same for blind and non-blind individuals. In 2025, that threshold was \$1,160 per month and in 2026 has increased to \$1,210 per month.

Supplemental Security Income (SSI)

Supplemental Security Income (SSI) is a needs-based cash benefit for individuals who have been determined disabled and/or who are over age 65 and have low resources and income. There is a resource limit to be eligible for SSI. Some resources are exempt, such as the home you live in or the vehicle you use as your primary mode of transportation. Any resources that are not exempt are your countable resources. The countable resource limit is \$2,000 for an individual and \$3,000 for a couple. This amount typically does not change from year to year and has been the same for many years.

There is also a countable income limit to qualify for SSI benefits. This amount does change from year to year and was \$967 per month for an individual and \$1,450 per month for a couple in 2025. In 2026, this amount has increased to \$994 per month for an individual and \$1,491 per month for a couple. In

addition to being the countable income limit, this is also the maximum benefit payment amount for SSI. Note that some income is exempt and earned income and unearned income are counted differently to determine a person's countable income for SSI eligibility and benefit amount.

The State of Wisconsin also pays any SSI-eligible individual an additional supplement of \$83.78 per month for an individual or \$132.05 per month for a couple. This payment amount is the same regardless of the amount of the individual or couple's federal SSI payment amount. Additionally, this amount does not change from year to year and has been the same for decades.

For more information, visit: <https://www.ssa.gov/cola/> or see the SSA 2026 COLA Fact Sheet at: <https://www.ssa.gov/news/en/cola/factsheets/2026.html>

Understanding Social Security Administration Notices

By the GWAAR Legal Services Team (for reprint)

If you receive Social Security Administration (SSA) benefits you understand how many notices are sent and how confusing they can be. Trying to understand SSA notices can be frustrating. Here is a general guide illustrating the types of notices that SSA sends and why they send them. If you have specific questions about your notice, you should contact your local SSA field office by visiting <https://www.ssa.gov/locator/>, or reach out to your local Aging and Disability Resource Center (ADRC) by visiting <https://www.dhs.wisconsin.gov/adrc/contacts.htm>.

(Continued on page 12)





Notice Content

Let's look at the basic construction of an SSA notice. There is a heading identifying the SSA program you are being contacted about. For example, it may say "Supplemental Security Income" or "Retirement, Survivors and Disability Insurance." Then, the notice will state the reason for contacting you or the purpose of the letter. It will inform you of any decision SSA has made and why they made that decision. It can include information about your benefit status, payment amount, and when the payment will be paid. Any actions that you should take will be included. The notice will also explain what your next steps should be if you disagree with the information in the notice. They will also include how to contact SSA if you have questions or how to submit the information they are requesting. The specific content of the notice is tied to the benefit/s you receive and the purpose of the notice.

Why Does SSA Send Notices

Notices from SSA are sent to notify you of changes to your benefits or eligibility. This means SSA will notify you if your benefits are increasing or decreasing, ending or beginning, or if you have been overpaid. Notices are sent when you appeal or waive an SSA decision. A notice may be sent to inform you of your rights and responsibilities pertaining to your eligibility in a benefit program. If you receive a notice from SSA you should not ignore it. SSA is contacting you to tell you important information about your benefits and you should read them as soon as you can to avoid interruption of your benefits.

What To Do When You Get a Notice

- 1) Read the notice carefully
- 2) Identify the program they are referring to
 - a. Usually in the heading found at the top of the notice.
- 3) Determine the purpose of the notice
 - a. Are they contacting you to get more information?
 - b. Are they informing you of a change to your benefit amount or eligibility?
 - c. Are they informing you of a decision of an appeal or waiver?
- 4) Identify your rights
 - a. Do you have a right to appeal the decision or determination?
 - b. Do you have a right to submit more information before a decision is made?
- 5) Identify your responsibilities
 - a. Are you required to submit more information, like pay stubs or bank statements?
- 6) Identify deadlines
 - a. Is there a deadline for submitting an appeal?
 - b. Is there a deadline for submitting more information?

Understanding SSA notices can help you avoid interruptions to your benefits. If you receive a notice from SSA you should open it immediately because it will contain deadlines for appeals, waivers, or submission of additional information. Remember if you don't understand what your notice is about or you have questions reach out to SSA directly or contact your local ADRC for help.

(Continued on page 13)





Tax Assistance Programs

By the GWAAR Legal Services Team (for reprint)

The filing deadline to submit 2025 tax returns or an extension is Wednesday, April 15th, 2026. There are programs available throughout the state to help low to moderate income individuals and families with tax preparation. Volunteer Income Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) are two such programs.

The VITA program is a cooperative effort by the Internal Revenue Service (IRS) and individual states, including Wisconsin, and the TCE program is supported by the American Association of Retired Persons (AARP) Foundation. Both programs offer volunteers trained by the IRS and the Wisconsin Department of Revenue (DOR) who help prepare basic income tax returns for free. Most VITA and TCE sites offer free electronic filing.

VITA and TCE sites can help low-to-moderate income individuals, older adults, individuals with disabilities, and individuals who qualify for the homestead credit or the earned income credit. VITA sites may also be able to help non-English speaking individuals and military personnel.

You will need to bring to the appointment photo identification, social security cards for you, your spouse and your dependents, all wage and tax statements, including Forms W-2, W-2G, 1099-R, SSA-1099, interest and dividend statements, and any other tax documents you receive. If you plan to claim homestead credit, you will also need to bring a copy of property tax bill or rent certificate signed by your landlord, a record of any Wisconsin Works (W-2) payments, a record of SSI payments from the Social Security Administration and the Wisconsin Department of Health Services, any proof of earned income if both you and your spouse are under age

62 and not disabled, and proof of disability (if under age 62).

VITA/TCE sites can help prepare

- 1040
- 1040X
- WI Form 1
- WI homestead credit

VITA/TCE sites cannot help prepare

- Schedule C (Profit or Loss from a Business)
- Schedule D (Complicated and Advanced Schedules)
- Schedule E (Rental Income)
- Form SS-5 (Request for a Social Security Number)
- Form 2106 (Unreimbursed Employee Business Expenses)
- Form 3903 (Moving Expenses)
- Form 8606 (Nondeductible IRA)
- Form 8615 (Tax for Children Under 14 with Investment Income)

To find a VITA or TCE site near you, use one of the following methods.

VITA sites

- Call (800) 906-9887
- Visit irs.gov, keyword VITA
- Call "211" for a site near you
- Call (608) 266-2486

TCE sites

- Call (888) 227-7669
- Visit <https://www.aarp.org/money/taxes/aarp-taxaide/>
- Call "211" for a site near you.
- Call (608) 266-2486

For more information, visit: <https://www.revenue.wi.gov/Pages/VITA/home.aspx>. ☐



Helpline Highlights



Are the guardianship court forms available in any other language? What about other resources in other languages?

Yes! Nine [court forms](#) are now available in Spanish, including the petition for guardianship, hearing notice, Statement of Acts and training confirmation forms, Letters of Guardianship for both permanent and temporary guardianship, the determination and order on guardianship, and the annual report/annual accounting.

In addition, the mandatory guardian training program through UW-Green Bay is available in both English and Spanish.

The GSC has also had a number of documents translated into Spanish over the past year, including our [Do-It-Yourself Consumer Packet for the Health Care Power of Attorney](#), our brochures and checklists for guardians, and our [transition guide for parents of adolescents with severe disabilities](#). All are available through the [GSC website](#) and may be distributed as needed.

Are there any citizenship requirements for guardianship?

No. Neither the proposed ward nor the proposed guardian is required to be a U.S. citizen or have any specific immigration status. Citizenship or immigration status may affect eligibility for public benefits, including SSI, Medicaid, and waiver programs such as Family Care or IRIS.

What is the Guardianship Support Center able to help with?

The GSC is a neutral statewide informational helpline for anyone throughout the state. We can provide information on topics such as Powers of Attorney, Guardianship, and Protective Placement. The GSC is unable to provide information on minor guardianships, wills, trusts, property division, or family law. The GSC is also unable to give legal advice or specific direction on completing court forms such as the inventory and annual accounting. The GSC does not have direct involvement in cases and is not able to provide legal representation.

What are some other free or low-cost legal resources?

Other resources include the American Bar Association's Free Legal Answers [website](#) where members of the public can ask volunteer attorneys legal questions. The State Bar of Wisconsin also offers a Modest Means Program for people with lower income levels. The legal services are not free but are offered at a reduced rate. Income qualifications must be met. For more information, visit the State Bar's [website](#) or call **800-362-9082**.

Interested in Receiving *The Guardian*?

Do you want more information about guardianship, POAs, and related issues? Signing up is easy with a link on our website: [Guardian Newsletter Sign-Up](#). You can also subscribe by emailing guardian@gwaar.org.





Title: *La Crosse County v. M.A.*

Court: Court of Appeals, District IV

Date: October 30, 2025

Citation: [2025AP269](#)

Case Summary

M.A. has been under guardianship and protective placement orders since 2021. In 2024, M.A.'s guardian (his mother, S.A.A.) asked the court to find that M.A. needed a more restrictive placement. The court agreed. M.A. appealed, arguing that S.A.A. had not proven that he met the standard for continued protective placement at all. The Court of Appeals found in M.A.'s favor and reversed the decision of the circuit court.

Case Details

In 2021, S.A.A. filed petitions for guardianship and protective placement for her son, M.A., who has been diagnosed with paranoid schizophrenia. Both were granted. The protective placement was to M.A.'s private home, where he lived independently. In spring of 2024, S.A.A. filed two additional petitions: one to transfer additional powers to her as guardian, and one to request that M.A.'s placement be moved to a supervised setting such as an adult family home (AFH). The court scheduled these petitions to be heard along with M.A.'s annual review of his protective placement. Although La Crosse County's corporation counsel was present for the hearing, the county did not take a position on the continuation of the protective placement.

At the hearing, S.A.A. called Dr. Stephen Dal Cerro, a psychologist who had examined M.A., to testify. Dr.

Dal Cerro testified that when M.A. is experiencing active symptoms, he has impaired cognition, poor impulse control, and trouble thinking rationally. He is resistant to medications and has occasionally also had involuntary commitments with medication orders. Dal Cerro further testified that as a result of M.A.'s impairments, he doesn't take initiative to care for himself, he allows other people into his home, and has allowed other people to take over the finances he had available. Dal Cerro's report indicated that S.A.A. controls M.A.'s finances closely to prevent him from spending impulsively or giving away all his money. Finally, Dal Cerro also noted some past incidents of violence, a "low-speed police chase," and a motor vehicle accident in 2014. Dal Cerro opined that the most appropriate setting would be an adult family home or similar setting with 24-hour monitoring and supervision.

M.A. called Dr. James Black, a psychologist retained by the county, to testify on his behalf. Dr. Black testified that in his opinion, M.A. primarily needs an involuntary commitment with a medication order to ensure compliance, and that M.A. could stay in his own home with services, including his mother helping provide meals as she had historically done. He noted that M.A. had lived independently for some time, and while the standard of living might not be what others would consider to be acceptable, M.A. is able to meet his basic activities of daily living. He concluded that M.A. does not need other people to assist in his care, that his condition had improved while taking medication, and that his current environment does not put him at substantial risk of harm.





(*La Crosse Cty v. M.A. cont. from pg 15*)

The circuit court ordered a continuation of the protective placement order with placement in a monitored setting such as a community-based residential facility or group home. The order also permitted him to be moved to a less restrictive setting “at the discretion of his treatment team.” The circuit court also ordered involuntary medication as a protective services order. M.A. subsequently appealed the protective placement order. He did not appeal the medication order.

In order to continue a protective placement, the court must find that the person continues to meet the same four criteria necessary for a protective placement: 1) the person has a primary need for residential care and custody; 2) the person has been determined to be incompetent by a circuit court; 3) as a result of the individual’s impairments, he is so totally incapable of providing for his own care and custody as to create a substantial risk of harm; and 4) he has a disability this is permanent or likely to be permanent.

In his appeal, M.A. did not dispute that he has been determined incompetent or that his disability is permanent. Instead, he argued that the evidence did not show that he has a primary need for residential care and custody or that he is so totally incapable of providing for his own care that he posed a significant risk of substantial harm to himself or others. The Court of Appeals agreed.

For the first disputed standard, the Court noted that past courts have defined “residential care and custody” to mean a “primary need to have daily needs

provided for in a residential setting and to have someone else exercising control and supervision in that residential setting for the purpose of protecting the person from abuse, financial exploitation, neglect, and self-neglect.” *Jackson Cty. DHHS v. Susan H.*, 2010 WI App 82, ¶16, 326 Wis. 2d 246, 785 N.W.2d 677. “A need for treatment does not constitute a ‘primary need for residential care and custody.’” *Id.*, ¶11. In determining whether the individual has a primary need for residential care and custody, “the [circuit] court must consider the availability of treatment or protective services, and order protective placement only if it is the least restrictive alternative.” *Zander v. County of Eau Claire*, 87 Wis. 2d 503, 514, 275 N.W.2d 143 (Ct. App. 1979).

In this case, the Court found that Dal Cerro’s testimony was insufficient to show that M.A. met this standard. While Dal Cerro testified that M.A. had a “fundamental inability” to care for himself, his testimony did not include any details about any particular needs M.A. has that were going unmet such that he was suffering neglect or self-neglect and needed the control and supervision of another. While he expressed concern that M.A. could be at risk of financial exploitation, there was insufficient evidence in the record to indicate that he had a need for someone to exercise more control over him than he already had, since S.A.A. exercises tight control over his finances as his guardian.

For the second disputed standard, the Court noted that S.A.A. must show that M.A. is so totally incapable of providing for his own care as to create a substantial risk of serious harm to himself or others.





(*La Crosse Cty v. M.A. cont. from pg 15*)

The Court noted that speculation as to possible risk is insufficient; specific harm must be foreseeable and serious; minor accidents, injuries, and illness are not sufficient. *See Zander*, 87 Wis. 2d at 514-15.

The Court again found that the evidence was insufficient to show that M.A. met this standard. It observed that Dal Cerro had never been asked this specific question. Instead, he was asked whether M.A. would pose a risk if he were not involuntarily medicated. He noted a handful of incidents that demonstrated a risk of harm; however, several had taken place at unspecified times and at least one had been more than a decade earlier. Further, the Court found that whether M.A. was at risk of harm if unmedicated was not the same as whether he was at risk of harm if permitted to stay in his own home.

Finally, the Court noted that even without a protective placement, M.A. remains subject to guardianship (by a guardian who “closely controls” his funds) and an order for involuntary medications, neither of which were appealed. Given these supports, the Court held that the record did not sufficiently support a determination that M.A.’s condition presents a “substantial risk of serious harm” to himself or others warranting a protective placement.

GSC Note: In its opinion, the Court of Appeals noted that both M.A.’s guardian *ad litem* and the county had filed letters indicating that they did not intend to file briefs in the appeal. The county noted that it had not sought the modified order and that it took no opinion on the outcome. The opinion does not discuss whether the county completed a report for

the annual review or what recommendations that report may have made regarding M.A.’s ongoing need for placement.

Title: *Ozaukee Cty v JDA*

Court: Court of Appeals, District II

Date: October 29, 2025

Citation: [2024AP1044](#)

Case Summary

“Jackie” appealed three orders from January 2024: protective placement, involuntary medication, and guardianship. She argued that there was insufficient evidence to support the orders and that the court failed to make sufficient findings to support the orders. She also challenged the constitutionality of the involuntary medication statute on the ground that it allowed for involuntary medication without a finding that an individual is presently dangerous. The appeal of the involuntary medication order was dismissed as moot since it was discontinued in January 2025. The court affirmed the protective placement and guardianship orders, finding sufficient evidence and proper findings by the circuit court.

Case Details

Jackie has been under involuntary commitments with involuntary medication orders off and on since 2008, with a history of decompensation during periods in which she was not treated. In November 2023, Ozaukee County filed petitions for guardianship, protective placement, and involuntary psychotropic medication.





(Ozaukee Cty v. J.D.A. cont. from pg 17)

In January 2024, the circuit court held a hearing on the petitions. Dr. Marcus testified that based on his examination of Jackie and review of previous treatment records, he believed her mental illness impaired her ability to reason and her executive functioning to the point where she was at risk of harm without a guardian and protective placement. He explained that as a result of Jackie's persistent psychosis, she "does not believe she has a mental illness, believes she has been healed by God," and that these beliefs have affected her ability to use sound judgment and do things that are necessary for her health and safety. He pointed to specific incidents such as going out improperly clothed for the weather, attempting to light a stove with a lit paper towel, and running into traffic on a busy street.

Several of Jackie's treatment providers from Trempealeau County Health Center, where she was confined during her most recent commitment, also testified that she was resistant to treatment because of her ongoing belief that any improvement in her symptoms was attributable to God rather than to medications.

Jackie's former landlord also testified that he had given her notice that he would not renew her lease due to safety concerns. He noted that there had been a couple of incidents in which the gas was left on, creating an unsafe situation for Jackie and for other tenants.

The court found that the county had shown that Jackie met the standard for guardianship in that her mental illness rendered her unable to meet her essential needs for health and safety. It also found

that the safety concerns in Jackie's apartment and occasional refusal to take medications were sufficient to meet the standards for protective placement. Finally, the court found that Jackie's history of decompensation and unsafe behavior when untreated were sufficient to order involuntary medications as a protective service under Wis. Stat. § 55.14.

Jackie then appealed.

The Court of Appeals addressed the medication order first. Jackie argued that the standard used for the order was unconstitutional because it relied on an individual's history rather than a present showing of dangerousness. However, the circuit court had discontinued the order in January 2025, so the Court of Appeals dismissed this part of the appeal as moot.

With regard to the guardianship, Jackie argued that the county had failed to meet the elements required. Wis. Stat. § 54.10(3)(a) states that to find someone incompetent for purposes of guardianship of the person, the petitioner must show that the individual has an impairment that renders her unable to receive and evaluate information to the point where she is unable to meet her essential needs for health and safety. An individual is unable to "[m]eet the essential requirements for physical health or safety" if she cannot "perform those actions necessary to provide the health care, food, shelter, clothes, personal hygiene, and other care without which serious physical injury or illness will likely occur." Wis. Stat. § 54.01(19). For guardianship of the estate, the court must find that the individual's inability to receive and evaluate information means she





(*Washburn County v. L.R.Y. cont from pg 18*)

is unable to provide for her own support.

While Jackie conceded that she has an impairment, she also argued that the testimony presented was impermissibly vague, hearsay, or both, and that the evidence did not support the finding that her mental illness caused an inability to receive and evaluate information. The Court of Appeals disagreed and pointed to testimony from Dr. Marcus that Jackie was “dismissive of safety concerns...repeatedly stating that she has been healed by God,” and that she sometimes engaged in risky or unsafe behavior when untreated. With regard to her finances, the Court noted testimony that indicated that while Jackie had lived in an apartment prior to her most recent commitment in July 2023, she had depended on others to ensure her rent was paid and that she had received other financial support from her mother.

Jackie also argued that the circuit court had not made sufficient findings in its order because it misstated the language of Wis. Stat. 54.10(3)(a) when it stated that her mental illness impaired her ability to make decisions for “her way of living,” rather than “physical health and safety.” The Court of Appeals disagreed, noting that the Wisconsin Supreme Court has rejected the notion that circuit courts and litigants must use “magic words” for orders to be properly supported. *Marathon County v. D.K.*, 2020 WI 8, ¶54, 390 Wis. 2d 50, 937 N.W.2d 901. Instead, courts look to whether the court truly misstated the substance of the standard, or instead merely failed to recite it exactly. In this case, the Court of Appeals noted that the circuit court had gone on to refer-

ence specific safety incidents related to Jackie’s health and safety in its finding and concluded that this was sufficient to meet the statutory standard.

Finally, Jackie argued that the county had failed to meet its burden to prove that she needed protective placement. Protective placement requires the court to find four elements: 1) the person has a primary need for residential care and custody; 2) the person has been determined to be incompetent by a circuit court; 3) as a result of the individual’s impairments, she is so totally incapable of providing for her own care and custody as to create a substantial risk of harm; and 4) she has a disability this is permanent or likely to be permanent. In this case, Jackie argued that the county had not proven that she was so totally incapable of providing for her own care and custody as to create a substantial risk of harm.

The Court of Appeals again disagreed, pointing to the incidents of gas burners being left on, Jackie’s inability to dress appropriately for cold weather, and the incident of running into traffic. The Court found that these were not minor incidents and that they showed that Jackie is incapable of taking care of herself to such an extent that a substantial probability exists that she will seriously harm herself without protective placement. The Court thus upheld both the guardianship and protective placement orders, affirming the circuit court. ▣

