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Standby Guardianship Guidelines

NOTE: This guideline, consisting of two (2) 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.

There are 4 Phases to the Guardianship Services Action. They are as follows:

Phase I: Filing the Action

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

► Petition for Appointment of Standby Guardian (Form GN-3435, 2 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 this action.

The petitioner shall complete the *Order Appointing Guardian Ad Litem* form, leaving the attorney information section blank, as the Register in Probate will assign the guardian ad litem and complete that section of the form. The *Order Appointing Guardian Ad Litem* will be submitted to the assigned judge for his signature. A copy of the signed order will then be provided to the petitioner.

Phase II: Notifying the Parties

► **Order and Notice of Hearing (Form GN-3110, 1 page)**

Upon the filing of a *Petition for Appointment of Standby Guardian*, the Register in Probate will provide the petitioner with a hearing date and time to insert in the *Order and Notice of Hearing*.

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

► **Affidavit of Service (Form GN-3120, 1 page)**

The petitioner shall serve a copy of the *Petition for Appointment of Standby Guardian*, *Order Appointing Guardian ad Litem*, and *Order and Notice of Hearing* upon the interested parties.

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 Register in Probate verifying that such notice has been given.

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

► **Statement of Acts by Proposed Guardian and Consent to Serve as Guardian (Form GN-3140, 1 page)**

The 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*.

The proposed standby guardian's signature on the *Statement of Acts by Proposed Guardian and Consent to Serve as Guardian* shall be notarized.

Phase III: Preparing for the Hearing

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

► **Order on Petition for Standby Guardianship Due (Form GN-3437, 2 pages)**

When preparing for the hearing, the petitioner shall complete *Order on Petition for Standby Guardian* and bring it to the hearing for presentation to and signature by the judge.

The judge will not sign an incomplete *Order*, so it is important that you have this document prepared prior to the hearing.

Phase IV: The Hearing

Hearing on Standby Guardianship Petition

At the hearing, the court determines whether there should be a standby guardian appointed of the person, the estate, or both. If a standby guardian is appointed, the court will sign the prepared *Order on Petition for Standby Guardian*.

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