

YOU HAVE BEEN APPOINTED GUARDIAN OF THE ESTATE – WHAT’S NEXT?

As guardian of the estate, you have been appointed by a Wisconsin court to make financial decisions for another adult (called a “ward”) who the court has determined to be incompetent or a spendthrift. As guardian, you must:

- Exercise the degree of care, diligence, and good faith when acting on behalf of a ward that an ordinarily prudent person exercises in his or her own affairs.
- Advocate for the ward’s best interests.
- Exhibit the utmost degree of trustworthiness, loyalty, and fidelity in relation to the ward.
- In light of the ward’s functional level, understanding, and appreciation of his or her functional limitations, provide the ward with the greatest amount of independence and self-determination with respect to property management, consider the ward’s personal preferences and desires, and consider the least restrictive form of intervention.
- File an inventory of the ward’s property.
- Account for all funds received and spent.
- Notify the court of any change of address of the guardian or ward.

A guardian of the estate may never:

- Loan any of the ward’s money or property to himself or herself.
- Use any of the ward’s money or property for the guardian’s benefit.

This checklist is designed to assist you as you begin your duties. Each case is different, so certain steps may not apply. The order you follow will also be determined by your individual case.

OBTAIN COURT DOCUMENTS AND CALENDAR DUE DATES

- Obtain a certified copy of the “Letters of Guardianship of the Estate” (form GN-3210) and “Determination and Order on Petition for Guardianship due to Incompetency” (form GN-3170). There is usually a fee.
- Calendar the due date for the Inventory (form GN-3440) which is 60 days after the date of your appointment, unless the court orders a different date.
- Calendar the due date for the Account (form GN-3500) which is April 15, unless the court orders a different date.
- Forms may be obtained from the probate court, public library or www.wicourts.gov.

KNOW THE SCOPE OF YOUR AUTHORITY

- Review the Letters of Guardianship and the Determination and Order. You may exercise only the powers that the court has authorized. The ward retains all rights and powers that the court did not specifically remove.
- You will need court approval prior to exercising some of your authorities, such as selling or mortgaging real estate. Consult with the Register in Probate and review the Guardianship Support Center’s brochure “Guardian of the Estate: Duties and Powers.”
- If you were appointed a temporary guardian, the Letters of Temporary Guardianship (form GN-3265) indicate the expiration date, usually 60 days from the date of appointment. Find and calendar this date. You may request an extension for an additional 60 days, but be sure to do so before the order expires. Once the order has expired, the court cannot order another temporary guardianship for at least 90 days.

DEVELOP A LIST OF RESOURCES

- Contact the Guardianship Support Center at CWAG at 1-800-488-2596, ext. 314 or guardian@cwag.org to subscribe to the free quarterly newsletter and to ask questions. Retain contact information for future questions.

BEGIN MANAGING THE WARD’S FINANCES

- Write to the appropriate financial institutions and businesses, notifying them of your appointment. Enclose a certified copy of the Letters of Guardianship. *Note:* Some may be willing to photocopy the certified copy and return the certified copy to you; others need to keep a certified copy, so you should obtain several certified copies from the court.
- Close the ward’s debit, charge, and/or checking accounts as appropriate. Seek guidance before transferring a Payable on Death (POD) account.
- Set up guardianship accounts (checking, savings, and/or credit, as appropriate) with a bank or credit union. All accounts, checks, and cards should be in your ward’s name with your name listed as guardian.
 - **Do not open a joint account.**
 - **Do not put the ward’s money in your account.**
 - **Do not mix the ward’s money with your money in any way.**
- Consider setting up electronic deposit of the ward’s income.
- To make record-keeping easier, use the guardianship checks or the guardianship debit or credit cards to pay bills and make purchases. Avoid paying with cash, as these transactions are difficult to track. Avoid paying your ward’s expenses with your own money - if you do, you will need court permission to reimburse yourself.

- If appropriate, contact the post office and have the ward's mail delivered to you. Contact the phone company, utility company, etc. to have bills sent to you. Consider setting up automatic payments for your ease and good records.

BEGIN COMPILING INFORMATION FOR THE INVENTORY

- Review the Guardianship Support Center's brochure "Guardian of the Estate: How to Complete an Inventory."
- To locate assets, secured debts and income, look through the ward's home and files, and review the ward's mail. IRS Schedule B and IRS form 1099 are useful tools to locate assets. Another useful tool is your ward's free annual credit reports (www.annualcreditreport.com). Locate and review bank statements as well.
- If needed, contact institutions to determine if the ward has assets there - you will need to provide a certified copy of the Letters of Guardianship.
- To determine the value of assets, arrange for appraisals, as needed, and obtain account statements.
- Complete and file the Inventory (form GN-3440) within 60 days of your appointment or by the date specified by the court.

CREATE A SYSTEM FOR RECORD-KEEPING

- Create a system for recording the ward's income and expenses, such as ledgers and/or labeled file folders or envelopes. Consider using computer software such as Quicken or Microsoft Excel.
- Retain all receipts, bills and account statements.
- Get in the habit of balancing the guardianship checking account monthly.
- Review the Guardianship Support Center's brochure "Guardian of the Estate: How to Complete an Account."

- Create a system to keep notes of phone calls, visits and meetings regarding your ward.

CONDUCT OTHER DUTIES

- Apply for public benefits such as Social Security, Medicare, SSI or Medical Assistance (Medicaid) for your ward, if appropriate.
- Apply to the Social Security Administration to become the ward's representative payee to handle the ward's Social Security or similar benefits, or ensure that a representative payee is appointed.
- Determine if the ward has a will, where the will is kept and who should be notified in case of the ward's death.
- If the ward owns real estate, complete "Statement of Ward's Real Property filed with Register of Deeds" (form GN-3450). File with the Register of Deeds of the county in which the ward owns real estate.
- Seek professional assistance when deciding how to manage the ward's investments.

ADVOCATE FOR YOUR WARD

- Get to know your ward so that you can identify and honor the ward's preferences.
- Although you may not be the guardian of the person, inquire whether the services and care that are being provided are worth what the ward is paying.
- If you believe that the ward was a victim of financial exploitation prior to your appointment, contact the county elder/adult-at-risk unit and/or law enforcement, as appropriate.

WHO MAY A GUARDIAN OF THE ESTATE CONTACT WITH QUESTIONS?

- Contact the Wisconsin Guardianship Support Center at 1-800-488-2596, ext. 314 or guardian@cwag.org. The Center's website is www.cwag.org.



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