
TEMPORARY GUARDIANSHIP of an Adult

DUNN COUNTY
PROBATE OFFICE
615 STOKKE PKWY, SUITE 1500
MENOMONIE, WI 54751

HOURS:
MONDAY – FRIDAY
8:00 AM – 4:30 PM

PHONE: 715-232-6782

NOTE: This guideline is provided only as a public service and is not meant to be legal advice. The Register in Probate Office cannot give legal advice or complete the forms for you. Please contact an attorney if you have legal questions.

TO OPEN A TEMPORARY GUARDIANSHIP: Complete and file the following with the Register in Probate Office:

<u>Form #</u>	<u>Form Name</u>
<input type="checkbox"/> GN – 3100	Petition for Guardianship due to Incompetency
<input type="checkbox"/> GN – 3110	Order and Notice of Hearing
<input type="checkbox"/> GN – 3230	Consent to Serve as Temporary Guardian
<input type="checkbox"/> GN – 3115	Waiver and Consent to Petition for Guardianship due to Incompetency
<input type="checkbox"/> GN – 3120	Affidavit of Service
<input type="checkbox"/> GN – 3250	Order on Petition for Temporary Guardianship
<input type="checkbox"/> GN – 3260	Letters of Temporary Guardianship of the Person
<input type="checkbox"/> GN – 3265	Letters of Temporary Guardianship of the Estate

HEARING/GIVING NOTICE:

- A hearing must be scheduled no earlier than 48 hours after the petition is filed.
- The petitioner shall give notice of the petition to the proposed ward before or at the time the petition is filed, or as soon thereafter as possible (not later than 3 calendar days after the hearing). If notice is served after the hearing, the petitioner shall include the court's order with the notice.
- Service requirements: personal service on the proposed ward and personal or mailed notice to all interested parties.
- The court will appoint a guardian ad litem (GAL) and determine who is responsible for the GAL's fees.
- At the hearing, the petitioner shall provide a report or testimony from a physician or psychologist that indicates that there is a reasonable likelihood that the proposed ward is incompetent.
- The guardian ad litem shall attend the hearing in person, by telephone, or shall provide a written report to the court concerning the proposed ward for review at the hearing.

POST HEARING:

- If you are appointed temporary guardian of the estate, an inventory may be ordered. A statutory inventory filing fee is due when the inventory is filed. The fee is .2% of the assets or a minimum of \$20.00 if the assets are under \$50,000.00. See sec. 814.66, Wis. Stats.
- The authority of the temporary guardian is limited to the performance of those acts stated in the order of appointment.

TEMPORARY GUARDIANSHIP of an Adult

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- A temporary guardian of the estate shall, upon termination, account to the court and deliver the assets to the person entitled to the individual's estate over which the temporary guardian of the estate had control.

TIMELINES:

- The temporary guardianship is valid for 60 days and can be extended one time for an additional 60 days.
- If an extension is necessary, a Petition to Extend must be filed with the court **prior** to the expiration of the first 60 days.
 - GN – 3270 Petition to Extend Temporary Guardianship
 - GN – 3280 Order on Petition to Extend Temporary Guardianship
- If the court does not receive a Petition to Extend Temporary Guardianship and Order on Petition to Extend Temporary Guardianship, the temporary guardianship will expire.
- The file will be closed and the temporary guardianship will expire after either the first 60-day expiration date (if not extended) or after the second 60-day expiration date.
- During the term of the temporary guardianship, a hearing may be held *prior* to the expiration date to request a permanent guardian.
- Pursuant to Wis. Stat. 54.50(2), the court may impose no further temporary guardianship on the individual for at least 90 days after the expiration of the temporary guardianship and any extension.

CERTIFIED COPIES: Certified copies of Letters of Temporary Guardianship are available from the Register in Probate Office. The certification fee is \$3.00, plus \$1.00 for each page copied. Requests for certified copies may be made in person or by mail. If the request is by mail, please enclose the correct fee **and** a self-addressed, stamped envelope. Payment must be received before the issuance of certified copies.

FORMS: Guardianship forms are available on the Wisconsin Court System website at www.wicourts.gov by clicking on "Forms", "Circuit Court", then "Guardianship".

NOTE: If the proposed ward meets certain income criteria, Dunn County may be able to assist you with the guardianship procedure. You may contact the Dunn County Department of Human Services and speak with a social worker at 715-232-1116 to see if they can assist you.