**GUARDIAN OF THE PERSON (INCOMPETENT) DUTIES & RESPONSIBILITIES**

**The** *Guardian of the Person* **is responsible for the custody and control of their ward. They are responsible for ensuring their ward receives the necessary care and services required. It is their duty to take care of their ward’s physical and emotional needs.** The following is a brief outline of the duties and responsibilities of the guardian:

1. The Guardian of the Person should ensure their ward is in the ***least restrictive environment*** consistent with the ward’s needs and attempt to integrate the ward into the community. The least restrictive environment is key because it allows the ward to be involved to the extent he or she is able. The ward should be involved with programs that allow as much freedom as possible. To the extent possible, the ward should be able to make choices about his or her activities.

2. The Guardian of the Person should act as an ***advocate*** for his or her ward, always keeping the ward’s best interest in mind. The ***advocate*** role requires the Guardian of the Person to be involved and visit the ward regularly. The Guardian should ask questions and express concerns on behalf of the ward.

3. The Guardian of the Person must file an ***annual report***, which is a summary of the ward’s status to the court. Form GN3480 is available at [www.wicourts.gov](http://www.wicourts.gov) .

4. The Guardian of the Person should keep a journal of all visits and phone calls with the ward to help in completing the annual report.

5. The Guardian of the Person will receive legal notices and letters on behalf of the ward and should ensure the ward’s legal obligations are met.

6. The Guardian of the Person has the responsibility to maintain the ward’s physical and mental health. The Guardian is legally authorized to make most decisions but may not make decisions regarding electroconvulsive treatment, experimental medications and sterilization.

7. The Guardian of the Person who makes thoughtful decisions and seeks second opinions when necessary will not be responsible if a treatment is unsuccessful. The Guardian of the Person, who acts against all medical advice or does not seek professional guidance, could be potentially liable.

This is a very brief description of the duties and responsibilities of the Guardian of the Person. Please review any Orders or Letters issued by the Judge for more information. If you have further questions, you may contact (Insert County contact information) or the Greater Wisconsin Agency on Aging Resources, Inc., 1414 MacArthur Road, Suite A, Madison, WI 53714 – (608) 243-5670.

[www.gwaar.org/wi-guardianship-support-center.html](http://www.gwaar.org/wi-guardianship-support-center.html)

If you require a certified copy of the Letters of Guardianship as proof you are the guardian, you may obtain the letters from the Register in Probate’s office. **The cost pursuant to Wisconsin Statutes is $3.00 for the certification and $1.00 for each page copied.**

PLEASE NOTE: This guideline is provided as a public service and is not intended to be legal advice. If you have any additional questions about guardianship procedures, please contact an attorney.

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