

---

---

## GUARDIANSHIP GUIDELINE

WASHBURN COUNTY  
PROBATE OFFICE  
10 West 4<sup>th</sup> Avenue  
PO Box 339  
Shell Lake WI 54871  
PHONE: 715-468-4677  
FAX: 715-468-4678

### Due to Incompetency

HOURS:  
Monday – Friday  
8:00 a.m. – 4:30 p.m.

Email:  
Shannon.anderson@wicourts.gov

---

**NOTE:** This guideline is provided only as a public service and is not meant to be legal advice. The Register in Probate office cannot give legal advice or complete the forms for you; please contact an attorney if you have legal questions.

**NEWS:** You can efile your guardianship paperwork. Go to [www.wicourts.gov](http://www.wicourts.gov). Look under the tab for eFile/eCourts. Create an account, pay the appropriate fee and electronically file your paperwork.

**TO OPEN A *TEMPORARY* GUARDIANSHIP of an Individual:** complete and file the following with the Register in Probate office:

- GN – 3100 Petition for Guardianship due to Incompetency
- GN – 3230 Consent to Serve as Temporary Guardian
- GF – 131A Proposed Order Appointing Guardian ad Litem or Attorney\*
- GN – 3140 Statement of Acts by Proposed Guardian and Consent to Serve as Guardian
- GN – 3110 Order and Notice of Hearing
- GN – 3115 Waiver and Consent to Petition for Guardianship Due to Incompetency
- GN – 3135 Confirmation of Completion of Guardian Training Program

**\*A GUARDIAN AD LITEM (ATTORNEY) WILL NEED TO BE APPOINTED FOR THE INCOMPETENT PERSON (WARD) TO REPRESENT THE BEST INTERESTS OF THE WARD** (Form GF-131). The Guardian ad Litem will be appointed by the Court. The Court will make a determination as to who will be responsible for these fees. The Guardian ad Litem will meet with the ward and proposed successor or stand by guardian and will make a recommendation to the court.

**HEARING AND NOTICE REQUIREMENT:** A hearing will be scheduled by the Probate Court and the Order and Notice of Hearing (GN-3110) will be signed and copy provided to petitioner. The Petitioner shall serve notice of the Petition for Guardian and the Order and Notice of Hearing on the ward and all interested persons either in person or by mail at least 10 days prior to hearing. See Wis. Stat. 54.38(2)(a) and (b) for interested persons. It can be found at: <http://www.legis.state.wi.us/rsb/Statutes.html>.

**THE COURT HEARING:** Forms to have completed and with you at time of hearing:

- GN – 3120 Affidavit of Service
- GN – 3115 Waiver and Consent (from Interested Parties)
- GN – 3250 Order on Petition for Temporary Guardianship
- GN – 3260 Letters of Temporary Guardianship of the Person
- GN – 3265 Letters of Temporary Guardianship of the Estate

---

---

## GUARDIANSHIP GUIDELINE

WASHBURN COUNTY  
PROBATE OFFICE  
10 West 4<sup>th</sup> Avenue  
PO Box 339  
Shell Lake WI 54871  
PHONE: 715-468-4677  
FAX: 715-468-4678

### Due to Incompetency

HOURS:  
Monday – Friday  
8:00 a.m. – 4:30 p.m.

Email:  
Shannon.anderson@wicourts.gov

---

### POST HEARING:

- If you are appointed temporary guardian of the estate, an inventory (GN-3440) is due 60 days after you are appointed. A statutory inventory filing fee is due when the inventory is filed. The fee is .2% of the assets or a minimum of \$20.00 if the assets are under \$50,000.00. See sec. 814.66, Wis. Stats.
- The authority of the temporary guardian is limited to the performance of those acts stated in the order of appointment.
- A temporary guardian of the estate shall, upon termination, account to the court and deliver a copy to the person entitled to the ward's estate over which the temporary guardian of the estate has had control.

The temporary guardianship is valid for 60 days and can be renewed for an additional 60 days. The Petition to Extend must be filed with the Court **prior** to the expiration of the first 60 days.

- GN – 3270 Petition to Extend Temporary Guardianship  
 GN – 3280 Order to Extend Guardianship

If the Court does not receive the Petition to Extend and Order to Extend Guardianship, the temporary guardianship will expire. The file will be closed and the temporary guardianship will expire after either the first 60 days expiration date (if not extended) or after the second 60 days expiration date. During the term of the temporary guardianship, a hearing may be held to request a permanent guardian *prior* to the expiration date.

**Note:** pursuant to 54.50(2), Wis. Stats., the court may impose no further temporary guardianship on the ward for at least 90 days after the expiration of the temporary guardianship and any extension.

**TO OPEN A PERMANENT GUARDIANSHIP of an Individual:** complete and file the following with the Register in Probate office:

- GN – 3100 Petition for Guardianship due to Incompetency  
 GF – 131A Proposed Order Appointing Guardian ad Litem or Attorney\*  
 GN – 3140 Statement of Acts by Proposed Guardian and Consent to Serve as Guardian  
 GN – 3110 Order and Notice of Hearing

**HEARING AND NOTICE REQUIREMENT:** A hearing will be scheduled by the Probate Court and the Order and Notice of Hearing (GN-3110) will be signed and copy provided to petitioner. The Petitioner shall serve notice of the Petition for Guardian and the Order and Notice of Hearing on the ward and all interested persons either in person or by mail at least 10 days prior

---

---

## GUARDIANSHIP GUIDELINE

WASHBURN COUNTY  
PROBATE OFFICE  
10 West 4<sup>th</sup> Avenue  
PO Box 339  
Shell Lake WI 54871  
PHONE: 715-468-4677  
FAX: 715-468-4678

### Due to Incompetency

HOURS:  
Monday – Friday  
8:00 a.m. – 4:30 p.m.

Email:  
Shannon.anderson@wicourts.gov

---

to hearing. See Wis. Stat. 54.38(2)(a) and (b) for interested persons. It can be found at:  
<http://www.legis.state.wi.us/rsb/Statutes.html>.

**PRIOR TO THE COURT HEARING,** file the following documents:

- GN – 3130 Examining Physician’s or Psychologist’s Report
- GN – 3115 Waiver and Consent to Petition for Guardianship Due to Incompetency
- GN – 3135 Confirmation of Completion of Guardian Training Program
- GN – 3120 Affidavit of Service showing that the petitioner complied with sec. 54.38, Wis. Stats., for notice requirements
- GN – 3130 Examining Physician’s or Psychologist’s Report
- GN – 3160 Report of Guardian ad Litem

**THE COURT HEARING:** Forms to have completed and with you at time of hearing:

- GN – 3120 Affidavit of Service
- GN – 3121 Certificate of Service on Individual
- GN – 3170 Determination and Order on Petition for Guardianship Due to Incompetency
- GN – 3200 Letters of Guardianship of the Person
- GN – 3210 Letters of Guardianship of the Estate

**FEES:** If the Register in Probate office supplies the forms, a \$6.00 form fee is charged. If certified copies of the Letters are requested, the fee is \$4.00 for a one-page document, \$5.00 for a two-page document, \$6.00 for a three-page document, etc.

**CERTIFIED COPIES:** Request for certified copies may be made in person or by mail. If the request is by mail, please enclose the correct fee **and** a stamped, self-addressed return envelope. Payment must be received before the issuance of certified copies.

**ADDITIONAL INFORMATION:** After the permanent guardianship hearing, additional information will be sent to the guardian.

**NOTE:** If you are appointed permanent guardian of the estate, an inventory is due 60 days after appointment. A statutory inventory filing fee is due when the inventory is filed. The fee is .2% of the assets or a minimum of \$20.00 if the assets are under \$50,000.00. See sec. 814.66, Wis. Stats.

**FORMS:** additional/duplicate forms can be found at: [www.wicourts.gov](http://www.wicourts.gov)