

IN THE MATTER OF

Amended

**Determination and Order on
Petition for Guardianship
of a Minor**

Date of Birth

Case No. _____

This matter came before the court on a Petition for Guardianship of a Minor and a hearing was held. The court considered the testimony and other evidence presented and the guardian ad litem's report and recommendation.

THE COURT FINDS:

1. JURISDICTION, VENUE, NOTICE AND EVALUATIONS TO COURT

A. This court does does not have jurisdiction of the subject matter and of the person of a minor.

B. This court is is not a proper venue.

C. Notice was was not properly served.

D. The minor is
 present.
 not present.

E. The proposed guardian and any proposed stand-by guardian are

present as follows: _____

not present and the court permits attendance by telephone for good cause shown as follows: _____

not present and the court excuses the attendance as follows: _____

2. NEED FOR GUARDIANSHIP OF A MINOR

Upon presentation of clear and convincing evidence the

need for guardianship of minor was not established.

allegations of the petition are true and the minor is in need of a guardian because: _____

3. APPOINTMENT OF GUARDIAN OF THE PERSON AND EXTENT OF POWERS

It is appropriate to appoint a guardian of the person with the power as follows:

If a power is to be affected, the box to the far left must be marked. Marking only box (1) or (2) has no effect and the minor retains the power.

ab. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ab., the power to give an informed consent to the voluntary receipt by the guardian's minor ward of a medical examination, medication, including any appropriate psychotropic medication, and medical treatment that is in the minor ward's best interest, if the guardian has first made a good-faith attempt to discuss with the minor ward the voluntary receipt of the examination, medication, or treatment and if the minor ward does not protest.

Choose (1) or (2):

(1) The minor retains limited capacity and the power to: _____
The guardian of the person shall exercise power not retained by minor.

(2) Minor lacks evaluative capacity in full. The guardian of the person to exercise full power.

ac. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ac., the power to give informed consent, if in the minor's best interests, to the involuntary administration of a medical examination, medication other than psychotropic medication, and medical treatment that is in the minor's best interest.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- b. The power to authorize minor's participation in an accredited or certified research project if the research project might help the minor, or others if minimal risk of harm.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- c. The power to authorize minor's participation in research that might not help the minor but might help others if greater than minimal risk of harm to the minor but evidence indicates minor would have elected to participate.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- d. The power to consent to experimental treatment in the minor's best interests.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- e. The power to give informed consent to receipt by minor of social and supported living services.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- f. The power to give informed consent to release of confidential records other than court, treatment, and patient health care records and redisclosure as appropriate.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- g. The power to make decisions related to mobility and travel.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- h. [Intentionally omitted to correspond with statute.]
- i. The power to choose providers of medical, social, and supported living services.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- j. The power to make decisions regarding educational and vocational placement and support services or employment.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- k. The power to make decisions regarding initiating a petition for termination of marriage.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- l. The power to receive all notices on behalf of minor.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- m. The power to act in all proceedings as an advocate of the minor, except the power to enter into a contract that binds the minor or the minor's property or to represent the minor in any legal proceedings pertaining to the property, unless the guardian of the person is also the guardian of the estate.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- n. The power to apply for protective placement or for commitment.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- o. The power to have care, custody, and control of the minor.

Choose (1) or (2):

- (1) Minor retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by minor.
- (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- p. Other specific powers: _____

See attached

4. APPOINTMENT OF GUARDIAN OF THE ESTATE AND EXTENT OF POWERS

It is appropriate to

- A. appoint and authorize a permanent guardian of the estate of the minor to perform the duties of the guardian of the estate under §54.19, and exercise the powers that do not require court approval under §54.20 (3), except as follows: _____
 See attached
- B. authorize the guardian of the estate to perform the following **additional powers** (other than to make gifts) that require court approval under §54.20(2). _____
 See attached
- C. direct the guardian of the estate deposit the minor's funds of \$100,000 or less in an insured account of a bank, credit union, savings bank or savings and loan association in the name of the guardian and the ward and payable only upon further order of the court, and waive bond for the guardian of the estate of the minor.

5. ALTERNATIVE TO GUARDIANSHIP OF ESTATE FOR SMALL ESTATES

It is appropriate to dispense with an appointment of a guardian of the estate and transfer the minor's funds of \$50,000 or less under one of the alternatives for small estates under §54.12(1) as follows:

See attached

6. MINOR'S RIGHT OF NOMINATION

The minor is

- under age 14.
- 14 years of age or older, and
 - made a nomination of his or her guardian in writing in circuit court.
 - the court dispensed with the right of nomination for the following reason: _____

7. SUITABILITY OF GUARDIAN

Based upon the Statement of Acts by Proposed Guardian and Consent to Serve, the recommendation of guardian ad litem, and the court having considered all nominations and applicable preferences and criteria, including the opinions of the proposed minor ward and of the members of his or her family, and any potential conflicts of interest resulting from the proposed guardian's employment or other potential conflicts of interest, the following person or organization is competent and suitable to be appointed.

Type of Guardian		Name & Mailing Address	Phone
Guardian of the	Person		
Guardian of the	Estate		
Standby Guardian of the	Person		
Standby Guardian of the	Estate		

One or both of the parents of the minor were not appointed as guardian because: _____

8. PETITIONER'S ATTORNEY FEES AND COSTS

It is equitable inequitable to award payment of petitioner's reasonable attorney fees and costs from the minor's income and assets.

THE COURT ORDERS:

1. The petition is
 dismissed.
 granted as follows:

The court appoints the following:

Type of Guardian		Name & Mailing Address	Phone
Guardian of the	Person		
Guardian of the	Estate		
Standby Guardian of the	Person		
Standby Guardian of the	Estate		

2. LIMITATIONS AND POWERS

- A. The guardian is authorized to exercise powers in part or in full consistent with the above findings in a manner that is appropriate to the minor and that constitutes the least restrictive form of intervention.
 B. Co-Guardians must agree with each other when making decisions on behalf of the minor unless otherwise ordered by the court as follows: _____

See attached

3. BOND

The guardian of the estate

will be issued letters of guardianship upon filing a surety bond signature bond in the amount of \$_____.

is not required to file a bond if the guardian deposits the minor ward's funds of \$100,000 or less in an insured account of a bank, credit union, savings bank or savings and loan association in the name of the guardian and the minor and payable only upon further order of the court. Proof of deposit shall be filed with the court within _____ days.

will be issued letters of guardianship without filing a bond.

Other: _____

See attached

4. INVENTORY, ANNUAL ACCOUNT, ANNUAL REPORT

Inventory and Annual Account for guardian of the estate only.

The guardian of the estate shall file an inventory of the minor's assets **within 60 days** and provide a copy of the inventory to the following persons: _____

The guardian of the estate shall file an account **by April 15 of each year** or as otherwise required by the court as follows: _____

The guardian of the estate is authorized to file a Modified Annual Account of Married Ward which shall be filed by **April 15 of each year** or as otherwise required by the court as follows: _____ **See attached**

Annual Report for guardian of the person only.

The guardian of person shall file an Annual Report on the Condition of the Minor Ward each year as required by the court.

5. CHANGE OF ADDRESS

The guardian shall immediately notify the court in writing of any change in the address of the minor ward or of the guardian.

6. ALTERNATIVE TO GUARDIANSHIP OF ESTATE

As an alternative to appointing a guardian of the estate, the minor's funds of \$50,000 or less shall be transferred under one of the alternatives for small estates under §54.12(1), as follows: _____

7. FEES AND COSTS OF PROCEEDING

A. Guardian is not appointed. The petitioner shall pay the compensation of the guardian ad litem and the minor's legal counsel.

B. Guardian is appointed:

- (1) Reasonable compensation of the guardian ad litem and minor's counsel shall be paid from the minor's income or assets, if sufficient. If the minor's income or assets are insufficient, the guardian ad litem shall be paid by the county of venue and the minor's counsel shall be paid at public expense or by the county of venue.
- (2) Petitioner's reasonable attorney fees and costs (if any)

shall be paid by the petitioner.

shall be paid from the minor's income or assets.

C. Other: _____

8. GUARDIAN'S COMPENSATION AND REIMBURSEMENT

The guardian's compensation and reimbursement of expenses, if any, must be approved by the court before payment is made.

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

BY THE COURT:

Name of Attorney/Petitioner	
Address	
Telephone Number	Bar Number

 Circuit Court Judge Circuit Court Commissioner

Name Printed or Typed

Date