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## GUIDELINE FOR MINOR GUARDIANSHIP – ESTATE ONLY

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

Email: [Jenell.Anderson@wicourts.gov](mailto:Jenell.Anderson@wicourts.gov)

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

If you are commencing a guardianship of estate only for a minor without an attorney, you must review the following information carefully. As the petitioner in this action, it is your responsibility to complete the required forms, file the forms with the court, give notice to interested persons, and follow the statutory requirements and local court rules for guardianship of a minor-estate under Chapter 54, Wis. Stats.

The following forms will be needed to open a *Guardianship of Minor-Estate*. If granted by the court, permanent guardianship of the estate means it is in place until the minor attains the age of majority or until terminated by a subsequent court action/order.

- GN – 3290 Petition for Guardianship of Minor – Estate.
- GN – 3300 Order and Notice of Hearing Petition for Guardianship of Minor - Estate
- GN – 3310 Waiver and Consent to Petition for Guardianship of Minor - Estate
- GN – 3145 Statement of Acts by Proposed Guardian and Consent to Serve
- GN – 3320 Nomination of Guardian by a Minor (if minor is 14 years old or older)
- GN – 3122 Affidavit of Service
- GF – 131A Order Appointing Guardian ad Litem\*

**FORMS:** All forms are available on-line and can be found at: [www.wicourts.gov](http://www.wicourts.gov) You can fill the forms in on-line and print them; or you can print the forms and complete them by hand. You will need to complete all forms before they are submitted for filing. *You can now efile your guardianship paperwork. Please see: [www.wicourts.gov](http://www.wicourts.gov), look under the tab "eFile/eCourts." Create an account, pay the appropriate fee and electronically file your paperwork.*

**\*A GUARDIAN AD LITEM (ATTORNEY) WILL BE APPOINTED FOR THE MINOR TO REPRESENT THE BEST INTERESTS OF THE MINOR.** The appointment of a Guardian ad Litem (GAL) is required pursuant to Statute. Even though there may be an agreement between the parties as to the need for a guardian of the minor's estate, a GAL is still necessary. The Guardian ad Litem is required to meet with the minor, proposed guardian(s) and parent(s), and make a recommendation to the court as to what is in the best interest of the minor. They will file a report and recommendation with the court prior to the hearing and will be present for the hearing. The court will determine who shall pay the GAL fees at the time of the hearing. Keep in mind the fees could be approximately \$300.00.

***\*An appointment is recommended when you are ready to file your papers. Please call the Register in Probate Office at the number listed above to schedule an appointment.***

### HEARING/GIVING NOTICE:

Once the petition for guardianship of minor's estate and accompanying paperwork has been received and filed with the Probate Office, a hearing will be scheduled with the court official. The petitioner will be required to give notice to all interested persons. **Please note the following:**

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- After the hearing is scheduled, the petitioner will be provided with file-stamped copies of the Petition and the Order for Hearing.
- The petitioner is responsible for serving the Petition and the Order for Hearing at least 10 days prior to the hearing as follows: by mail or personal service on all interested parties listed on the petition. Refer to Wisconsin Sec. 54.38(2)(a) and (b) for methods of service and time limits; and Sec. 54.38(3) for interested persons. If the minor/proposed ward is 14 years of age or older, the minor must be personally served with the petition and notice of hearing.
- The Guardian ad Litem must receive copies of all documents filed.

**PRIOR TO THE COURT HEARING:** file the following documents:

- GN – 3122 Affidavit of Service, showing that the petitioner complied with sec. 54.38, Wis. Stats., for notice requirements.
- GN – 3123 Certificate of Service, showing that the minor ward was served with notice as well. Service on the minor must be completed by someone who is not a party to the action. See Sec. 54.38, Wis. Stats.
- GN – 3330 Proposed Determination and Order on Petition for Guardianship of Minor-Estate
- GN – 3345 Proposed Letters of Guardianship of the Estate of Minor

***\*The Petitioner is required to prepare the final paperwork for the guardianship hearing. Court staff cannot complete the final paperwork for you.***

### **AT THE HEARING:**

The petitioner(s)/proposed guardians must be present at the hearing. The Guardian ad Litem will be present and the presence of the minor at this hearing will be determined by the Guardian ad Litem. Testimony will be required and information will be provided to the court concerning the need for guardianship of the minor's estate. The proposed guardian will be required to obtain a surety bond for the protection of the minor's estate subject to the guardianship.

**CERTIFIED COPIES:** Certified copies of Letters of Guardianship are \$4.00 for the first page and \$1.00 for each additional page. The fee for plain copies is \$1.00 per page. Requests for 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.

**ADDITIONAL INFORMATION:** After the permanent guardianship hearing, additional information will be sent to the guardian.

**GUARDIANSHIP INVENTORY:** After the appointment of a permanent guardian of the estate of the minor, an inventory is due 60 days after appointment. 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. Complete and file the following form with the Register in Probate, including the appropriate filing fee:

- GN – 3445 Guardianship Inventory (Minor Guardianship of the Estate)