

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE MATTER OF

Amended

Name _____

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

Date of Birth _____

Case No. _____

A Petition for Guardianship of a Minor was filed and a hearing was held. After consideration of the reports and other documents on file, all factors required by the statutes, and such additional information presented;

THE COURT FINDS:

1. JURISDICTION, VENUE, NOTICE, AND APPEARANCES

A. This court does does not have jurisdiction over the subject matter and the 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 standby 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 the minor was not established.

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

3. GUARDIAN OF THE PERSON

Powers to be transferred to guardian of the person in full or in part as follows:

1.A. give informed consent to the voluntary receipt by the minor of a medical examination, medication, including any appropriate psychotropic medication, and medical treatment that is in the minor's best interest, if the guardian has first made a good-faith attempt to discuss with the minor the voluntary receipt of the examination, medication, or treatment and if the minor does not protest.

Full Transfer. Partial Transfer. The minor retains the power to: _____.

- 1.B. 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.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 2. 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.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 3. 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.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 4. consent to experimental treatment in the minor's best interests.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 5. give informed consent to receipt by minor of social and supported living services.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 6. give informed consent to release of confidential records other than court, treatment, and patient health care records and redisclosure as appropriate.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 7. The power to make decisions related to mobility and travel.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 8. choose providers of medical, social, and supported living services.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 9. make decisions regarding educational and vocational placement and support services or employment.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 10. make decisions regarding initiating a petition for termination of marriage.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 11. receive all notices on behalf of the minor.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 12. 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.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 13. apply for protective placement or for commitment on behalf of the minor which does not require court approval.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 14. have care, custody and control of the minor.
 Full Transfer. Partial Transfer. The minor retains the power to: _____
- 15. Other: _____

See attached

4. **GUARDIAN OF THE ESTATE**

It is appropriate to

- A. appoint and authorize the guardian of the estate to perform duties under §54.19, Wis. Stats.
- 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), Wis. Stats.: _____ See attached
- C. direct the guardian of the estate to 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 minor, payable only upon further order of the court, and waive bond for the guardian of the estate.

5. **ALTERNATIVE TO GUARDIANSHIP OF ESTATE FOR SMALL ESTATES**

It is appropriate to dispense with the appointment of a guardian of the estate and transfer the minor's funds of \$50,000 or less according to one of the alternatives for small estates under §54.12(1), Wis. Stats., 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 minor 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 is/are suitable to be appointed:

Type of Guardian	Name	Mailing Address [Street, City, State, Zip]	Telephone Number
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.

9. Other: _____

THE COURT ORDERS:

The Petition is

- dismissed for the following reason(s): _____
- granted as follows:

1. **APPOINTMENT OF GUARDIAN**

- A. The court appoints the person(s) nominated as guardian to serve in the capacities indicated.
- B. 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.
- C. Co-guardians must agree with each other when making decisions on behalf of the minor.
 - Co-guardians may act independently when making decisions on behalf of the minor.
 - Co-guardians may act independently when making decisions on behalf of the minor only in these limited circumstances: _____
- D. Any guardian shall immediately notify the court in writing of any change in the address of the minor or of the guardian.

2. **APPOINTMENT OF GUARDIAN OF PERSON**

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

3. **APPOINTMENT OF GUARDIAN OF ESTATE**

A. **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 of the estate deposits 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 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

B. INVENTORY AND ANNUAL ACCOUNT

- (1) 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: _____.
- (2) The guardian of the estate shall file an account by April 15 of each year
 - or as otherwise required by the court as follows: _____.

See attached

4. **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), Wis. Stats., as follows: _____.

See attached

5. 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 attorney.
- B. Guardian is appointed.
 - (1) Reasonable compensation of the guardian ad litem and minor's attorney 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 attorney 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.
 - from the minor's income or assets.
- C. Other: _____

6. 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.

- 7. Other: _____

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

DISTRIBUTION:

- 1. Court
- 2. Ward/Ward's Legal Counsel, if any/Guardian ad litem
- 3. Guardian/Ward's Agent under a Power of Attorney
- 4. Corporation Counsel
- 5. Social worker/ County Dept. of Human Services
- 6. Spouse/Adult Children/Parent of Minor
- 7. Facility, if any
- 8. Other: _____