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## GUIDELINE FOR MINOR GUARDIANSHIP Under Chapter 48.9795 & Chapter 54

BURNETT COUNTY  
REGISTER IN PROBATE/JUVENILE CLERK  
7410 COUNTY ROAD K #110  
SIREN, WI 54872  
715-349-2147

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

Jacqueline O. Baasch, Register in Probate, x.2451  
Carly Good, Deputy Register in Probate, x.2453

Email: [jackie.baasch@wicourts.gov](mailto:jackie.baasch@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 or complete the forms for you; please contact an attorney if you have legal questions.

Effective August 2020, if you wish to be both Guardian of the Person and Guardian of the Estate of a minor, there are two separate petitions/actions you must file. These actions can later be consolidated into one file, but to begin the proceeding, they must be filed separately. If you are commencing a guardianship 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 under Chapter 48.9795, Wis. Stats. (Minor Guardianship of the Person) and Chapter 54, Wis. Stats. (Minor Guardianship of the Estate).

The following forms will be needed to open a *Temporary or Permanent Guardianship of a Minor*. **Note:** Permanent Guardianship does not mean the parental rights of the child's parents are taken away. If granted by the court, permanent guardianship means it is in place until terminated by subsequent court action, or when the minor attains the age of majority.

### MINOR GUARDIANSHIP OF THE PERSON

- JN – 1501 Petition for Appointment of Guardian (Ch. 48.9795)
- JD-- 1724 Notice of Hearing (Juvenile)
- JD-- 1720 Summons
- GF -- 150 Uniform Child Custody Jurisdiction and Enforcement Act Affidavit
- JN – 1514 Statement by Proposed Guardian
- JN – 1510 Nomination of Guardian by a Minor (if minor is 14 years old or older)
- JD – 1825 Affidavit of Service (Chapter 48 and 938)
- JD – 1798A Order Appointing Guardian ad Litem (Ch. 48 and 938)\*

### MINOR GUARDIANSHIP OF THE ESTATE

- GN – 3290 Petition for Temporary/Permanent Minor Guardianship of the Estate (Ch. 54)
- GN—3300 Order and Notice of Hearing Petition for Guardianship (Minor Guardianship of the Estate)
- GN – 3310 Waiver and Consent to Petition for Minor Guardianship of Estate
- GN – 3145 Statement of Acts by Proposed Guardian and Consent to Serve as Guardian
- GN – 3235 Consent to Serve as Temporary Guardian (Minor Guardianship of Estate)
- GN – 3320 Nomination of Guardian by a Minor (if minor is 14 years old or older)
- GF – 131A Order Appointing Guardian ad Litem\*
- GN – 3122 Affidavit of Service-Minor Guardianship of Estate, OR
- GN – 3123 Certificate of Service-Minor Guardianship of Estate

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**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. You will need to complete all forms before they are submitted for filing.

**\*A GUARDIAN AD LITEM (ATTORNEY) WILL NEED TO BE APPOINTED FOR THE MINOR TO REPRESENT THE BEST INTERESTS OF THE PROPOSED WARD.** 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 guardianship of a minor, a GAL is still required. The petitioner in the guardianship action **will be required** to deposit the amount of \$300.00 with the Register in Probate as a deposit towards the GAL fees. The scheduling of a hearing will not take place until this deposit is made. If you know of an attorney who is willing and able to act as a GAL in the proceedings, you may retain this attorney on your own, without having the court appoint the GAL.

The Guardian ad Litem is required by statute to meet with the minor, proposed guardian(s) and parent(s), and to make a recommendation to the court as to what is in the best interest of the minor. They will file a report with the court giving their recommendation to the guardianship. The GAL will appear at the hearing either in person, or by phone, if the court allows.

### **HEARING/GIVING NOTICE:**

Once the petition for guardianship and accompanying paperwork has been received and filed with the court, a hearing will be scheduled with the assigned court official. Once the hearing is scheduled, the petitioner will be required to give notice to all interested persons

- After the hearing is scheduled, the Summons, Notice of Hearing, and /or Order and Notice for Hearing will be signed by the court official and the petitioner will receive copies.
- The petitioner is responsible for serving the Summons and Petition and the Notice of hearing and/or Order and Notice for Hearing at least 10 days prior to the hearing as follows: by personal service on the proposed ward; by mail or personal service on all interested parties listed on the petition. Refer to Wis. Stats. 48 and/or 54.38(2)(a) and (b) for methods of service and time limits; and Wis. Stats. 48 and 54.38(3) for interested persons.
- The Guardian ad Litem must receive copies of all documents filed.

### **AT THE HEARING:**

The petitioner(s)/proposed guardians must be present at the hearing. The Guardian ad Litem will be present and will recommend to the court as to whether or not the minor is to be present. Testimony will be required and information will be provided to the court concerning the need for guardianship of the minor. If this guardianship is not consented to by the child's parent(s), it will be your burden to provide the court with information and testimony in support of the petition for guardianship.

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

### MINOR GUARDIANSHIP OF THE PERSON – TEMPORARY EMERGENCY (NO HEARING)

- JN—1520 Temporary Order Appointing an Emergency Guardian (48.9795, Wis. Stats.)

### MINOR GUARDIANSHIP OF THE PERSON – EMERGENCY (AFTER HEARING)

- JN—1521 Letters of Guardianship and Dispositional Order Appointing an Emergency Guardian (48.9795, Wis. Stats.)

### MINOR GUARDIANSHIP OF THE PERSON – TEMPORARY, LIMITED OR PERMANENT

- JD – 1825 Affidavit of Service (Chapter 48 and 938), showing that the petitioner complied with sec. Chapter 48, for notice requirements.
- JN—1530 Letters of Guardianship and Dispositional Order Appointing Guardian (Full/Limited/Temporary Guardianship) (48.9795, Wis. Stats.)

### MINOR GUARDIANSHIP OF THE ESTATE

- GN – 3120 Affidavit of Service, showing that the petitioner complied with sec. 54.38, Wis. Stats., for notice requirements. A separate Affidavit of Service showing that the minor ward was served with notice as well. Service on the proposed ward should be completed by someone other than the petitioner. 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.*

**CERTIFIED COPIES:** The fee for certified copies of the Letters of Guardianship of the Person is \$5.00, and Letters of Guardianship of the Estate is \$4.00. 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.

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**NOTE:** if you are appointed 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.