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## TEMPORARY GUARDIANSHIP Of Individual

POLK COUNTY  
PROBATE OFFICE  
1005 W. MAIN STREET, SUITE 500  
BALSAM LAKE, WI 54810  
PHONE: 715-485-9238

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

*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 office cannot give legal advice; please contact an attorney if you have legal questions. This Guideline is subject to change or amendments.**

A temporary guardianship is for an alleged incompetent individual who needs someone to make healthcare, medical, personal and/or financial decisions for the individual; and if granted, is valid for 60 days. A temporary guardianship may be extended for an additional 60 days if circumstances require the extension. A petition for permanent guardianship may subsequently be brought before the court if needed. Although attorneys often assist in these matters, the law allows for individuals to petition the court without hiring an attorney. ***Self-represented individuals are responsible for completing all legal requirements.***

**If you are commencing a temporary guardianship proceeding without an attorney, you must:**

- **Review the following information carefully.**
- **Complete all forms required. *\*You will need to complete all forms before they are submitted.***
- **File the completed forms and other required documents with the Probate Office.**
- **e-Filing is now available and if you wish to e-File this proceeding, see the e-Filing section at the end of this document.**

**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 as a Word document and then print; or you can print the forms and complete them by hand.

***\*An appointment is recommended when you are ready to file your papers. Please call the Register in Probate Office at 715.485.9238 to set up an appointment.***

**TO PETITION FOR TEMPORARY GUARDIANSHIP of an Individual:** complete and file the following with the Register in Probate office:

<u>Form #</u>	<u>Form name</u>
GN-3100	Petition for Temporary/Permanent Guardianship due to Incompetency
GN-3110	Order and Notice of Hearing
GN-3140	Statement of Acts by Proposed Guardian and Consent to Serve as Guardian
GN-3230	Consent to Serve as Temporary Guardian
GN-3115	Waiver and Consent to Petition for Guardianship due to Incompetency (if interested persons wish to sign)
GN-3130	Examining Physician's Report or supporting documentation

### **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). Sec. 54.38(6), Wis. Stats.
- Service requirements: on the proposed ward and all interested parties by personal service, mail, certified mail or by fax. Sec. 54.38(3), Wis. Stats.

**\*A GUARDIAN AD LITEM (ATTORNEY) WILL NEED TO BE APPOINTED FOR THE PROPOSED WARD TO REPRESENT THE BEST INTERESTS OF THE PROPOSED WARD.** The petitioner may contact an attorney to act in this capacity, or the Court will appoint a Guardian ad Litem (GAL). The responsibility for payment of the GAL fees will be determined by the court. Please keep in mind you may be required to pay these fees. For purposes of a temporary guardianship, the Guardian ad Litem will attempt to meet with the proposed ward and the proposed guardian and will make a recommendation to

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the court as to what is in the best interest of the proposed ward. 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.

**PRIOR OR AT COURT HEARING:** Petitioner is responsible to file and prepare the following documents:

<u>Form #</u>	<u>Form name</u>
GN-3120	Affidavit of Service, showing petitioner complied with notice requirements on interested persons. Includes service on proposed ward
GN-3250	Proposed Order on Petition for Temporary Guardianship
GN-3260	Proposed Letters of Temporary Guardianship of the Person
GN-3265	Proposed Letters of Temporary Guardianship of the Estate

### POST HEARING:

- If you are appointed temporary guardian of the estate, an inventory is due 30 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.
- 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. Use Forms GN-3270, Petition to Extend Temporary Guardianship and 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.

**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. The fee for certified copies of the Letters of Temporary Guardian of the Person and/or Estate is \$4.00 for each certified copy.