



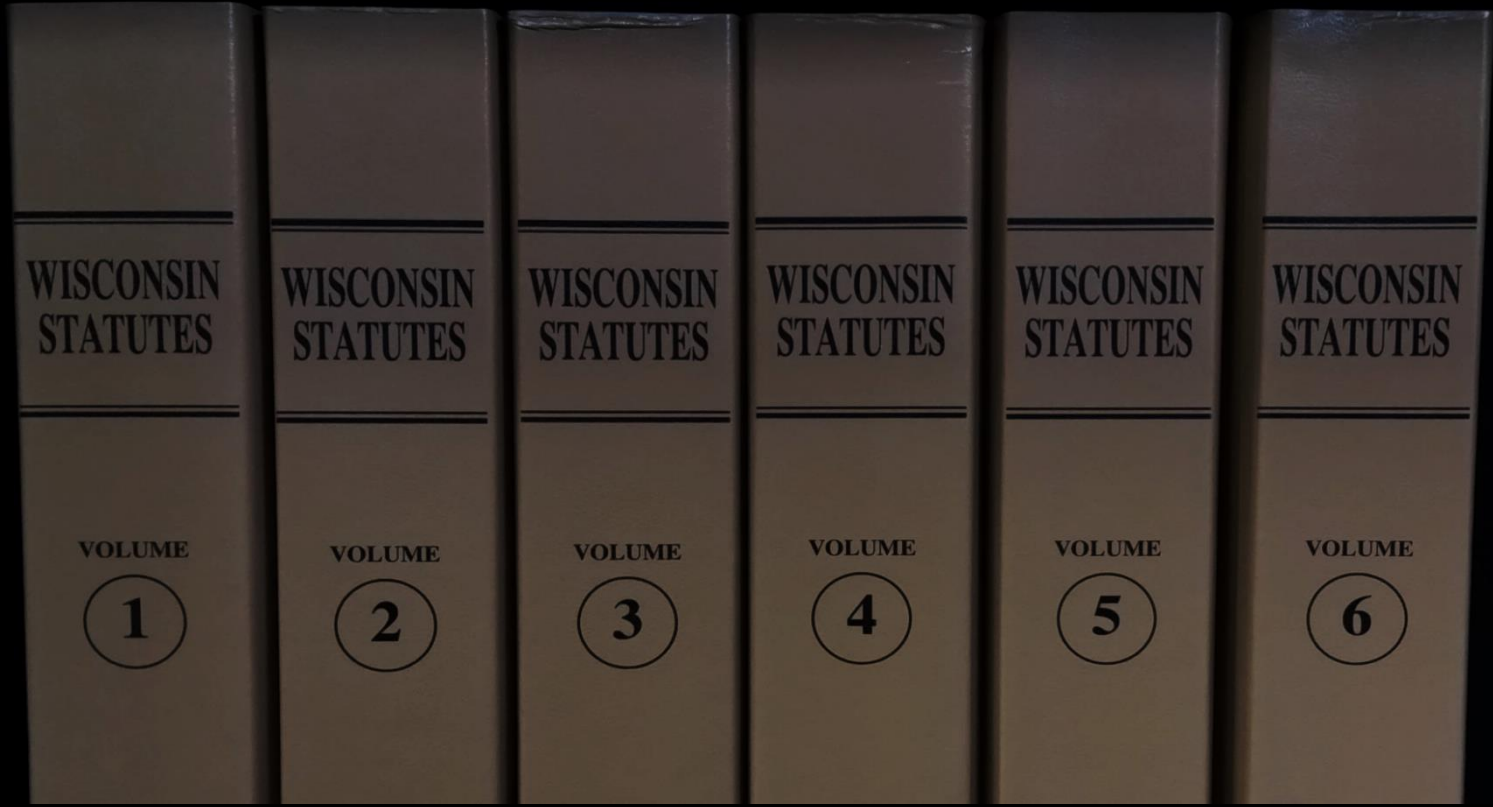
Guardianship

Atty. Eric Heywood

Learning Objectives

- Identify GN and PP
- Understand GN process
- Analyze and prepare defenses

Start with the Statutes!





~~34 + 35~~



54 + 55

Person

54: GN

Estate

Placement

55: PP

Services

Who's involved?

- Petitioner
- Individual
- GN
- GAL
- SPD!
- Providers

Subject Individual

- Control
- Home
- Confused

Example Individual

- Grumpy, widowed man
- Lives in old house
- Violent toward others

Home



- Memories
- Familiarity
- Autonomy

Petitioner



- County
- Private file

Guardian

- Family

- Corporate



Guardian ad Litem

- Attorney
- Best interest rec.
- Waive appearance?

SPD Appointed

- EPP/PP or Med order
- Adversary counsel
- Liberty interest

GN Process

- Emergency PP
- Petition for GN and PP
- Annual Watts review

EPP

- PC hearing

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- Irreparable

injury or death

Permanent GN/PP

- Incompetent
- Residential care
- Subs. risk of serious harm
- (Likely) Permanent

Watts Review

- GAL report
- Appoint SPD
- Least restrictive?

Prepare Defenses

- Client
- Doctor
- Records
- Motions
- Witnesses
- Trial

Defense of liberty

- Only voice for client
- Feeling trapped
- Taking away decisions

Client Meeting

- Call and plan meeting
- Ethics SCR 20:1.14(a)
- Client goals

Reviewing Records

- Discovery
- Interrogatory
- §51.30(4)(b)11.



Fact Witnesses

- ADL
- Independence
- Facility

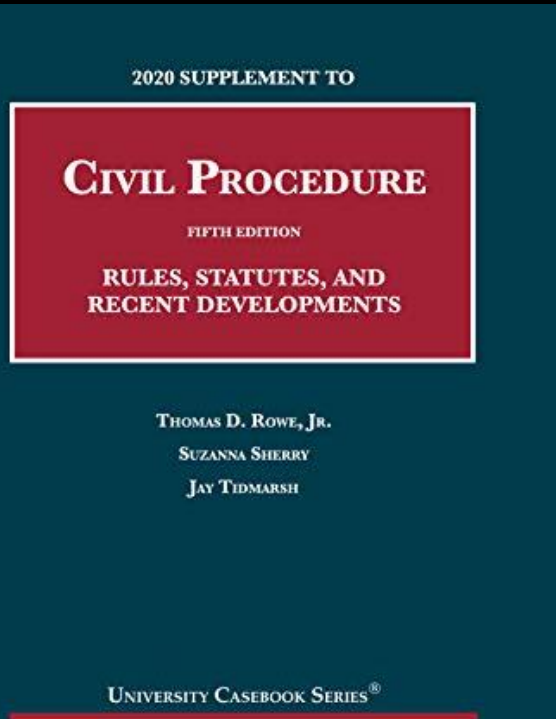
Doctor

- Time spent with client?
- Permanent condition?
- Consider protective services?
- Request independent eval.

Motions

- Notice
- Time limits
- Jury trial demand

Civil Procedure



- Clear & convincing
- 6 person jury
- 5/6 verdict

GN Defense

- POA – advanced planning
- Not permanent?
- Not incompetent?

PP vs PS

- Mobility
- Self care
- Least restrictive?

Client Goals

- Remain home
- Control decisions
- Maintain privacy



Questions?