
TEMPORARY GUARDIANSHIP Of Individual

POLK COUNTY
PROBATE OFFICE
1005 W. MAIN STREET, SUITE 500
BALSAM LAKE, WI 54810

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

PHONE: 715-485-9238

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 of an Individual: 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 – 3140	Statement of Acts by Proposed Guardian and Consent to Serve as 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	Determination and Order on Petition for Temporary Guardianship
<input type="checkbox"/> GN – 3260	Letters of Temporary Guardianship of the Person
<input type="checkbox"/> GN –	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 when the petition is filed. The Petitioner shall give notice on the proposed ward before the hearing or not later than 3 calendar days after the hearing. If notice is served after the hearing, the petitioner shall include the court's order (if entered).
- Service requirements: on the proposed ward and all interested parties by personal service, certified mail or by fax.
- The Court will appoint a Guardian ad Litem (GAL) and determine who shall pay 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 is due 60 days after you are appointed. 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.

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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 renewed for an additional 60 days.
- The 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 the 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 days expiration date (if not extended) or after the second 60 days expiration date.
- During the term of the temporary guardianship, a hearing may be held *prior* to the expiration date to request a permanent guardian.
- **Note:** pursuant to 54.50(2), Wis. Stats., 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.

FEES: The fee for certified copies of the Letters is \$3.00 for each document to be certified and \$1.00 for each page certified.

CERTIFIED COPIES: Request for certified copies may be made in person or by mail. If the request is by mail, please enclose the correct fee **and** a stamped, self-addressed return envelope. Payment must be received before the issuance of certified copies.

FORMS: forms can be found at: www.wicourts.gov