Greater Wisconsin Agency on Aging Resources, Inc.

The Guardian

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

GSC provides information and assistance on issues related to powers of attorney, guardianship, patient's representative, protective placement, and more:

http://gwaar.org/gsc

Email:

guardian@gwaar.org

Phone:

855-409-9410

Subscriptions to *The Guardian* are free, just fill out our

SIGN UP FORM.

Points of Interest 2

National Family Caregivers Month 2

Keep the Knocks Coming 2

Support for Dementia Care and Memory Screenings 2

Join GWAAR's Board of Directors 2

GWAAR Open Enrollment Toolkit 2

Upcoming Wisconsin Alzheimer's Institute Events (for health care professionals) 3

Social Connection Awareness Week 3

Wisconsin Institute for Healthy Aging Age Well Webinar 3

Wisconsin Alzheimer's Association Webinars 3

News 4

Voting in Wisconsin's November 2026 Elections 4

Home Improvement Loans and Grants are Available for Low-Income Rural Homeowners 4

November is Hospice and Palliative Care Awareness Month 5

How to Find a Lawyer in Wisconsin 6

Case Law 8

In re the Guardianship and Protective Placement of J.J. (2026) 8

Helpline Highlights 9





GWaar Greater Wisconsin Agency on Aging Resources, Inc.

GSC

Points of Interest

National Family Caregivers Month
November 2026

For ideas to embrace the "Care Connects Us" theme and celebrate National Family Caregivers month, check out the following resources:

- Caregiver Action Network at Celebrate National Family Caregivers Month
- Wisconsin Family Caregiver Support at https://wisconsincaregiver.org/
- References, Articles, Marketing Toolkit at Family Caregiver Marketing Toolkit
- Wisconsin Family and Caregiver Support Alliance Facebook page at https://www.facebook.com/WisconsinCaregiver

Keep the Knocks Coming
The Delivering More Than a Meal - Keep the Knocks Coming campaign has a new video documenting the value of home delivered meals: Watch Our Story (7 min. video).

Home Delivered Meals are changing lives every day by providing "nutritious food, wellness checks, and meaningful connections to older adults throughout our communities. For many participants, a friendly visit from a volunteer driver is just as important as the meal itself. Whether you are looking for support, hoping to give back, or interested in making a difference, there are many ways to get involved."



Support for Dementia Care and Memory Screenings
Various dates and locations by ADRC; also online/on-demand resources

Aging and Disability Resource Centers across the state provide free and confidential memory screenings that. can be helpful in identifying cognitive changes. Find your local ADRC, more information on Memory Screenings near you, and links to webinar recordings for people living with dementia and their caregivers at ADRC: Support for People with Dementia and their Caregivers.

Join GWAAR's Board of Directors
Would you like to play a role in shaping the direction of programs and services for older people in Wisconsin? GWAAR invites you to volunteer or share this opportunity with leaders who would be interested in joining the GWAAR Board of Directors. GWAAR is looking for thoughtful, civic-minded, energetic individuals to serve on its 11-member board. Candidates must live outside Dance and Milwaukee Counties and be able to devote time and energy to GWAAR's governance, including

- Serve at least one 3-year term on the Board
- Attend approximately 6 board meetings a year in Stevens Point, with virtual attendance possible
    - Board members can receive a $125 stipend for attendance plus mileage reimbursement.

GWAAR Board of Directors Application:
https://gwaar.org/api/cms/viewFile/id/2005629

GWAAR Open Enrollment Toolkit
Do you help people with Medicare enrollment and want more resources for the Fall 2026 Open Enrollment?

There is an online toolkit to help you help beneficiaries on the GWAAR Open Enrollment website. Medicare's Open Enrollment Period (OEP) provides a great opportunity for beneficiaries to check their current Medicare plan, compare it to others, and ensure they have appropriate coverage in the new year. Effective outreach can help spread the word about the OEP and the objective assistance you provide to help people find the right plan for their prescriptions, their needs and their budget.

Use Counseling Tips to improve and prepare for meeting with beneficiaries. Download OEP outreach materials and customize them with your local contact information. Once beneficiaries are through OEP, Plan Finder resources will help them finish setting up their Medicare account and selecting plans.

Upcoming Wisconsin Alzheimer's Institute Events (for health care professionals)

November 4, 2026

Wisconsin Alzheimer's Institute is offering a series of educational, no cost webinars for health care providers to gain practical skills to better recognize and address behavioral and psychological symptoms of dementia (BSPD). These webinars are targeted to professionals who care for people living with dementia. More information and registration access can be found on the Wisconsin Alzheimer's Institute's website.

December 2026

Additionally, the Wisconsin Alzheimer's Institute will also host Primary Care workshops on a variety of topics including (1) conducting a basic cognitive assessment, (2) interpreting results and engaging patients and families, and (3) coding, billing, and workflow implementation. These three workshops will be held on 12/1, 12/8, and 12/15. The workshops are intended to help primary care practitioners gain practical strategies to confidently assess and support older patients who present with cognitive concerns. More information and registration can be found on the Wisconsin Alzheimer's Institute's website.

Social Connection Awareness Week

November 8-14, 2026

During the 2026 Social Connection Awareness Week, learn more about public health impacts of loneliness, social isolation, and the critical importance of building strong community connections. This week aims to educate the public, challenge the stigma around loneliness, and encourage individuals and organizations to foster belonging. For more information on events and how to get involved visit connectwi.org - Wisconsin Coalition for Social Connection.

Wisconsin Institute for Healthy Aging Age Well Webinar

November 10, 2026

The Wisconsin Institute for Healthy Aging hosts a free monthly Age Well Series webinar that connects older adults, caregivers, and community members with experts on topics like brain health, physical activity, nutrition, and social connection. The November 10, 2026, session will focus on simple ways to build relationships and strengthen our communities in a webinar titled **Everyday Connections, Lasting Impact**. More information and registration access can be found on the WIHA Age Well website.

Wisconsin Alzheimer's Association Webinars

November 10, 2026

The Wisconsin Alzheimer's Association will also host a webinar titled Understanding Alzheimer's and Dementia. This webinar will explore the impact of Alzheimer's, the difference between Alzheimer's and dementia, stages and risk factors, current research, available treatment for symptoms, and Alzheimer's Association resources. More information and registration can be found on the Wisconsin Alzheimer's Association website.

News

Voting in Wisconsin's November 2026 Elections

By the GWAAR Legal Services Team (for reprint)

Wisconsin's general election is on November 3, 2026. Online registration is available up to 20 days before the election you wish to vote in. Otherwise, you can register in-person up to and including the day of the election. To register in-person, you must bring a driver's license or state-issued identification card AND a proof of residence document such as a utility bill with your name and address on it. More information on what qualifies as a proof of residence document is available here: https://elections.wi.gov/resources/voter-guides/proof-residence-por-vs-proof-identification-poi. Then, you only need your driver's license or state-issued identification card to get your ballot – either absentee or at your polling location.

You can register to vote, or if you are already registered, you can check your registration status here: https://myvote.wi.gov/en-us/. On this site, you may also request an absentee ballot, find out your polling location, see what is on your ballot, and more. If you do not have access to a computer or the internet, you can call or visit your city or municipal elections clerk for assistance.

If you need assistance to vote due to a disability, you have rights. First, all Wisconsin voters are eligible to request a mail-in absentee ballot for any reason. You may also indicate that you are indefinitely homebound or in an institution due to age, illness, or disability and receive mail-in ballots for every election going forward.

All polling places must have accessible voting equipment and must honor any request to vote curbside in your vehicle. If you need additional accommodations, you may request them from your municipal clerk. For more information on disability voting rights, visit: https://disabilityvote.org/.

Home Improvement Loans and Grants are Available for Low-Income Rural Homeowners

By the GWAAR Legal Services Team (for reprint)

USDA Rural Development (RD) provides low-income and senior rural homeowners the ability to apply for loans and grants to make health and safety improvements and/or to modernize their homes. The USDA offers these programs because it believes that helping individuals to stay in their homes and to maintain their homes in good repair strengthens families and helps them to build savings and wealth over time. This, in turn, helps to support and develop strong communities and local economies.

Here is what to know if you would like to apply for a USDA RD loan or grant:

Eligibility Criteria

To qualify for the programs, you must:

- Own and occupy the home
- Be unable to obtain affordable credit elsewhere
- Meet certain income threshold for your county
- Be at least age 18 and older for a loan or age 62 or older for a grant
- Live in a qualifying rural area. You can utilize the USDA Eligibility Site to enter your specific address to see if you qualify

Loan Information

- The maximum loan amount for which an owner can qualify is $40,000
- Loans must be used to repair, improve, or modernize homes or to remove health and safety hazards
- Loans have a term of 20 years
- Loan interest rate is fixed at 1%
- Full title service is required if the total outstanding balance on the loan exceeds $25,000

Grant Information

- The maximum lifetime grant amount is $10,000, except in presidentially declared disaster areas in which they have a $15,000 lifetime limit.
- Grants must be used to remove health and safety hazards
- Grants must be repaid if the property is sold in less than 3 years

Loans and grants can be combined for up to $50,000 in assistance. Applications for the program are accepted through your local Rural Development office year-round. Approval times depend on funding availability in your area. You can speak with a local USDA home loan specialist in your area for help with the application.

More information about the USDA RD loan and grant programs can be found on the USDA RD's website at https://www.rd.usda.gov/programs-services/single-family-housing-programs/single-family-housing-repair-loans-grants-35#overview.

Resources:

County income limits found at https://www.rd.usda.gov/media/file/download/504-program-summary-july-2026fm.pdf.

USDA Eligibility Site found at https://eligibility.sc.egov.usda.gov/eligibility/welcomeAction.do?pageAction=sfpd.

Rural Development local offices found at https://www.rd.usda.gov/contact-us/state-office-contacts.

WI Rural Development Site found at https://www.rd.usda.gov/wi.

More information can be found at https://www.rd.usda.gov/programs-services/single-family-housing-programs/single-family-housing-repair-loans-grants-35#overview.

November is Hospice and Palliative Care Awareness Month

By the GWAAR Legal Services Team (for reprint)

Every year, millions of Americans receive palliative care or hospice care. It's important to know the difference between the two types of care. Palliative care and hospice care both provide comfort. However, palliative care can be helpful at any stage of illness, while hospice care begins when treatment has stopped because it is clear that the patient will not survive the illness.

Palliative care is provided by specially-trained doctors, nurses, and other care providers, like nutritionists or social workers, who work with the rest of the patient's care team. Care is provided in hospitals, nursing homes, outpatient clinics, or in the patient's home. The goal of palliative care is to provide relief from the symptoms of a serious illness in order to improve quality of life for the patient. Palliative care can help with a range of issues, like pain, depression, anxiety, fatigue, loss of appetite, and difficulty sleeping. It can improve a patient's ability to tolerate uncomfortable treatment. Care can be provided at the same time as curative treatment and may begin at the time of diagnosis.

Hospice, on the other hand, is for patients who have decided not to continue receiving treatment for their terminal illness. Instead, hospice care provides comfort for the patient and support for the entire family. The patient may continue receiving medical care for conditions other than the terminal illness. Hospice care is typically offered only when the patient is not expected to live for more than six months. Care is not tied to a specific location – hospice services can be provided at the patient's home or in hospitals, nursing homes, or even a separate hospice center. The hospice care team includes doctors, nurses, social workers, spiritual advisors or members of the clergy, and trained volunteers. In addition, respite care is available if family caregivers need a break.

Patients with Medicare Part A can get hospice care benefits if they meet the following criteria:

- They get care from a Medicare-certified hospice
- Their attending physician (if they have one) and the hospice physician certify them as terminally ill with a medical prognosis of 6 months or less to live if the illness runs its normal course
- They sign an election statement to elect the hospice benefit and waive all rights to Medicare payments for the terminal illness and related conditions

After certification, the patient may elect the hospice benefit for:

- Two 90-day periods followed by an unlimited number of subsequent 60-day periods
- After the second 90-day period, the recertification associated with a hospice patient's third benefit period, and every subsequent recertification, must include documentation that a hospice physician or a hospice nurse practitioner had a face-to-face encounter with the patient

The patient may need to pay a copayment of no more than $5 for each prescription drug for pain relief and symptom control. In addition, the patient may need to pay 5% of the Medicare-approved amount for respite care.

If you have another type of health insurance, check with your insurance company to find out whether your insurance will cover any hospice services.

You can learn more about palliative care and hospice from the National Hospice and Palliative Care Organization at Home - National Hospice and Palliative Care Organization.



How to Find a Lawyer in Wisconsin

By the GWAAR Legal Services Team (for reprint)

Aging & Disability Resource Centers (ADRCs) and Aging Units are a wealth of information; these organizations can assist with most issues related to health insurance, Medicare, Medicaid, Social Security, and many other public benefits and housing issues.

- Phone: 844-WIS-ADRC (844-947-2372)
- Online: ADRC Look-up Tool (https://www.dhs.wisconsin.gov/adrc/find-resources.htm)

However, issues fall outside the areas in which a Benefit Specialist can assist. If this happens to you, you may be encouraged to seek assistance from an attorney who charges a fee (often called a "private attorney").

You can always ask friends, family, or co-workers for recommendations for a private attorney, or search online. If you still don't know where to start, here are a few places to consider:

Lawyer Referral Service (also called LRS) – A legal assistant will help you locate the best source of help, which may mean you need to hire an attorney. If so, the assistant will refer you to an attorney near you who is familiar with your legal situation. Attorneys with LRS agree to charge no more than $20 for the first consultation, up to one half-hour. In some cases, you will resolve your legal issue at the first meeting. If your problem requires work beyond the first half-hour, you will be charged the lawyer's regular fees.

- Phone: (800) 362-9082 or (608) 257-4666 (in Dane County and outside of Wisconsin).
- Online: LRIS Request

Wisconsin State Bar Modest Means Panel – The Modest Means Program of the State Bar of Wisconsin is designed to assist people whose income is too high to qualify for free legal services, but too low to pay a lawyer's standard rate. The Modest Means Program is run by the LRS (see above). Qualifying for services

through the Modest Means Program is based on your income level and area of legal need. To determine if you may qualify for the Modest Means Program, you can fill in and submit a questionnaire available on its website.

- Phone: 1-888-529-7599
- Online: https://www.wisbar.org/forPublic/INeedaLawyer/Pages/Modest-Means.aspx

Legal Action of Wisconsin – Legal Action serves all counties in Wisconsin since its merger with Judicare, effective January 1, 2026. Offices are located in Green Bay, La Crosse, Madison, Milwaukee, Oshkosh, Racine, and Wausau. This organization focuses on housing, employment, debt and taxes, public benefits, family law, and victim support. They also work with specific populations, including veterans, seniors, farmworkers, people who use drugs or are in recovery, students, and those near release or recently released from prison.

- Phone: 855-947-2529
- Online: http://www.legalaction.org/contact-us

Legal Action offers a program that is specific to elder financial and physical abuse. Contact this program if you are a victim of elder abuse, or know someone who is a victim.

- Phone: 855-947-2529.
- Online (email): elderabuse@legalaction.org

Wisconsin State Public Defender Program – This program is dedicated to providing attorneys for criminal cases. In most cases, applicants must meet financial guidelines in order to qualify for appointment of an attorney. Applicants may apply at the local office that serves the county in which the case will be heard. A staff member will assist the applicant by completing the financial eligibility form. The application process typically takes approximately 15 minutes, although in some cases the applicant may need to provide additional documentation in order to verify information.

You can locate your county's public defender office here:

- Phone: 608-266-0087
- Online: http://wispd.org/

National Academy of Elder Law Attorneys (NAELA) – This national organization focuses on elder law, which means planning for incapacity and long-term care, Medicaid and Medicare coverage (including coverage of nursing home and home care), health and long-term care insurance, and health care decision-making. It also includes drafting of special needs and other trusts, the selection of long-term care providers, home care and nursing home problem solving, retiree health and income benefits, retirement housing, and fiduciary services or representation. If you visit their website, you can click "Find a Lawyer" to locate an elder law attorney in your area.

- Online only: https://www.naela.org/

If you are unsure whether a Benefit Specialist can assist you or if you need a private attorney, you can always contact your ADRC or Aging Unit. Make sure that if you have a deadline, you reach out for help well before that deadline so you have plenty of time to find assistance.

***The Guardian* References and Reprints**

For the full-text web address of any of the website links, or for reprint-ready versions of news articles, please email guardian@gwaar.org and include "guardian newsletter" in the subject line. Note that information for the "Points of Interest" section is primarily repeated as published by the sponsoring organization.

Case Law

Title: In re the Guardianship and Protective Placement of J.J. (2026)

Court: Court of Appeals of Wisconsin

Date: February 10, 2026

Citation: 2024AP1850

Case Summary

This case involved an appeal from a circuit court ruling continuing a protective placement order for "Josie." Josie argued that the Circuit Court lacked the authority (or "competency") to order the continuation because the Milwaukee County Department on Aging (County) had failed to timely file its annual "Watts" placement review report under Wis. Stat. § 55.18(1)(a); the report was filed four days late.

The Court of Appeals disagreed with Josie, concluding that the statutory language requiring the County to file report by a certain date is directory, not mandatory. So, despite the late filing by the County, the Circuit Court did not lose the authority to proceed and make a ruling on the continuation of Josie's protective placement. However, the Court of Appeals also warned that: "Timely annual review of protective placement orders remains—statutorily and constitutionally—required. Watts, 122 Wis. 2d at 83-85; § 55.18."

Case Details

Josie had been issued a protective placement order under Chapter 55, Wis. Stats., in May 2022. Protective placement orders are assumed to be permanent, but subject to annual review or interim modification. On April 5, 2023, the County filed a petition and report for annual review of Josie's protective placement which Josie contested. So, the Circuit Court scheduled a full due process hearing on the annual review. This hearing was held on November 16, 2024, and upheld the continuation of Josie's protective placement.

Josie's appeal centered on the idea that the Circuit Court did not have the authority to review the placement due to untimely filing and, therefore, could not enter an order continuing her protective placement. When a court does not have authority over a case, any decision the court makes are considered erroneous or invalid. The County filed its petition and report to review the protective placement four days after the deadline which, Josie argued, meant the Circuit Court no longer had the authority to review her protective placement case.

The County conceded that it was not abnormal for it to complete its required annual protective placement reports (which are required for each person in the county subject to a protective placement order) on a minimally delayed basis. Because of this pattern of delayed report completion, the Court of Appeals believed similar challenges to circuit courts' authority would be likely to arise again for other late protective placement reports. Thus, the Court of Appeals found it important to consider the merits of Josie's case in order to develop this area of the law.

Wisconsin case law (*State v. Olson*, 2019 WI App 61) establishes that a party's failure to comply with a statutory time limit strips a court of competency only if the time limit is mandatory. Thus, the Court of Appeals turned its attention towards classifying the statutory time limit as either mandatory or directory, which is a question of law the court reviews independently.

First, the court looked to the plain language of the statute: Wis. Stat. § 55.18(1)(a) which states that the county *shall* "[n]opt later than the first day of the 11th month after the initial order is made for protective placement for an individual and … annually thereafter… [f]ile a report … [and] petition for annual review." Generally, the word 'shall' is presumed mandatory when it appears in a statute, however when used to impose a

time limit, it can be construed as directory if necessary to carry out the legislature's clear intent. *Koenig v. Pierce Cnty. DHS*, 2016 WI App 23.

Here, the Court of Appeals determined that the legislature's intent in enacting Chapter 55 was to provide long-term, effectively permanent, care for individuals with service needs that are permanent or likely to be permanent.

The annual review requirement in Chapter 55 came as a result of a Wisconsin Supreme Court holding in *Watts* that stated that protectively placed individuals were "entitled to the right of periodic, automatic judicial review that all other civilly committed persons in Wisconsin have." (State ex rel. Watts v. Combined Cmty. Servs. Bd. of Milwaukee Cnty., 122 Wis. 2d 65, 76-77, 362 N.W.2d 104 (1985)).

Second, the Court of Appeals also highlighted the absurd consequences of depriving a circuit court of competency when a county department untimely files an annual review and petition. Specifically, the Court of Appeals explained that a strict understanding of the time period language would prevent any annual review from occurring during the year in which the late petition is filed, and there would be no way for a circuit court to regain competency without starting the protective placement process from the beginning.

Because the legislature clearly intended to provide long-term, effectively permanent, care for individuals with a need for protective placement, but also balanced that stability with periodic annual reviews while contemplating untimeliness and not imposing a penalty, the court held that it is clear the time period to file the annual petition and report under Wis. Stat. § 55.18(1)(a) is directory. Thus, the circuit court did not lose its competency to review Josie's case and proceed with the annual review despite the county department filing the report four days late.

UPDATE: This case is pending for review by the Wisconsin Supreme Court (see State Public Defenders Newsletter post).

Helpline Highlights

Topic:

Resources for older adults, or people who have a guardian, in addressing concerns about abuse and neglect or just general benefit eligibility.

Question:

In addition to GSC resources and advice, what other agencies are able to offer assistance to address concerns and questions?

Sometimes the various agencies and services can be confusing for people who have concerns about their own level of services or the services being provided to a loved one. The following is a shortlist of contact information related to serving adults who may be vulnerable to abuse or neglect:

Contact an advocate:

1. If you are over 60 and are living in a long-term care setting, a recipient of managed long-term care services or a participant in self-directed supports you can share concerns with a Board on Aging and Long Term Care "ombudsman":

1-800-815-0015 or emailing BOALTC@wisconsin.gov(see fact sheet: BOALTC Fact Sheet)

2. If you are 18-59 and enrolled in Family Care, Family Care Partnership, or IRIS, support is available from Disability Rights Wisconsin:

1-800-928 8778 and mention Family Care or IRIS

Report Suspected Abuse or Neglect:

1. Statewide hotline for reporting elder abuse:

833-586-0107 or www.ReportElderAbuseWI.org

2. For elder abuse or adult-at-risk concerns, reach out to local county Adult Protective Services staff. A list by county is at:

Adult Protective Services: Report Alleged Abuse | Wisconsin Department of Health Services (https://www.dhs.wisconsin.gov/aps/report.htm)

Learn more about local resources and benefit eligibility:

1. Contact your county Aging and Disability Resource center to find out about adult day services, care giver support, respite care, and to program qualification rules such as for health insurance, Medicare, Medicaid, Social Security, and many other public benefits.

844-WIS-ADRC (844-947-2372)

Online: ADRC Look-up Tool (https://www.dhs.wisconsin.gov/adrc/find-resources.htm)



What is the Guardianship Support Center (GSC) able to help with?

GSC is a neutral informational resource for topics such as powers of attorney, guardianship, patient's representative processes, and protective placement in the State of Wisconsin. Operated by the Greater Wisconsin Agency on Aging Resources (GWAAR), GSC posts educational materials on its website (www.gwaar.org/gsc) and responds to requests for information through email to guardian@gwaar.org or a toll-free helpline 855-409-9410.

Please note that GSC staff are unable to provide legal advice or offer direct representation, and do not assist in completing court forms such as guardianship inventories or annual accounting.