
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 97
[2021 Senate Bill 92]

Guardian Training Requirements

BACKGROUND

Wisconsin law provides for various types of guardianships, which generally authorize a person to make certain decisions for another person, the person's estate, or both, depending on the type of guardianship involved. The person for whom a guardian has been appointed is referred to as a "ward." Guardians are appointed by court order following procedures set by statute. Current law does not require proposed guardians to receive training prior to serving as a guardian.

2021 WISCONSIN ACT 97

2021 Wisconsin Act 97 creates a training requirement for proposed guardians. Specifically, the act requires that a proposed guardian receive training on specified topics before the final hearing for a permanent guardianship of a person or a person's estate. The required training topics differ depending on whether the proposed guardian will serve as a guardian of the person or of the estate, though all guardians must receive training on the duties and required responsibilities of a guardian under the law and the limits of a guardian's decision-making authority, unless otherwise exempted.

The act requires that a proposed guardian submit to the court a sworn and notarized statement that the proposed guardian has completed the training requirements. However, the act exempts the following types of guardians from the training requirement:

- A guardian who is an entity regulated by the Department of Health Services (DHS).
- A volunteer guardian who has completed the training requirements with regard to a prior ward.
- A proposed guardian of a minor's person or estate.

The act also requires DHS to award a grant to an organization to develop, administer, and conduct the training. The organization awarded the grant must have expertise in state guardianship law, experience in providing technical assistance and support to guardians and wards, and knowledge of common challenges and questions encountered by guardians and wards. The organization awarded the grant must develop plain language, web-based, online training modules that can be accessed for free, with printed versions available for free upon request. The grantee must, in coordination with DHS, develop the training content and implement the program within one year after the act's effective date.

Effective date: The act takes effect on December 5, 2021. The act's requirements for a guardian to complete training and submit a sworn and notarized statement of such completion first apply to guardianship petitions filed on January 1, 2023.

AO:jal