

## Forms and Procedures for filing for Guardianship of the Estate of a Minor

Forms can be found online at: <https://www.wicourts.gov/forms1/circuit/formcategory.jsp?Category=17>

Then click on the link Minor Estate for forms (see below).

You can also purchase forms at the Dane County Law Library located in the basement of the Dane County Courthouse, 215 S. Hamilton St, Madison, WI 53703. Call 608-266-6316 for assistance.

### Procedure for Petitioning for Guardianship of the Estate of a Minor

- 1) Complete the forms and then call probate court at 266-4331 for an appointment to set up a case. At your appointment you will be given an Order and Notice of Hearing. These documents need to be served on the ward (if 14 or older), any current guardian and on any other interested party.
- 2) In the alternative, you may complete the forms and then file the forms by mailing, filing in person or faxing to the probate office. Your originals will be mailed back to you including an Order and Notice of Hearing. These documents need to be served on the ward, any current guardian and on any other interested party. Please call to discuss service once you receive your forms back and ask for Gina.
- 3) Pro se parties may choose to electronically file a new case or opt into an existing case to e-file documents. If you are opting into an existing case, please see your notice of electronic filing or call the probate court for your opt in code. You must enter your name exactly as it is in the case. There is a one time \$20 opt in fee or electronic filing fee (for filing of a new case) but then you will have full access to the case.
- 4) At your appointment (if you have chosen this option), you will be given an Order Appointing a Guardian ad Litem and an Order and Notice of Hearing. These documents need to be served on the ward, any current guardian and on any other interested parties along with any other forms filed with the court.
- 5) **Serve all interested parties** a copy of the Petition for Guardianship of a Minor, Order and Notice of Hearing, Order Appointing a Guardian ad Litem, and any other papers filed with the Petition. Service on interested persons would include the child, if age 14 or older; the child's spouse, if any; the child's parents, unless the parent's parental rights have been judicially terminated; any other person that has the legal or physical custody of the minor, etc. Wisconsin Statute Chapter 54 outlines service requirements and methods for service including – personal delivery or by proof that documents were mailed to the last known address of the recipient or the same was sent by facsimile transmission to the last-known facsimile transmission number of the recipient. Failure of the petitioner to provide notice to all interested persons shall deprive the court of jurisdiction unless receipt of notice is waived by the interested person(s).
- 6) **Complete and file with the Probate Court your "Affidavit of Service."** Once you have served all interested parties, you can mail back the Affidavit, file it in-person with the Probate Court or bring the Affidavit to your scheduled hearing.
- 7) For Guardianship of the Estate of a Minor, there is a two part process. Initially, you appear at the first hearing where Letters of Temporary Guardianship of Estate of the Minor are issued to

the proposed guardian. Then, after this first hearing, you will work to obtain all information concerning assets that should be included in the guardianship. You will work to open a restricted account at a financial institution for the deposit of the guardianship assets. If receipt of funds is delayed, you may open a restricted account and provide verification of deposit of assets at a later date. The account needs to be titled as a guardianship account with the proposed guardian as the guardian and the ward/child as the beneficiary. The most important thing is that the account should be labeled as "NO Withdrawals without Court Order." The temporary guardian will then have the institution fill out the bottom portion of the order provided at the temporary hearing for Acknowledgement of Estate Proceeds and file this with the court as proof of the restricted account. Any assets collected on behalf the ward in the guardianship case should be deposited into this account and verification of any deposits should be filed with the court. Any checks paid to the guardianship should be made payable to "The Guardianship of 'child's name' for deposit only in a restrictive account." Once the proof of the restricted account is filed with the court, the guardian can be appointed as permanent guardian at the second hearing. Finally, the guardianship inventory would need to be filed within 60 days after the appointment of the permanent guardian of estate reporting all assets deposited into the restricted account. There is a minimum \$20 filing fee for assets of \$50,000 or less and a .2% filing fee for assets above \$50,000. The guardian may request in writing to pay this filing from the assets of the child/ward.

- 8) Attorneys should call ahead to get dates and times for hearings. Attorneys should then prepare an Order and Notice of Hearing and e-file this along with the other filings.

#### FORMS

- 1) [GN-3290 Petition for Temporary/Permanent Guardianship \(Minor Guardianship of Estate\)](#)
- 2) [GN-3145 Statement of Acts by Proposed Guardian and Consent to Serve as Guardian](#)
- 3) [GN-3122 Affidavit of Service \(Minor Guardianship of Estate\)](#)
- 4) [GF-150 Uniform Child Custody Jurisdiction and Enforcement Act Affidavit](#)  
You will need to go back and click in [48.9795 - Guardian of the Person for a Child](#) for this form.
- 5) [GN-3310 - Waiver and Consent \(Minor Guardianship of the Estate\)](#) (Optional, may be filed by a parent or proposed guardian to show that they agree with the petition. Should not be filed by the person signing the petition.)

**\*Disclaimer-**This information is intended solely as a guideline for those petitioning the Probate Court for Temporary or Permanent Guardianship of a Minor or Adult/or other Petitions in probate court. It is not meant to be legal advice, nor is it legal advice in any fashion. The following information does not in any way remove from the petitioner the responsibility to research and comply with all applicable statutory requirements for the filing and processing of a minor guardianship action, including service requirements. For those petitioners who have specific legal questions concerning the filing of a Minor Guardianship and legal requirements relating to the same, you may wish to consult with an attorney.