

	Marquette County Probate Court	
GUIDELINE: 3100	GUARDIANSHIP DUE TO INCOMPETENCY PERSON and/or ESTATE (Temporary and/or Permanent)	Revised: 12/11/2015 Page 1 of 3

PLEASE NOTE: This Guideline is provided as a public service and is not intended to be legal advice. If you have any questions about the forms or the procedures, please contact an attorney as Probate staff members cannot give legal advice.

Please print this Guideline for future reference

WHAT IS IT? A guardianship action is a court procedure to appoint someone to make medical and/or financial decisions for an incompetent person. You may retain an attorney to complete the forms and appear at the guardianship hearing, but the law does allow individuals to petition the court without an attorney. We cannot give you legal advice, so you must be fully capable of completing the procedure with little to no assistance from Probate Office staff. This can be a very complicated procedure, and we urge you to consult with an attorney about this process.

FORMS:

- A packet of forms is available from the Register in Probate for \$10.00.
- You may access all guardianship forms on the internet at: [Guardianship Forms](#) (Control/Click here)
- You can print “.pdf” forms and fill in by hand, OR you can fill in “.doc” forms on the internet and then print them.
- If you do not understand the forms or the information required, please seek the help of an attorney.

TO OPEN A GUARDIANSHIP OF AN INCOMPETENT proceeding, please complete and file the following:

(Control/Click on) Form Number	Name of Form
GN-3100.DOC or GN-3100.PDF	Petition for Temporary/Permanent Guardianship Due to Incompetency. <i>Please note: the Washington County Attorney must always be listed as an interested party.</i>
GF-131.DOC or GF-131.PDF	Order Appointing Guardian at Litem <i>(Wis. Stats require appointment of a GAL)</i>
GN-3110.DOC or GN-3110.PDF	Order and Notice of Hearing <i>Please see Sec. 54.38, Wis. Stats. regarding your responsibility to give Notice to all interested parties</i>
GN-3115.DOC or GN-3115.PDF	Waiver and Consent to Petition for Guardianship Due to Incompetency <i>(from each interested person, if applicable)</i>
Filing Fee	No Filing Fee Required
GAL Fee Required	\$300 deposit for Guardian ad Litem fees must be paid at the time of filing the Petition.
GN-3130.DOC or GN-3130.PDF	Examining Physician’s Report <i>Due no later than 96 hours prior to the hearing</i>
GN-3140.DOC or GN-3140.PDF	Statement of Acts by Proposed Guardian and Consent to Serve as Guardian <i>Due no later than 96 hours prior to the hearing</i>

COURT HEARING: If the petition complies with Section 54.34 Wis. Stats., a hearing on the petition will be scheduled on a Tuesday afternoon. The Petitioner and/or proposed Guardian must be present in court to testify at this hearing. The Court is required to conclude the petition within 90 days of filing.

Phone:
(608) 297-3009
Fax:
(608) 297-9107

Marquette County Courthouse
77 W Park Street
P.O. Box 749
Montello, WI 53949

Room 205
Office Hours:
Monday – Friday
8:00 a.m. – 4:30 p.m.

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SERVICE OF DOCUMENTS:

- The Petitioner shall serve a copy of the Petition for Guardianship and the Order and Notice of Hearing on the proposed ward by personal service no less than 10 days prior to the hearing date.
- The Petitioner shall also provide notice to all other interested persons, including the Guardian ad Litem, either in person or by mail at least 10 days prior to the hearing.
- All interested parties must receive notice of this hearing. See Section 54.38(2)(a) and (b), Wis. Stats. or look at <http://www.legis.state.wi.us/rsb/Statutes.html>.
- Note: Failure to provide notice as required by statute will deprive the court of jurisdiction over this case and the case may be dismissed or the hearing may have to be rescheduled.

BY NOON ON THE THURSDAY BEFORE THE HEARING, you must also file the following:

(Control/Click on) Form Number	Name of Form
GN-3160.DOC or GN-3160.PDF	Report of Guardian ad Litem <i>(the GAL will file this report directly with the court)</i>
GN-3120.DOC or GN-3120.PDF	Affidavit of Service –Guardianship, Protective Placement or Protective Services <i>indicating when you provided notice to all interested parties listed on the Petition, including the Washington County Attorney</i>
GN-3170.DOC or GN-3170.PDF	Determination and Order on Petition for Guardianship Due to Incompetency
GN-3190.DOC or GN-3190.PDF	Signature Bond (if required)
GN-3200.DOC or GN-3200.PDF GN-3210.DOC or GN-3210.PDF	Use either one or both of these forms as appropriate: Letters of Guardianship of the Person And/or Letters of Guardianship of the Estate

COPIES OF DOCUMENTS: Please be sure to make copies of all documents for your records before you file the documents with our office. If we have to make copies for you, there is a \$1.00/page statutory fee that must be charged.

CERTIFIED COPIES: If certified copies are required, the cost is \$3.00 for the certificate and \$1.00 for each page copied or compared.

If you are appointed GUARDIAN OF THE PERSON you must:

- File an annual Report on the Condition of the Ward.
- The form will be mailed to you in January of the year following your appointment and each subsequent year, and must be filed no later than April 15.

If you are appointed GUARDIAN OF THE ESTATE you must:

- File an inventory within 60 days listing all of the assets of the ward as of the date you are appointed and pay the Inventory filing fee (see below).
- File an annual Account of Guardian every year setting forth all financial activity for the preceding year. This form will be mailed to you in January of each year and must be filed no later than April 15.

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Please be advised that court staff cannot give legal advice or assistance. If you do not understand how to prepare the forms or how to properly serve notice to the parties, you are advised to obtain legal help.

<i>(Control/Click on)</i> Form Number	Name of Form
GN-3440.DOC or GN-3440.PDF	Guardianship Inventory and filing fee required due within 60 days of appointment. Filing fee: Minimum of \$20 for assets to \$50,000; .2% of assets over \$50,000

LINKS TO OTHER INFORMATION:

- Greater Wisconsin Agency on Aging Resources, Inc. - [GWAAR](#)
- Marquette County Aging and Disability Resource Center - [ADRC](#) – 1-877-833-5378
- “The Process for Establishing Guardianship of an Adult”, GWAAR [Flow Chart](#)

A Folder with information on filing the Inventory, the Annual Account and the Annual Report on the Condition of the Ward is available for purchase for \$20.00 in the Register in Probate’s office.