

IN THE MATTER OF

 Amended**Order Modifying
Guardianship**

Case No. _____

Date of Birth _____

Use this order to modify guardianship. Use GN 3660 to deny petition or terminate guardianship.

The court held a hearing and considered the testimony, other relevant evidence presented, and the guardian ad litem's report and recommendation.

THE COURT FINDS:**1. NOTICE AND JURISDICTION**

- A. Notice was was not properly served.
 B. This court does does not have jurisdiction of the subject matter and of the person of the individual.

2. MODIFICATION TO RIGHTS AND POWERS OF GUARDIAN OF PERSON AND ESTATE

The ward continues to be incompetent, but the incapacities have changed and the rights and powers are to be modified. The rights of the ward and the powers of the guardian are as follows:

GUARDIANSHIP OF THE PERSON

(CAUTION: The boxes checked below should reflect all rights and powers removed from the ward or transferred to the guardian by **ANY** court order so that it is not necessary to view multiple documents to determine the current rights and powers of the guardian and ward. **(If a right is restored by this order, do NOT check the box.)**

- A. **Rights to be removed in full. If removed, these rights may not be exercised by any person.**
 The individual has incapacity to exercise one or more of the following rights and such right should be removed:
- 1. Right to execute a will.
 - 2. Right to serve on a jury.
 - 3. Right to register to vote or to vote in an election.
- B. **Rights to be removed or exercised by individual with consent of Guardian of Person. If removed, these rights may not be exercised by any person. If a right is to be affected, the box to the far left must be marked. Marking only box (1) or (2) has no effect and the individual retains the right.**
 The individual has incapacity to exercise one or more of the following rights and such right should be removed or the individual retains the right to exercise the right only with consent of the guardian of the person.
- a. Right to consent to marriage:
Choose (1) or (2):
 - (1) the individual has incapacity to exercise this right.
 - (2) the individual retains the right to exercise this right only with consent of the guardian of the person.
 - b. Right to apply for an operator's license, a hunting, fishing or other license issued under ch. 29, or a credential as defined in §440.01(2), Wisconsin Statutes: _____
Choose (1) or (2):
 - (1) the individual has incapacity to exercise this right.
 - (2) the individual retains the right to exercise this right only with consent of the guardian of the person.
 - c. Right to consent to sterilization.
Choose (1) or (2):
 - (1) the individual has incapacity to exercise this right.

(2) the individual retains the right to exercise this right only with consent of the guardian of the person.

d. Right to consent to organ, tissue, or bone marrow donation.

Choose (1) or (2):

(1) the individual has incapacity to exercise this right.

(2) the individual retains the right to exercise this right only with consent of the guardian of the person.

C. Powers to be transferred to Ward in part or in full.

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 individual retains the power.

1) It is appropriate to appoint a permanent guardian of the person.

2) The individual has regained evaluative capacity in part or in full to exercise specific powers requested to be transferred from the guardian of the person as follows:

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

Choose (1) or (2):

(1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

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

Choose (1) or (2):

(1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

b. The power to authorize individual's participation in an accredited or certified research project if the research project might help the individual, or others if minimal risk of harm.

Choose (1) or (2):

(1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

c. The power to authorize individual's participation in research that might not help the individual but might help others if greater than minimal risk of harm to the individual but evidence indicates individual would have elected to participate.

Choose (1) or (2):

(1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

d. The power to consent to experimental treatment in the individual's best interests.

Choose (1) or (2):

(1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

e. The power to give informed consent to receipt by individual of social and supported living services.

Choose (1) or (2):

(1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

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) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

g. The power to make decisions related to mobility and travel.

Choose (1) or (2):

(1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

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) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

j. The power to make decisions regarding educational and vocational placement and support services or employment.

Choose (1) or (2):

(1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

k. The power to make decisions regarding initiating a petition for termination of marriage.

Choose (1) or (2):

(1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

l. The power to receive all notices on behalf of individual.

Choose (1) or (2):

(1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

m. The power to act in all proceedings as an advocate of the individual, except the power to enter into a contract that binds the individual or the individual's property or to represent the individual 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) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.

(2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

n. The power to apply for protective placement or for commitment.

Choose (1) or (2):

(1) Individual retains limited capacity and the power to: _____

- (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.
- o. The power to have custody of the individual, if an adult, and the power to have care, custody, and control of the individual, if a minor.
Choose (1) or (2):
 - (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
 - (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.
- p. Other specific powers: _____ See attached

GUARDIANSHIP OF THE ESTATE

(CAUTION: The boxes checked below should reflect all rights and powers removed from the ward or transferred to the guardian by **ANY** court order so that it is not necessary to view multiple documents to determine the current rights and powers of the guardian and ward. **(If a right is restored by this order, do NOT check the box.)**

Choose one:

- (1) **Most authority retained by ward, limited authority transferred to guardian:**
Individual retains evaluative capacity except for the ability to perform a duty or exercise a power which is to be transferred to the guardian of the estate as follows: _____
- (2) **Limited authority retained by ward, most authority transferred to guardian:**
Individual retains limited evaluative capacity and should retain the ability to perform a duty or exercise a power as follows: _____
Guardian of the estate is to perform the duties of a guardian of the estate under §54.19, and exercise the powers that do not require court approval under §54.20(3), except as retained by individual.
- (3) **Full authority transferred to guardian:**
Individual lacks evaluative capacity in full. Guardian of the estate is requested to perform the duties of a guardian of the estate under §54.19, and exercise the powers that do not require court approval under §54.20(3).

IT IS ORDERED:

1. The rights and powers of the ward and guardian are modified as indicated in the findings above.
2. Reasonable compensation of the guardian ad litem and individual's counsel shall be paid
 - from the individual's income or assets.
 - by petitioner.
 - by county.
 - Other: _____

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

Name of Attorney/Petitioner	
Address	
Telephone Number	Bar Number

BY THE COURT:

Circuit Court Judge Circuit Court Commissioner

Name Printed or Typed

Date