

	<p>Register in Probate Dodge County Justice Facility 210 West Center Street Juneau, WI 53039-1091 Telephone: (920) 386-3550</p>	
	<p>Petitioning for Guardianship of Adult Person, Estate or with Protective Placement (If in a facility with 16 or more beds)</p>	

Note: These are guidelines for establishing an adult guardianship of the **person, estate or with Protective Placement** (if Ward is in a facility with more than 16 beds). This guideline is provided as a public service and is not intended to be legal advice.

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. This can be a very complicated procedure and because the Register in Probate and their staff are unable to give you legal advice, 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>, then click on link: Due to Incompetency for list of forms
- ❖ Complete the below forms and either mail them to us or drop them off at the Dodge County Probate Office.
- ❖ The Register in Probate will review your paperwork and will deposit your Guardian ad Litem Trust payment of **\$250.00**.
- ❖ The Register in Probate will appoint a Guardian ad Litem, schedule a hearing and generate an order appointing Guardian ad Litem.
- ❖ When you pick up the paperwork you will be given a copy of the paperwork to serve on all interested persons.
- ❖ The Affidavit of Service needs to be completed after you serve the documents on the interested persons and file it with the Court **before** the hearing.

MANDATORY GUARDIANSHIP TRAINING

Prior to being appointed as a permanent guardian over an adult ward you must complete the required training and submit proof that you have completed this training to the court. Once training is complete, print off the certificate of completion and submit with form GN-3135.

This course is self-paced and is accessible 24/7. If an individual does not have access to a computer and/or Wi-Fi, they can find a list of free public computers and internet access in their county through the link on our website.

Form No.	Name of Form
	Guardianship Training Registry - https://www.uwgb.edu/guardianship-training/registry-search/ Guardianship Training: https://www.uwgb.edu/guardianship-training/

GN-3135	Confirmation Of Completion of Guardian Training Program (Adult Guardianship)
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FORMS TO REQUEST A GUARDIANSHIP

GN-3100	Petition for Temporary/Permanent Guardianship Must list all interested persons – see §54.38, Wis. Stats. Including the Dodge County Attorney. <u>PLEASE NOTE:</u> You must provide the court with the original and enough copies for all interested persons to be served.
GN-4040	Petition for Protective Placement/Protective Services
GN-3140	Statement of Acts Must be filed no later than 96 hours prior to the hearing; All proposed guardians (including co-guardians/standby) must complete and submit.
GN-3115	Waiver and Consent to Petition for Guardianship May be signed by any interested person(s)
GN-3130	Examining Physicians or Psychologist Report (Completed by a PhD Psychologist/Psychiatrist or Medical Doctor)
GN-3110	Order and Notice of Hearing See §54.38, Wis. Stats. regarding your responsibility to provide notice to all interested parties <u>PLEASE NOTE:</u> You must provide the court with the original and enough copies for all interested persons to be served.
Court Will draft	Order Appointing Guardian ad Litem or Attorney
GAL fees	Dodge County requires a GAL fee deposit. \$250.00. <u>You will be responsible for any additional fees charged by the GAL.</u>

Court Hearing: If the petition complies with §54.34, Wis. Stats., a hearing on the petition will be scheduled before a judge. The Petitioner and proposed Guardian must be present in court to testify at the hearing. The Court is required to conclude the petition within 90 days of filing.

SERVICE OF DOCUMENTS:

- ❖ The Petitioner shall serve a copy of the Petition for Guardianship and the Order and Notice of Hearing on the proposed ward by personal service no less than 10 days prior to the hearing date.
- ❖ The Petitioner shall also provide notice to all other 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 case 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.

GN-3120	Affidavit of Service – Guardianship, Protective Placement or Protective Services Notice to interested parties listed (including Dodge County Attorney)
GN-3170	Determination and Order on Petition for Guardianship Due to Incompetency
GN-3200 and/or GN-3210	Use either one or both of these forms as appropriate: Letters of Guardianship of the Person Letters of Guardianship of the Estate

GN-4060	Order on Petition for Protective Placement or Protective Services
GAL Generates Report	Report of Guardian ad Litem The GAL will file this report directly with the Court.
GN-3190	Signature Bond (if required) In some cases, a surety bond may be required by the Court.

After Appointment of 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:

GN-3480	Annual Report on the Condition of the Ward. The report must be filed no later than April 15th.
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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>.

GN-3440	Guardianship Inventory and filing fee required due within 60 days of appointment. 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.
GN-3500	Annual Account of the Guardian Must be filed no later than April 15 th . See Annual Account instructions .

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>