

Petition for Guardianship of Minor

*Disclaimer-the following information is intended solely as a guideline for those petitioning the Probate Court for temporary or permanent guardianship of a minor. It is not meant to be legal advice, nor is it legal advice in any fashion. The following information does not in any way remove from the petitioner the responsibility to research and comply with all applicable statutory requirements for the filing and processing of a minor guardianship action. For those petitioners who have specific legal questions concerning the filing of a minor guardianship and legal requirements relating to the same, you may wish to consult with an attorney.

1. Most forms for commencing a minor guardianship are state mandated and can be purchased through the Dane County Legal Resource Center for a small fee or obtained on-line, at no cost, by visiting www.wicourts.gov. Once at the site, select "Forms", then "Circuit Court Forms", then "Guardianship Forms", then "Minors".
2. Many of the laws relevant to minor guardianships can be found in **Chapter 54** of the Wisconsin Statutes. You can view this chapter on-line at <http://legis.wisconsin.gov/rsb/stats.html> or you can request to view this and other relevant chapters at the Dane County Legal Resource Center.
3. A minor guardianship action is commenced by the filing of a **Petition** for guardianship of minor. The petition should be completed by the petitioner or attorney on behalf of the petitioner; then signed by the petitioner in the presence of a notary. File the completed petition with the Office of the Register in Probate, Room 1005 of the Dane County Courthouse at 215 South Hamilton Street in Madison, Wisconsin.
4. Complete the county specific form entitled, "Acknowledgment of Guardianship Limitations and Procedure" (a county specific form) and file with your guardianship petition. This form can also be obtained in the Dane County Legal Resource Center or through the Register in Probate's Office.
5. Complete the form (proposed guardian to complete) entitled, "Statement of Acts by Proposed Guardian and Consent to Serve as Guardian". Once completed, the guardians should sign the same in the presence of a notary. This form can be filed with the petition, but need not be at that time. However, pursuant to §54.15(8) (a), at least **96 hours** before the hearing under s. 54.44, the proposed guardian shall submit to the court this document.
6. Upon approval for filing by the Probate Office of the petition for minor guardianship, an "Order and Notice of Hearing Petition for Guardianship of Minor" will be completed by Probate Staff, which will indicate the date for when the petition for minor guardianship will be heard. A copy will be provided to the petitioner. **The petitioner is responsible for serving a copy of this order together with a copy of the petition upon the minor and all interested persons as required by law. Failure of the petitioner to provide the required notice to all interested persons shall deprive the Probate Court of jurisdiction unless receipt of notice is waived by the interested person or service on any interested person is specifically waived by the court. The petitioner should supply the Register in Probate's Office with the original and sufficient copies of the petition at the time of filing so authenticated (filed) copies can be supplied back to the petitioner for execution of service as required by statute on all interested parties together with the notice. Once service is effectuated, all necessary Affidavits of service should be filed with the Register in Probate's Office. Use state mandated form GN-3120, "Affidavit of Service (Guardianship, Protective Placement or Protective Services)".**
7. Prior to the hearing, the court shall appoint a guardian ad litem for the minor ward. The guardian ad litem shall act as an advocate for the best interests of the proposed minor ward. The guardian ad litem functions independently, similar to an attorney for a party to the action. He/She can consider, but is not bound to consider, the wishes of the proposed minor ward or the positions of others as to the best interests of the proposed minor ward. The guardian ad litem will interview the proposed minor ward, the proposed guardian and any other person seeking appointment as guardian.