



**LINCOLN COUNTY  
REGISTER IN PROBATE & JUVENILE COURT**

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**Emergency Minor Guardianship  
Guidelines**

**NOTE: This guideline, consisting of three (3) 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 Emergency Guardianship Action. They are as follows:

**Phase I: Filing the Action**

**At the time a *Petition for Appointment of Emergency 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 Emergency Guardian (48.9795, Wis. Stats.) (Form JN-1504, 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.

**► *Order Appointing Guardian Ad Litem (Form JD-1798A, 2 pages)***

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

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.

**► *Notice of Hearing (Form JD-1724, 1 page)***

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

hearing on *Petition for Emergency Guardianship* will be held as soon as possible after the filing of a petition.

► **Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (Form GF-150, 2 pages)**

The petitioner shall complete the Uniform Child Custody Jurisdiction and Enforcement Act Affidavit, sign and date it, and file it with the court prior to the hearing. The form may be supplemented with an attachment if necessary.

► **Statement by Proposed Guardian (Form JN-1514, 1 page)**

The proposed emergency guardian shall complete and submit to the court, prior to the hearing, the *Statement by Proposed Guardian*.

This form is required in both temporary and permanent minor guardianship situations.

The proposed guardian's signature on the *Statement by Proposed Guardian* shall be notarized.

► **Temporary Order Appointing an Emergency Guardian (48.9795, Wis. Stats.) (Form JN-1520, 1 page)**

The proposed emergency guardian may complete and submit to the court, prior to the hearing, *Temporary Order Appointing an Emergency Guardian*. If the court approves and signs, this order expires on the date of the hearing on the Petition for Appointment of Emergency Guardian.

**Phase II: Notifying the Parties**

► **Affidavit of Service (Chapter 48 and 938) (Form JD-1825, 1 page)**

The petitioner shall serve a copy of the *Petition for Appointment of Emergency Guardian, Order Appointing Guardian ad Litem, Notice of Hearing, and Temporary Order Appointing an Emergency Guardian* (if an order was completed and signed by the court) to all interested parties prior to the hearing.

The petitioner serving the notice shall inform the proposed ward, if 14 years of age or older, 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 Appointment of Emergency Guardian, Order Appointing Guardian ad Litem, Notice of Hearing, and Temporary Order Appointing an Emergency Guardian* (if an order was completed and signed by the court) 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  
Both of the proposed ward's parents

Any person(s) having physical custody of the proposed ward  
Lincoln County Department of Social Services or Lincoln Industries, when applicable  
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

### **Phase III: Preparing for the Hearing**

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

#### **► Letters of Guardianship and Dispositional Order Appointing an Emergency Guardian (48.9795, Wis. Stats.) (Form JN-1521, 2 pages)**

The judge will not sign an incomplete form, so it is important that you have these documents prepared prior to the hearing.

### **Phase IV: The Hearing**

The petitioner must attend the hearing. If your petition is granted, the judge will sign the Letters of Guardianship and Dispositional Order Appointing an Emergency Guardian. The Register in Probate will mail you a copy within a few days of the hearing.

### **Phase V: Post-Appointment Requirements**

Upon receipt of your copy of Letters of Guardianship and Dispositional Order Appointing an Emergency Guardian you shall provide a copy of the same to your ward, the guardian ad litem, the parent(s), and any other interested person(s).

**The Emergency Guardianship may not exceed 60 days.** If further action is required, a Petition for Appointment of Guardian (Full/Limited/Temporary) Guardianship (Form JN-1501) must be filed.

**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.**