

	<p>Register in Probate  Dodge County Justice Facility  210 West Center Street  Juneau, WI 53039-1091  Telephone: (920) 386-3550</p>	
	<p>SUCCESSOR GUARDIAN OF AN INCOMPETENT  PERSON and/or ESTATE</p>	

**WHAT IS IT?** A guardianship action is a court procedure to appoint someone called a “guardian” to make medical and/or financial decisions for an incompetent person called the “Ward”. You may retain an attorney to complete the forms and appear at the guardianship hearing, but the law does allow individuals to petition the court without an attorney. However, as the Register in Probate and his/her staff are unable to give you legal advice and this can be a very complicated procedure, we urge you to consult with an attorney about this process.

- ❖ A packet of forms is available from the Register in Probate for \$5.00.
- ❖ You may access all probate forms on the internet at: <http://www.wicourts.gov/forms1/circuit.htm>
- ❖ If you do not understand the forms or your duties as the petitioner, please seek advice from an Attorney.
- ❖ Complete the above forms and call (920) 386-3550 for an appointment.

Form	Name of Form
<a href="#">GN-3435</a>	<p><b>Petition for Appointment of Successor Guardian</b>  Must list all interested persons – please see §54.38, Wis. Stats.  <b><u>Please note: the Attorney must always be listed as an interested party</u></b></p>
<a href="#">GN-3400</a>	<p><b>Resignation of Guardian</b>  If applicable</p>
<a href="#">GN-3140</a>	<p><b>Statement of Acts by Proposed Guardian and Consent to Serve as Guardian</b>  All proposed guardians (co-guardians/standby) must complete and submit.</p>
<a href="#">GN-3115</a>	<p><b>Waiver and Consent to Petition for Guardianship Due to Incompetency</b>  May be signed by any interested person(s)</p>
<a href="#">GN-3110</a>	<p><b>Order and Notice of Hearing</b>  See §54.38, Wis. Stats. regarding your responsibility to provide notice to all interested parties</p>
Court will Generate	<p><b>Order Appointing Guardian ad Litem or Attorney</b></p>
<a href="#">GN-3120</a>	<p><b>Affidavit of Service – Guardianship, Protective Placement or Protective Services</b> Notice to interested parties listed.</p>
GAL & Attorney Fee	<p><b>\$250.00 deposit.</b> The petitioner may be responsible for GAL and other attorney fees. See §54.46(3), Wis. Stats. and/or consult with an attorney.</p>

**COURT HEARING:** A hearing on the petition will be scheduled before the Judge.

**SERVICE OF DOCUMENTS:** The Petitioner shall provide notice to all interested persons, including the Guardian ad Litem, either in person or by mail at least 10 days prior to the hearing. All interested parties must receive notice

of this hearing. See §54.38(2)(a) and (b), Wis. Stats. Note: Failure to provide notice as required by statute will deprive the court of jurisdiction over this case and the petition may be dismissed or the hearing may be rescheduled

**All documents necessary for the hearing must be filed at least 96 hours (4 days) prior to the hearing.**

Form	Name of Form
GAL will Generate	<b>Report of Guardian ad Litem</b> The GAL will file this report directly with the court
<a href="#">GN-3740</a>	<b>Order of Discharge of Guardian - Discharging prior guardian, if applicable</b>
<a href="#">GN-3437</a>	<b>Order on Petition for Successor Guardian</b>
<a href="#">GN-3190</a>	<b>Signature Bond (if required)</b> In some cases, a surety bond may be required by the Court
<a href="#">GN-3200</a>	Use either one or both of these forms as appropriate: <b>Letters of Guardianship of the Person</b>
<a href="#">GN-3210</a>	and/or <b>Letters of Guardianship of the Estate</b>

**AFTER APPOINTMENT OF SUCCESSOR GUARDIAN:**

You, as Successor Guardian, are **required** to give notice of your appointment as Successor Guardian to the ward and all other interested persons by filing with the court the following:

Form	Name of Form
<a href="#">GN-3430</a>	<b>Notice of Appointment of Successor Guardian</b>
<a href="#">GN-3120</a>	<b>Affidavit of Service</b> Indicating when the Successor Guardian provided a copy of the <b>Notice of Appointment of Successor Guardian &amp; Order of Discharge of Guardian (if applicable)</b> to the ward and all interested persons
<a href="#">GN-3730</a>	<b>Receipt from Guardian or Conservator</b> For all assets received from the prior guardian

- ❖ Copies of Documents: Make copies of all documents for your records before you file the documents with our office. If staff makes copies for you, there is a \$1.00/page fee per §814.66, Wis. Stats.
- ❖ Certified Copies: If certified copies are required, the statutory cost is \$3.00 for the certificate and \$1.00 for each page copied or compared per §814.66, Wis. Stats.

If you are appointed **GUARDIAN OF THE PERSON** you must:

<a href="#">GN-3480</a>	<b>Annual Report on the Condition of the Ward. The report must be filed no later than April 15<sup>th</sup>.</b>
-------------------------	--

If you are appointed **GUARDIAN OF THE ESTATE** you must:

- ❖ File an inventory (see link below) within **60 days** listing all of the assets of the ward (even if zero assets) as of the date you are appointed and pay the mandatory inventory filing fee (see below).
- ❖ File an annual Account of the Guardian Form [GN-3500](#) listing all financial activity from the time you are appointed to December 31 of the same year. The annual account must be filed no later than April

15. The probate court office will mail out this form each year. If you do not receive it, it is your responsibility to obtain a blank form from <http://www.wicourts.gov/forms1/circuit.htm>.

<a href="#">GN-3440</a>	<b>Guardianship Inventory and filing fee required due within 60 days of appointment.</b> Please see §54.60, Wis. Stats. \$20 filing fee, if the total net assets are \$50,000 or less. If total net assets are \$50,000.01 and over, a filing fee of .2% of the value of assets.
<a href="#">GN-3500</a>	<b>Annual Account of the Guardian</b> Must be filed no later than April 15 <sup>th</sup> .

Failure to file the Guardianship Inventory or Annual Account will result in an Order to Show Cause for you to appear before the Court.

**LINKS TO OTHER INFORMATION:**

- Greater Wisconsin Agency on Aging Resources, Inc. - <https://gwaar.org/guardianship-resources>
- Dodge County Aging and Disability Resource Center – (920) 386-3580 or toll free: 1-800-924-6407  
<https://www.co.dodge.wi.gov/how-do-i/contact/aging-and-disability-resource-center>
- Dodge County Human Services Department, Adult Protective Services – (920) 386-3580  
<https://www.co.dodge.wi.gov/departments/departments-e-m/human-services-health-department/adult-protective-services-and-long-term-support-unit>
- “The Process for Establishing Guardianship of an Adult”, GWAAR [Flow Chart](https://gwaar.org/api/cms/viewFile/id/2002974)  
<https://gwaar.org/api/cms/viewFile/id/2002974>