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| **Name of Document:**  **APS-Guardian Changes Policy: Procedure: X** | Insert Agency Contact Information/Letter Head |
| Document#: | Department: Adult Protective Services |
| Primary Approving Body: | Secondary Approving Body: |

# Related Forms:

* None

# Document Statement:

* The Adult Protective Services (APS) Program will facilitate and assist with changes in guardian when it is determined to be beneficial and necessary for the provision of car and services to program clients. The APS Program staff may assist for guardian changes for non-program clients if determined to be an at risk or other qualifying need or in absence of other entities to petition (assessed and

determined case by case).

# II Purpose:

* Assuring that clients have legal guardians appointed that act in their best interest. Assuring that the correct process for the change is followed.

# Ill Definitions

1. **General Procedure**
   * Receive resignation, request for change, or report of concerns regarding actions and performance of the guardian.
   * Evaluate the report, investigate concerns as needed and document and build case.
   * If assessed as appropriate to facilitate change, determine if change can occur without hearing or if a hearing is needed.
     + If hearing is needed, work with appropriate county legal counsel to schedule.
   * Guardian change materials/forms are kept in a Green soft file during the change process.
   * For a guardian change without hearing (\* All forms are found on the **WI Circuit Court Forms site):**

Request that the guardian complete GN-3400 (resignation of guardian) Secure a successor guardian- this could be another family member, friend, or guardian from listing of non-relative guardians.

Have proposed guardian sign **GN-3140 (Statements of Acts by Proposed Guardian and Consent to Serve as Guardian)-needs** notarization. Also

send to guardian **GN-3190, Signature Bond** (as a general guideline , the amount of $5,000 can be used for smaller estates) .

# Complete GN-3410 Petition for Appointment of Successor Guardian

**(without hearing).** Form needs to be signed and notarized.

# Complete forms GN-3410 Order for Appointment of Successor Guardian of Person (without hearing) and GN-3423 Order for Appointment of Successor Guardian of Estate (without hearing).

Complete for **GN-3210, Letters of Guardianship of Estate** (due to Incompetency). Be sure to check all appropriate boxes.

Complete form **GN-3200, Letters of Guardianship of the Person** (Due to Incompetency).

Authority needs to follow what was previously granted in case. There is a check box, Paragraph B. noting "This successor guardian is authorized to exercise powers as previously authorized or modified for this individual subject to guardianship." This should be used for guardianship cases for guardianships pre-December 2006, as these cases predate the finding of specific powers.

Powers are generally full. If this is the case, also complete Paragraph E. #15 as well. Enter in this space: "granted all authority as under previous Chapter 880". If

there was certain authority specified, list those as an attachment.

Once resignations and consents are returned, all completed forms can be sent to the responsible circuit court- to the probate office. A letter should be sent with the guardian change materials. Please request that the forms be returned to

* + - APS when approved so that the **notice (GN-3430)** can be sent.

Request that APS receive notification when the change is approved. Keep copies of all forms sent to the court, in green soft file with client name.

Record all actions in APS Console in EHR. This information is entered in the

client record, in administration under communications. Choose the guardian change options in the drop down box. \*If a hearing is scheduled, this will need to be recorded in the court status section as well.

Place a prompt in Outlook to check on the status in one week.

Record and note all actions in EHR- progress notes - under "APS note". Time spent on the change process is billed and this is documented by entering time in this note.

Receive orders back from court. If not returned within 7 days, check with the

responsible court probate office to check on the status (as per calendar prompt). Complete form **GN-3430, Notice of Appointment of Successor Guardian (without hearing).** This form must be sent to interested parties no later than 10 days after the change is approved.

Update guardian information in client record in EHR (surrogate information/contact information). (This includes end dating the previous guardian as well as adding the new).

Have ROl's signed by new guardian.

Scan all documents into APS legal section in laser fiche.

# Program-Specific Requirements:

**References:**

* + Joint Commission Chapter:
  + CMS Regulation:
  + WI State Statute Chapter 54