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## Permanent Guardianship Guidelines

**NOTE:** This guideline, consisting of five (5) pages, is provided only as a public service and is not meant to be legal advice. The Register in Probate office cannot give legal advice; please contact an attorney if you have legal questions.

### **FIRST STEP: Filing the Action**

**At the time a *Petition for Guardianship* is filed, the petitioner is required to pay a \$200 deposit for Guardian ad Litem Fees to the Register in Probate.**

► **Petition for Temporary Guardianship/Permanent Guardianship Due to Incompetency (Form GN-3100, 5 pages)**

The petition shall be based on personal knowledge of the petitioner and state with particularity the factual basis for the allegations contained in it.

The petition shall be completely filled out prior to filing. Any petition that is incomplete or does not contain all of the information requested will not be accepted for filing.

The petitioner's signature on the petition shall be notarized.

► **Order Appointing Guardian Ad Litem (Form GF-131A, 1 page)**

A guardian ad litem is required in both temporary and permanent guardianship actions.

The Register in Probate shall assign a Guardian ad Litem to the case once a Petition is filed and the \$200 deposit paid.

The Register in Probate shall complete the *Order Appointing Guardian Ad Litem* form, and submit it to the assigned judge for signature. A copy of the signed order will then be provided to the petitioner.

► **Order and Notice of Hearing (Form GN-3110, 2 pages)**

Upon the filing of a *Petition for Temporary Guardianship/Permanent Guardianship/Protective Placement/Protective Services*, the Register in Probate will provide the petitioner with a hearing date and time to insert in the *Order and Notice of Hearing*.

The hearing on a *Petition for Permanent Guardianship* shall be held within 90 days from the date the petition is filed and the hearing on a *Petition for Protective Placement* shall

be held within 60 days from the date the petition is filed. If you file a petition for both permanent guardianship and protective placement, the hearing shall be held within 60 days.

Once the petitioner has completed the *Order and Notice of Hearing* the Register in Probate will submit it to the assigned judge for his signature. A copy of the signed order will then be provided to the petitioner.

## **SECOND STEP: Notifying the Parties**

### **► Affidavit of Service (Guardianship, Protective Placement or Protective Services) (Form GN-3120, 1 page)**

The petitioner shall serve a copy of the *Petition for Permanent Guardianship/Protective Placement/Protective Services, Order Appointing Guardian ad Litem, and Order and Notice of Hearing* upon the proposed ward at least ten (10) days prior to the hearing.

The person serving the notice shall inform the proposed ward of the complete contents of the notice and return an *Affidavit of Service* to the Court verifying that such notice has been given.

The petitioner shall also serve a copy of the *Petition for Permanent Guardianship, Petition for Protective Placement/Protective Services, Order Appointing Guardian ad Litem, and Order and Notice of Hearing, at least ten (10) days prior to the hearing*, on all of the following interested persons and return an *Affidavit of Service* to the Court verifying that such service has been made:

The guardian ad litem of the proposed ward  
The proposed ward's Agent under an activated Power of Attorney for Health Care  
The presumptive adult heirs of the proposed ward  
Any person(s) having physical custody of the proposed ward  
North Central Community Services Program  
Any government, private body, or group from whom the proposed ward is receiving aid or benefits (including, but not limited to the WI Veteran's Administration, Social Security Administration, and US Railroad Retirement Board)  
Any other persons or entities that the court may require

Addresses for some of these agencies may be found on the last page of this guideline.

### **► Waiver and Consent to Petition for Guardianship Due to Incompetency (Form GN-3115, 1 page)**

The petitioner shall also provide each interested person with a *Waiver and Consent to Petition for Guardianship Due to Incompetency*. Each interested person should complete the form if they do not have an objection to the guardianship. The petitioner shall make sure that all completed Waiver and Consent forms are filed with the Register in Probate prior to the hearing.

### **THIRD STEP: Preparing for the Hearing**

The petitioner shall ensure the proposed ward's attendance at all hearings unless the guardian ad litem waives the right of the proposed ward to attend.

The petitioner shall ensure that the North Central Community Services Program is served with a copy of *Petition for Guardianship/Protective Placement* and the *Notice of Hearing* at least thirty (30) days prior to the hearing. An *Affidavit of Service* shall be provided to the court confirming that such service was made.

Whenever protective placement is being sought, the agency will conduct and prepare a report of the *Comprehensive Evaluation* and file the original with the Court and provide a copy to the proposed ward, the petitioner, and the guardian ad litem at least 96 hours prior to the hearing.

#### **► Examining Physician's or Psychologist's Report (Form GN-3130, 4 pages)**

This form is required even if you are not requesting protective placement or protective services.

The petitioner shall obtain from a licensed physician or licensed psychologist, or both, a completed *Examining Physician's or Psychologist's Report* when a petition alleging incompetence is filed.

Prior to examination, the physician must inform the proposed ward of his or rights and complete the *Notice of Rights Prior to Examination by Physician or Psychologist*. The petitioner shall make sure that this notice is complete and filed with the doctor's report.

The petitioner shall provide the original *Examining Physician's or Psychologist's Report* to the court and a copy to the proposed ward and the guardian ad litem at least 96 hours prior to the hearing. An *Affidavit of Service* shall be provided to the court confirming that such service was made.

***If the physician or medical facility charges a fee for completing this form, payment of that fee will be the responsibility of the ward, NOT LINCOLN COUNTY.***

#### **► Statement of Acts by Proposed Guardian and Consent to Serve as Guardian (Form GN-3140, 2 pages)**

The proposed guardian or temporary guardian and any proposed standby guardian shall complete and submit to the court at least 96 hours prior to the hearing the *Statement of Acts by Proposed Guardian and Consent to Serve as Guardian*. Signatures on the *Statement of Acts by Proposed Guardian and Consent to Serve as Guardian* shall be notarized.

#### **► Determination and Order on Petition for Guardianship Due to Incompetency (Form GN-3170, 6 pages)**

#### **► Letters of Guardianship of the Person (Due to Incompetency) (Form GN-3200, 2 pages)**

**► Letters of Guardianship of the Estate (Due to Incompetency) (Form GN-3210, 1 page)**

When preparing for a hearing on permanent guardianship and/or protective placement, the petitioner shall complete *Determination and Order on Petition for Guardianship due to Incompetency*, *Order for Protective Placement/Protective Services*, *Letters of Guardianship of the Person*, and *Letters of Guardianship of the Estate* and bring them to the hearing for presentation to and signature by the judge.

The judge will not sign an incomplete *Determination and Order on Petition for Guardianship Due to Incompetency*, *Order for Protective Placement/Protective Services*, *Letters of Guardianship of the Person*, or *Letters of Guardianship of the Estate*, so it is important that you have these documents prepared prior to the hearing.

**► Signature Bond (Guardianship) (Form GN-3190, 1 page)**

All guardians will be required to furnish a signature bond in an amount to be determined by the Court.

**FOURTH STEP: The Hearing**

The petitioner must attend all hearings. If the petitioner cannot attend a hearing in person, arrangements may be made to appear by telephone by contacting the Register in Probate at least 48 hours prior to the hearing. The Register in Probate can be reached at (715)536-0342.

If your petition is granted, the judge will sign the appropriate orders and letters of guardianship.

The Register in Probate will mail you a copy of the *Determination and Order for Guardianship/Protective Placement/Protective Services* and certified copies of *Letters of Guardianship* within a few days of the hearing.

You must provide a copy of the *Determination and Order for Guardianship/Protective Placement/Protective Services* to the ward, the guardian ad litem, the placement facility, and the county department responsible for providing services to your ward.

**FIFTH STEP: Post-Hearing**

The following documents will be required to be filed by the guardian within thirty (30) days of the final guardianship hearing. The forms will be sent to the guardian with the copies of the *Determination and Order for Guardianship/Protective Placement/Protective Services* and certified copies of *Letters of Guardianship*.

**► Guardianship Inventory (Form GN-3440, 2 pages)**

The guardian's signature on the *Guardianship Inventory* shall be notarized.

The *Guardianship Inventory* must be supplemented with copies of bank statements, deeds, titles, etc. that support the information contained on Page 2 of the form.

A filing fee of .002 of the net value of the guardianship assets is due at the time of filing.

All of the forms referenced in this *Guideline* can be found on the Wisconsin Court System Website: [www.wicourts.gov](http://www.wicourts.gov) The Register in Probate DOES NOT provide forms to the public.

**Addresses for Interested Agencies:**

North Central Community Services Program  
1100 Lake View Drive  
Wausau, WI 54403

Corporation Counsel  
500 Forest Street, Room 134B  
Wausau, WI 54403

WI Social Security Administration  
352 Grand Avenue  
Wausau, WI 54403

Wisconsin Department of Veterans Affairs  
201 W. Washington Ave.  
PO Box 7843  
Madison, WI 53707-7843

US Railroad Retirement Board  
Wisconsin District Office  
310 W. Wisconsin Avenue, Suite 1300  
Milwaukee, WI 53203-2211