

STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY

IN THE MATTER OF

Amended

Name \_\_\_\_\_

**Order on Petition for Protective Placement  
or Protective Services**

Date of Birth \_\_\_\_\_

Case No. \_\_\_\_\_

A Petition for Protective Placement or Protective Services 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, APPEARANCES AND EVALUATIONS TO COURT**

- A. This court  does  does not have jurisdiction over the subject matter and the ward.
- B. This court  is  is not a proper venue.
- C. Notice  was  was not properly served.
- D. The ward is  present.  
 not present and the court accepts the waiver of presence by the guardian ad litem.
- E. Additional evaluations are not necessary.

**2. FOR PROTECTIVE PLACEMENT**

A. The ward **does not meet the standards** for protective placement or need protective placement.

B. The ward **has a need** for protective placement as follows:

- (1) The ward is eligible for protective placement because the ward has attained the age of 18 or is alleged to have a developmental disability and has attained the age of 14.
- (2) A Petition for adult Protective Placement is being initiated not more than 6 months prior to the ward's birthday at which the ward first becomes eligible for placement.
- (3) A separate Petition to Transfer a Foreign Guardianship has been filed whether the ward is present in the state or not.
- (4) The ward was adjudicated incompetent in Wisconsin on [Date] \_\_\_\_\_ and this is
  - within the last 12 months of the filing of this Petition for Protective Placement or Services.
  - more than 12 months prior to the filing of this Petition for Protective Placement or Services and the court reviewed the finding of incompetency and finds the ward continues to be incompetent, except in the case of a minor that is alleged to have a developmental disability.
- (5) The ward **meets the standards** for protective placement because:
  - the ward has a primary need for residential care and custody.
  - except in the case of a minor that is age 14 or older, who is alleged to have a developmental disability, the ward has either been adjudicated to be incompetent by a circuit court or a Petition for Guardianship was submitted on the minor's behalf;
  - as a result of  a developmental disability,  
 degenerative brain disorder,  
 serious and persistent mental illness,

other like incapacities,

the ward is so totally incapable of providing for the ward's own care or custody as to create a substantial risk of serious harm to the ward or others. Serious harm may be evidenced by overt acts or acts of omission.

- the ward has a disability that is permanent or likely to be permanent.

(6) The least restrictive placement consistent with the ward's needs is placement in

an unlocked unit.  a locked unit because: \_\_\_\_\_

(7) The recommended placement in the least restrictive environment and in the least restrictive manner consistent with the needs of the ward to be protected and with the resources of the county department, including the limits of available state and federal funds, and county funds required to be appropriated to match state funds is [Name and address of placement] \_\_\_\_\_

(8) The ward is determined to have a developmental disability and the most integrated setting appropriate for the ward's needs, and with the resources of the county department, and the limits of available state and federal funds, and county funds required to be appropriated to match state funds, is placement in:

Center for developmentally disabled wards.

Nursing facility.

Intermediate care facility.

Non-institutional community placement.

Other: \_\_\_\_\_

3. **FOR PROTECTIVE SERVICES**

A. The ward **does not meet the standards** for protective services or need protective services.

B. The ward needs protective services and **meets the standards** for protective services because:

- the ward was determined to be incompetent or is a minor alleged to have a developmental disability and a Petition for Guardianship was submitted, and
- as a result of  a developmental disability,  
 degenerative brain disorder,  
 serious and persistent mental illness,  
 other like incapacities,

the ward will incur a substantial risk of physical harm or deterioration or will present a substantial risk of physical harm to others if protective services are not provided.

4. **PETITIONER'S ATTORNEY FEES AND COSTS**

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

5. **FIREARMS RESTRICTION**

The ward has been adjudicated pursuant to 18 USC 922(g)(4), as a "mental defective" or committed to a mental institution.

6. Other: \_\_\_\_\_

**THE COURT ORDERS:**

The Petition is

1. **DENIED** for the following reason(s): \_\_\_\_\_  
(If checked, skip to #3)

2. **GRANTED** as follows:

A. **FOR PROTECTIVE PLACEMENT**

The county department or agency with which it contracts under §55.02(2), Wis. Stats., or its designee shall provide protective placement to the ward in the least restrictive environment and in the least restrictive manner consistent with the needs of the ward and with the resources of the county department, including the limits of available state and federal funds, and county funds required to be appropriated to match state funds.

B. **FOR PROTECTIVE SERVICES**

The county department or agency with which it contracts under §55.02(2), Wis. Stats., or its designee shall provide protective services to the ward in the least restrictive environment and in the least restrictive manner consistent with the needs of the ward and with the resources of the county department, including the limits of available state and federal funds, and county funds required to be appropriated to match state funds.

C. **FIREARMS RESTRICTION**

The ward is prohibited from possessing any firearm. Federal law provides penalties for, and the ward may be prohibited from possessing, transporting, shipping, receiving, or purchasing a firearm, including, but not limited to, a rifle, shotgun, pistol, revolver, or ammunition, pursuant to 18 U.S.C. 921(a)(3) and (4) and 922(g)(4), Wis. Stats. This prohibition shall remain in effect until lifted by the court.

(1) Any firearm owned by the ward shall be seized by \_\_\_\_\_. ward's firearms may be found at the following location(s): \_\_\_\_\_.

Any person residing at the/these locations is required to cooperate with law enforcement attempts to seize firearms. Failure to cooperate may result in contempt sanctions.

(2) As an alternative to seizure, the following person is designated to store any firearm(s) until the firearm restriction order has been canceled: \_\_\_\_\_.

(3) ward is informed of the requirements and penalties under §941.29, Wis. Stats., including imprisonment for up to 10 years, a fine not to exceed \$25,000 or both.

(4) The court clerk shall notify the department of justice of the restriction unless the department has been previously informed of a prohibition for this ward.

**3. FEES AND COSTS**

A. Reasonable compensation of the guardian ad litem and ward's attorney fee shall be paid by the ward's income or assets, if sufficient. If the ward's income or assets are insufficient, the guardian ad litem shall be paid by the county of venue and the ward's attorney shall be paid at public expense or by the county of venue.

B. Petitioner's reasonable attorney fees and costs shall be paid

(1) by the petitioner.

(2) from the ward's income or assets.

C. The petitioner shall pay the compensation of the guardian ad litem and the ward's attorney.

D. Other: \_\_\_\_\_

4. Other: \_\_\_\_\_

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

**DISTRIBUTION:**

1. Court
2. Petitioner/Individual/Ward
3. Individual/Ward's Guardian
4. Individual/Ward's Legal Counsel
5. Guardian ad litem
6. Individual/Ward's agent under Power of Attorney for Health Care
7. Presumptive Adult Heirs
8. Facility in which the Individual/Ward resides/Physical Custodian
9. County Department of Individual/Ward's county of residence under §55.18(1)(a)
10. County Department of Individual/Ward's placement under §55.18(1m)
11. Other: \_\_\_\_\_