

TEMPORARY MINOR GUARDIANSHIP GUIDELINES

Jackson County
Register in Probate
307 Main Street
Black River Falls, WI 54615
Phone: 715-284-0286

Hours:
Monday-Friday
8:00 AM – 4:30 PM

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 forms for you; please contact an attorney if you have legal questions. This guideline is subject to change or amendments.

INITIATING A TEMPORARY GUARDIANSHIP: Complete and file with the Register in Probate Office:

- JN-1501** **Petition for Appointment of Guardian (Full/Limited/Temporary Guardianship)**
- GF-150** **Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (UCC)**
- JN-1514** **Statement by Proposed Guardian**
- JD-1798A** **Order Appointing Guardian ad Litem or Attorney (Ch. 48 & 938)**

A GUARDIAN AD LITEM (ATTORNEY) WILL NEED TO BE APPOINTED FOR THE CHILD (WARD) TO REPRESENT THE BEST INTERESTS OF THE PROPOSED WARD.

The petitioner is responsible for obtaining the guardian ad Litem (GAL). The court will sign the Order Appointing GAL once filed by the Petitioner. Depending on local practice, a list of attorneys who may act as a GAL may be available from the Register in Probate. **The Petitioner is responsible for the GAL fees and must pay a \$500.00 deposit at the time of filing unless otherwise ordered by the Court.** The Guardian ad Litem will meet with the proposed ward and the proposed guardian and will make a recommendation to the court as to what is in the best interest of the ward.

- The Register in Probate Office will schedule a hearing on the temporary guardianship petition 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 the Notice of Hearing to the proposed ward before the hearing or no later than 3 calendar days after the temporary hearing. If notice is served after the hearing, the Petitioner shall include the court's order (if entered).
- The Guardian ad Litem shall attend the hearing in person, by telephone or via Zoom and shall provide a written report to the court concerning the proposed ward.

HEARING/GIVING NOTICE:

- JD-1724** **Notice of Hearing**
A hearing will be scheduled. Copies of the Petition and the Order for Hearing will be provided to the petitioner.
- JD-1825** **Affidavit of Service (Ch. 48 & 938)**
The petitioner shall serve notice of the Petition for Appointment of Guardian, UCC Affidavit, Statement by Proposed Guardian and the Notice for Hearing on the parents or legal guardians of the ward by personal service no less than 10 days prior to the hearing. The petitioner shall also provide notice to all other interested persons either in person or by mail at least 10 days prior to hearing. **ALL INTERESTED PARTIES MUST RECEIVE NOTICE OF THE HEARING.**

THE COURT HEARING:

- JN-1530** **Letters of Guardianship and Dispositional Order Appointing Guardian (Full/Limited/Temporary Guardianship)**

TIMELINES:

- The temporary guardianship is valid for 180 days and can be renewed for an additional 180 days.
- A Request to Modify, Extend Limited/Temporary, Reconsider/Modify Emergency, or Terminate Guardianship must be filed with the court **prior** to the expiration of the first 60 days.
 - JN-1540 Request to Modify, Extend Limited/Temporary, Reconsider/Modify Emergency or Terminate Guardianship (48.9795 Wis. Stats.)**
 - JN-1544 Order on Request to Extend Limited/Temporary Guardianship (48.9795 Wis. Stats.)**
- If the court does not timely receive the Request to Modify, Extend Limited/Temporary, Reconsider/Modify Emergency, or Terminate Guardianship and Order on Request to Extend Limited/Temporary Guardianship, the temporary guardianship will expire.
- The file will be closed and the temporary guardianship will expire after either the first 180 days expiration date (if not extended) or after the second 180 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.

CERTIFIED COPIES: Letters of Guardianship are available from the Register in Probate Office. The certification fee is \$3.00, plus \$1.00 for each page copied and certified. Requests 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: Guardianship forms are available on the Wisconsin Court system website at www.wicourts.gov by clicking on “Forms”, “Circuit Court”, then “Guardianship”.

ADDITIONAL INFORMATION: After the hearing, general information about temporary guardianships will be sent to the guardian.

NOTE: *If you are appointed temporary 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. The guardian of the estate is required to file an annual account each year with the court.*