Please read every question carefully and review this instruction sheet

**REQUEST FOR REMOVAL OF GUARDIAN AND / OR SUCCESSOR GUARDIAN INSTRUCTIONS**

# You will be the petitioner

As the petitioner, you will appear & testify in court Reread your referral form before you testify in court Petitioner must:

* Make transport arrangements if needed
* If the proposed ward is unable to attend, explain why
* Make sure proposed guardian attends the court proceeding

# INSTRUCTIONS:

1. Do not fill out the instruction sheet – it is a guide only
2. Use a blank word document and then copy-paste into the referral form to use grammar and spell check
3. Attach the documents, as needed, and as listed on the referral packet
4. Below are further instructions for specific information that is being requested
5. Requests with missing information and / or original documentation will be returned, delaying the process

Please note:

* + If you are requesting that a temporary guardian be put into place, you must also complete the temporary guardian referral form in its entirety. Temporary guardians are for emergency, potentially life-threatening situations only. This referral alone is not sufficient.
  + If you want to remove the guardian, you need to petition for 1) review of conduct of guardian, and 2) successor guardian.
  + Removing a guardian requires a court hearing. You are the petitioner. As the petitioner, you will appear and testify in court. It is not necessary for the ward to appear in court, however, it may be requested. The witnesses and proposed successor guardian should appear at the hearing. If a subpoena is necessary to secure a witness, we will need to know one calendar week in advance.
  + If the guardian has submitted a resignation to you, a full hearing reviewing the guardian’s conduct will not be necessary. A successor guardian can be appointed quicker if the current guardian resigns. Please make all efforts to obtain a resignation.
  + If there is a current standby guardian, every effort must be made to have the standby guardian assume the role as primary guardian. If seeking to remove a current guardian, and standby guardian is not fit, you must meet the burden for removal for both the standby and primary guardian and remove both at the same time. If not, the standby guardian can assume the role as primary guardian.

# For Out-Of-State Guardians:

Instructions:

If the proposed guardian (or standby guardian) does not live in the State of Wisconsin, comment on the following issues: 1) how often will this person visit the ward, 2) how easy is it to contact this person, 3) amount of past involvement, 4) do other family members live in Wisconsin who could be the guardian?

Please be advised that the court still may reject the proposed out of state guardian and that you may want to have an alternative proposed guardian in mind.

# Explanation of Why Current Guardian(s) Should Be Removed:

Instructions:

You must provide a narrative explanation addressing the following: 1) basis of any referrals, 2) your specific personal observations, 3) any past referrals / information that demonstrate a pattern of the guardian not acting in the ward’s best interest, and 4) any supporting evidence or attach supporting documentation to support allegations like financial abuse.

# Interested Persons:

Instructions:

For subsequent guardianship petitions, we are required to provide notice to every interested person that was given notice of the original guardianship. Please include a copy of the original guardianship so that we can ensure all required interested parties will receive notice.

Please see the “Interested Persons” flow chart for additional information on who qualifies as an interested person.

Fill in all “Name” blanks (with a name, “none,” “deceased,” or “N/A”). If the individual has a living spouse, adult living children, or living parent(s), you do not have to list addresses/phone for siblings or children of deceased siblings. Fill in all address blanks (with a current address, “LKA (last known address) is ,” “whereabouts unknown after diligent search,” or “N/A.”)

If you know an interested person exists but do not know their current address*, you must make a “diligent effort” to find the current address.* This means - at the very least - asking all others who might have this information and doing a phone book / internet search. You must describe the diligent efforts you’ve undertaken. **If there is no description, this form will be returned and your petition will be delayed**