
MINOR GUARDIANSHIP OF THE ESTATE

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

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.

If you are commencing a guardianship for a minor estate without an attorney, you must review the following information carefully. As the petitioner in this action, it is your responsibility to complete the required forms, file the forms with the court, give notice to interested persons, and follow the statutory requirements and local court rules for guardianship of a minor under Chapter 54, Wis. Stats.

The following forms will be needed to open a *Permanent Guardianship of a Minor Estate*.

- GN – 3290 Petition for Temporary/Permanent Guardianship of Minor Estate
- GN – 3300 Proposed Order and Notice of Hearing Petition for Guardianship (Minor Guardianship of the Estate)
- GN – 3310 Waiver and Consent to Petition for Guardianship (Minor Guardianship of the Estate)
- GN – 3145 Statement of Acts by Proposed Guardian and Consent to Serve as Guardian
- GN – 3320 Nomination of Guardian by a Minor (if minor is 14 years old or older)
- GF – 131A Order Appointing Guardian ad Litem*

ADDITIONAL FORMS if seeking temporary guardianship:

- GN – 3235 Consent to Serve as Temporary Guardian (Minor Guardianship of the Estate)
- GN – 3255 Proposed Order on Petition for Temporary Guardianship (Minor Guardianship of the Estate)
- GN – 3267 Proposed Letters of Temporary Guardianship (Minor Guardianship of the Estate)

FORMS: All forms are available on-line and can be found at: www.wicourts.gov

You can fill the forms in on-line as a Word document and then print; or you can print the forms and complete them by hand. You will need to complete all forms before they are submitted for filing.

***A GUARDIAN AD LITEM (ATTORNEY) WILL NEED TO BE APPOINTED FOR THE MINOR TO REPRESENT THE BEST INTERESTS OF THE PROPOSED WARD.** The appointment of a Guardian ad Litem (GAL) is required pursuant to Statute. Even though there may be an agreement between the parties as to the need for a guardianship of a minor, a GAL is still required. The petitioner in the guardianship action **will be required** to deposit the amount of \$250.00 with the Register in Probate as a deposit towards the GAL fees. The scheduling of a

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hearing will not take place until this deposit is made. If you know of an attorney who is willing and able to act as a GAL in the proceedings, you may retain this attorney on your own, without having the court appoint the GAL.

The Guardian ad Litem is required by statute to meet with the minor, proposed guardian(s) and parent(s), and to make a recommendation to the court as to what is in the best interest of the minor. They will file a report with the court giving their recommendation to the guardianship. The GAL will appear at the hearing either in person, or by phone, if the court allows.

HEARING/GIVING NOTICE:

Once the petition for guardianship and accompanying paperwork has been received and filed with the court, a hearing will be scheduled with the assigned court official. Once the hearing is scheduled, the petitioner will be required to give notice to all interested persons

- After the hearing is scheduled, the Order and Notice for Hearing will be signed by the court official and the petitioner will receive copies of the Petition and the Order for Hearing.
- The petitioner is responsible for serving the Petition and the Order for Hearing at least 10 days prior to the hearing as follows: by personal service on the proposed ward; by mail or personal service on all interested parties listed on the petition. Refer to Wisconsin Sec. 54.38(2)(a) and (b) for methods of service and time limits; and Sec. 54.38(3) for interested persons.
- The Guardian ad Litem must receive copies of all documents filed.

AT THE HEARING:

The petitioner(s)/proposed guardians must be present at the hearing. The Guardian ad Litem will be present and will recommend to the court as to whether or not the minor is to be present. Testimony will be required and information will be provided to the court concerning the need for guardianship of the minor. If this guardianship is not consented to by the child's parent(s), it will be your burden to provide the court with information and testimony in support of the petition for guardianship.

PRIOR TO THE COURT HEARING: file the following documents:

- GN – 3122 Affidavit of Service (Minor Guardianship of the Estate)
- GN – 3123 Certificate of Service (Minor Guardianship of the Estate)

A separate Affidavit of Service showing that the minor ward was served with notice as well. Service on the proposed ward should be completed by someone other than the petitioner. See Sec. 54.38, Wis. Stats.

- GN – 3330 Proposed Determination and Order on Petition for Guardianship of Minor
- GN – 3345 Proposed Letters of Guardianship of the Estate of Minor

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The Petitioner is required to prepare the final paperwork for the guardianship hearing. Court staff cannot complete the final paperwork for you.

ADDITIONAL FORMS if ordered necessary by the court:

GN – 3190 Signature Bond (Minor and Adult Guardianship)

CERTIFIED COPIES: The fee for certification of documents is \$3.00 per document, and fee for plain copies is \$1.00 per page. Requests for 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 of the minor, 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.