Fees for Guardianship and Protective Placement Services

Pursuant to Section 54.46(3)(a) and 55.075(4)(a) Wis. Stats., the court has the authority to award payment of petitioner’s reasonable attorney fees and costs in guardianship and protective placement proceedings. Below is the County Human Services & Health Department schedule of fees for those cases where the individual has financial resources.

1. Human Services will petition for guardianship/protective placement for those persons with income and assets below $25,000.

a). If income and assets are less than $10,000 there will be no fee.

b). If income and assets are more than $10,000, but less than $25,000, there will be a nominal flat fee to partially offset attorney’s fees and costs as follows:

* Temporary Guardianship only - $200
* Permanent Guardianship only - $250
* Permanent and Temporary Guardianship - $300
* Permanent Guardianship and Protective Placement - $400
* Permanent Guardianship, Temporary Guardianship, and Protective Placement - $450
* Petition for Protective Placement (already have guardianship) - $200
* Annual due process hearing (WATTS) - $200
* Petition for Successor Guardianship with hearing - $100
* Petition for standby guardianship with hearing - $50
1. Human Services will not petition for guardianship/protective placement of persons with income and assets of $25,000 or more with the following exceptions:
* Action is commenced as an emergency protective placement.
* Action is commenced as a temporary guardianship to prevent financial exploitation.
* There is no family to proceed on behalf of the individual.
* Family has not been willing to proceed on behalf of the individual, and the individual’s needs cannot be safely met without guardianship and/or protective placement.

In these cases, the petitioner will request reasonable attorney’s fees of $125.00 an hour as reimbursement of attorney’s fees and costs, to be paid form the ward’s income and assets.

1. Persons in need of guardianship/protective placement with income and assets of $25,000 or more, not meeting one of the above exceptions, shall be referred to private counsel.
2. Financial Eligibility for those individuals turning 18 who require guardianship/protective placement will be based upon the individual’s income and assets, and not those of the parent(s).
3. Human Services does not provide funding for corporate or volunteer guardians regardless of the income and asset limit of the proposed ward, unless extenuating circumstances exist as determined by the Human Services Director.