



**LINCOLN COUNTY
REGISTER IN PROBATE & JUVENILE COURT**

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**Protective Placement
Guidelines**

NOTE: This guideline is provided only as a public service and is not meant to be legal advice. The Register in Probate office cannot give legal advice; please contact an attorney if you have legal questions.

Phase I: Filing the Action

At the time a *Petition for Protective Placement* is filed, the petitioner is required to pay a \$200 deposit for Guardian ad Litem Fees to the Register in Probate.

► *Petition for Protective Placement/Protective Services (Form GN-4040)*

The petition shall be based on personal knowledge of the petitioner and state with particularity the factual basis for the allegations contained in it.

The petition shall be completely filled out prior to filing. Any petition that is incomplete or does not contain all of the information requested will not be accepted for filing.

The petitioner's signature on the petition shall be notarized.

► *Order Appointing Guardian Ad Litem (Form GF-131)*

A guardian ad litem is required in both temporary and permanent guardianship actions.

The Register in Probate shall assign a Guardian ad Litem to the case once a Petition is filed and the \$200 deposit paid.

The Register in Probate shall complete the *Order Appointing Guardian Ad Litem* form, and submit it to the assigned judge for signature. A copy of the signed order will then be provided to the petitioner.

► *Order and Notice of Hearing (Form GN-3110)*

Upon the filing of a *Petition for Protective Placement/Protective Services*, the Register in Probate will provide the petitioner with a hearing date and time to insert in the *Order and Notice of Hearing*.

The hearing on *Petition for Protective Placement* shall be held within 60 days from the date the petition is filed. If you file a petition for both permanent guardianship and protective placement, the hearing shall be held within 60 days.

► Order for Comprehensive Evaluation (County Form)

The Register in Probate will complete the *Order for Comprehensive Evaluation* and will then mail it to North Central Health Care Adult Protective Services.

Once Adult Protective Services has conducted their investigation and completed the *Comprehensive Evaluation*, they will file the original with Court and provide a copy to the proposed ward, the petitioner, and the guardian ad litem at least 96 hours prior to the hearing.

Phase II: Notifying the Parties

► Affidavit of Service (Protective Placement or Protective Services) (Form GN-3120)

The petitioner shall serve a copy of the *Petition for Protective Placement/Protective Services*, *Order Appointing Guardian ad Litem*, and *Order and Notice of Hearing* upon the proposed ward at least ten (10) days prior to the hearing.

The person serving the notice shall inform the proposed ward of the complete contents of the notice and return an *Affidavit of Service* to the Court verifying that such notice has been given.

The petitioner shall also serve a copy of the *Petition for Protective Placement/Protective Services*, *Order Appointing Guardian ad Litem*, and *Order and Notice of Hearing*, at least ten (10) days prior to the hearing, on all of the following interested persons and return an *Affidavit of Service* to the Court verifying that such service has been made:

The guardian ad litem of the proposed ward
The proposed ward's Agent under an activated Power of Attorney for Health Care
The presumptive adult heirs of the proposed ward
Any person(s) having physical custody of the proposed ward
North Central Community Services Program
Any government, private body, or group from whom the proposed ward is receiving aid or benefits (including, but not limited to the WI Veteran's Administration, Social Security Administration, and US Railroad Retirement Board)
Any other persons or entities that the court may require

Addresses for some of these agencies may be found on the last page of this guideline.

Phase III: Preparing for the Hearing

The petitioner shall ensure the proposed ward's attendance at all hearings unless the guardian ad litem waives the right of the proposed ward to attend.

The petitioner shall ensure that the North Central Community Services Program is served with a copy of *Petition for Protective Placement* and the *Notice of Hearing* at least thirty (30) days prior to the hearing. An *Affidavit of Service* shall be provided to the court confirming that such service was made.

Whenever protective placement is being sought, the agency will conduct and prepare a report of the *Comprehensive Evaluation* and file the original with the Court and provide a copy to the proposed ward, the petitioner, and the guardian ad litem at least 96 hours prior to the hearing.

► **Order for Protective Placement/Protective Services (Form GN-4060)**

(If protective placement or protective services are being sought)

When preparing for a hearing the petitioner shall complete *Order for Protective Placement/Protective Services* and bring it to the hearing for presentation to and signature by the judge.

The judge will not sign an incomplete *Order for Protective Placement/Protective Services*, so it is important that you have this document prepared prior to the hearing.

Phase IV: The Hearing

The petitioner must attend all hearings.

The Register in Probate will mail you a copy of the *Order* within a few days of the hearing.

You must provide a copy of the *Order* to the ward, the guardian ad litem, the placement facility, and the county department responsible for providing services to your ward.

Addresses for Interested Agencies:

North Central Community Services Program
Adult Protective Services
2600 Stewart Avenue, Suite 22
Wausau, WI 54401

US Railroad Retirement Board
Wisconsin District Office
310 W. Wisconsin Avenue, Suite 1300
Milwaukee, WI 53203-2211

Corporation Counsel
Marathon County Courthouse
500 Forest Street, Room 134B
Wausau, WI 54403

INCLUSA
1401A E Main Street
Merrill, WI 54452

WI Social Security Administration
352 Grand Avenue
Wausau, WI 54403

Lakeland Care, Inc.
501 S. 24th Avenue, Suite 100
Wausau, WI 54401

Wisconsin Department of Veterans Affairs
201 W. Washington Ave.
PO Box 7843
Madison, WI 53707-7843

All of the forms referenced in this *Guideline* can be found on the Wisconsin Court System Website: www.wicourts.gov The Register in Probate DOES NOT provide forms to the public.