

## Guidelines for New (and pending “new”) Permanent Guardianships

### For Petitioning Attorneys

- New guardianships will not be given permission for filing, nor will hearings on permanent guardianships already on file be given court dates, unless/until the petitioning attorney has confirmed with the facility/property/homeowner (hereinafter “facility”) where the ward is located that the guardian ad litem (and adversary counsel, as needed) can do an in person visit AND the proposed ward will be able to be personally served.
- Prior to filing/asking for a date, the petitioning attorney should confirm with the facility that an in person interview(s) can take place and, if so, if the facility has any limitations or parameters for such an interview, as well as identify a contact person for that facility to arrange the interview(s).
- The petitioning attorney must refrain from suggesting that the court is encouraging or ordering the facility to allow in person interviews.
- When filing a new guardianship, the petitioning attorney must also upload a cover letter or memo, confirming that the facility will allow the in person interviews, any limitations or parameters given by the facility, and the information for the contact person at the facility. This information CANNOT be added in “note to clerk,” as those notes are not retained in the file. It must be a separate document. If such a document is not uploaded with the petition, or lacks any of the above information, the entire filing will be rejected.
- If a petitioning attorney is seeking a date on a pending filing, a separate document should be uploaded AND the “notes to clerk” should read “Information for in person interviews.”
- Until further notice, the doctor’s report (and, if protective placement is sought, the county comprehensive evaluation) must be on file prior to obtaining a court date.
- **For new filings, the attorney should file all documents, including the memo/letter, and then call the probate office for a hearing date. On pending cases, the attorney should file the required memo/letter and then call the office for a hearing date.**
- If the facility’s rules or guidelines change between the time of filing and the time of the interview, such that the facility will no longer allow the in person interview, the GAL will contact the petitioning attorney, as well as the court (see below). If the in person meeting is not possible at that time, the permanent hearing may have to be rescheduled until such a time as the in person interview is possible. If a temporary guardianship is not already in place, the court date can be converted to a temporary guardianship hearing upon the filing of the appropriate paperwork – please contact the clerk to advise that you will be converting the hearing to a temporary guardianship.
- All hearings will be held via Zoom. Petitioning attorney and their witness should appear by video if at all possible.
- Petitioning attorney should work with the GAL to facilitate the appearance of the proposed ward via Zoom video or telephone, if the proposed ward’s appearance is not waived (see below).

## For GALs

[Note: This applies to permanent guardianships only. It does not apply to Watts. Watts hearings are still suspended and will be dealt with in a separate set of guidelines when they resume.]

- GALs are not required to accept appointments during the pandemic and declining to do so will not affect eligibility to receive appointments in the future. Due to volume, however, we cannot allow GALs to decline a particular appointment based on type of facility or at a particular facility (GALs can, of course, decline a particular appointment for the usual reasons such as availability or conflict). If you wish to be temporarily removed from the GAL guardianship list, **email Administrator Josh Steib at [josh.steib@wicourts.gov](mailto:josh.steib@wicourts.gov) or call 414-278-4451** . When you wish to be re-added to the GAL list you should also contact Josh Steib.
- GALs should review the letter/memo filed by the petitioning attorney and arrange an interview through the provided contact person.
- GALs should, to the greatest extent possible, observe the current safety precautions recommended by public health officials (maintaining 6 feet distance, liberal use of hand sanitizer, etc.) as well as any rules set by the particular facility. For proposed wards who live in private homes, a meeting outside in the yard should be considered, if appropriate.
- Should the GAL have difficulty in arranging the interview, the GAL should contact the petitioning attorney for assistance with facilitating it.
- If the facility's rules or guidelines change between the time of filing and the time of the interview, such that the facility will no longer allow the in person interview, the GAL must contact the court and the petitioning attorney and advise them of the situation. A phone or video interview is **NOT** an acceptable alternative to the in person meeting. If the in person meeting is not possible at that time, the permanent hearing may have to be rescheduled until such a time as the in person interview is possible. If a temporary guardianship is not already in place, the court date can be converted to a temporary guardianship hearing upon the filing of the appropriate paperwork.
- The GAL's report should reflect any difficulties that the GAL had in communicating with the ward that the GAL believes is or may be due to Covid-19 related precautions.
- All hearings will be held via Zoom videoconferencing. The GAL should appear via video if at all possible. If the GAL is not waiving the appearance of the ward at the hearing, then the GAL and petitioning attorney should work together to facilitate the appearance of the proposed ward via Zoom (by video, if possible). If the ward wishes to participate, and the appearance of the ward via Zoom (video or phone) cannot be arranged, the hearing must be postponed.