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## GUARDIANSHIP Of Individual

CHIPPEWA COUNTY  
PROBATE OFFICE  
711 N. BRIDGE ST.  
CHIPPEWA FALLS, WI 54729

HOURS:  
MONDAY – FRIDAY  
8:00 AM – 4:30 PM

PHONE: 715-726-7737

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**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.

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

<u>Form #</u>	<u>Form name</u>
<input type="checkbox"/> GN – 3100	Petition for Guardianship due to Incompetency
<input type="checkbox"/> GN – 3230	Consent to Serve as Temporary Guardian
<input type="checkbox"/> GN – 3110	Order and Notice of Hearing
<input type="checkbox"/> GF – 0131	Order Appointing Guardian ad Litem
Prior to Hearing:	
<input type="checkbox"/> GN – 3120	Affidavit of Service
<input type="checkbox"/> GN – 3115	Waiver and Consent (from Interested Parties)
<input type="checkbox"/> GN – 3250	Order on Petition for Temporary Guardianship
<input type="checkbox"/> GN – 3260	Letters of Temporary Guardianship of the Person
<input type="checkbox"/> GN – 3265	Letters of Temporary Guardianship of the Estate

### HEARING/GIVING NOTICE:

- A hearing must be scheduled no earlier than 48 hours after the petition is filed.
- The Petitioner shall give notice of the petition to the proposed ward before or at the time the petition is filed or as soon after as possible, but not later than 3 calendar days after the hearing. If notice is served after the hearing, the petitioner shall include the court's order (if entered).
- Service requirements: on the proposed ward by personal service and on all interested parties by personal service, mail or by fax.
- The Court will appoint a Guardian ad Litem (GAL) the petitioner is responsible to pay the GAL's fees.
- At the hearing, the petitioner shall provide a report or testimony from a physician or psychologist that indicates that there is a reasonable likelihood that the proposed ward is incompetent.
- The Guardian ad Litem shall attend the hearing in person, by telephone, or shall provide a written report concerning the proposed ward to the court for review at the hearing.

### 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.

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- 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.

### TIMELINES:

- 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:

- GN – 3100 Petition for Guardianship Due to Incompetency (can be requested at same time as temporary guardianship)
- GN – 3110 Order and Notice of Hearing
- GF – 0131 Order Appointing Guardian ad Litem
- GN – 3115 Waiver and Consent
- GN – 3140 Statement of Acts by Proposed Guardian and consent to Serve as Guardian

### HEARING/GIVING NOTICE:

- A hearing will be scheduled. Copies of the Petition and the Order for Hearing will be provided to the petitioner.
- The petitioner is responsible for serving the Petition and the Order for Hearing at least 10 days prior to the hearing as follows: personal service on the proposed ward; service on all interested parties listed on the petition by mail or personal service.
- The Court will appoint a Guardian ad Litem but the petitioner is responsible to pay the GAL fees.

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

- 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
- 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)