

Forms and Procedure for Petitioning for Standby or Successor Guardianship

Forms can be found online at: <https://www.wicourts.gov/forms1/circuit/formcategory.jsp?Category=17>

Then click on the link Due to Incompetency for forms (see below).

You can also purchase forms at the Dane County Law Library located in the basement of the Dane County Courthouse, 215 S. Hamilton St, Madison, WI 53703. Call 608-266-6316 for assistance.

PROCEDURE:

Successor Guardianship and Standby Guardianship

- 1) Complete the forms and call 266-4331 for an appointment to set up a case.
- 2) In the alternative, you may complete the forms and then file the forms by mailing, filing in person or faxing to the probate office. Your originals will be mailed back to you including an Order and Notice of Hearing and an Order Appointing a Guardian ad Litem. These documents need to be served on the ward, any current guardian and on any other interested party. Please call to discuss service once you receive your forms back and ask for Gina.
- 3) Pro se parties may choose to electronically file a new case or opt into an existing case to e-file documents. If you are opting into an existing case, please see your notice of electronic filing or call the probate court for your opt in code. You must enter your name exactly as it is in the case. There is a one time \$20 opt in fee or electronic filing fee (for filing of a new case) but then you will have full access to the case.
- 4) At your appointment (if you have chosen this option), you will be given an Order Appointing a Guardian ad Litem and an Order and Notice of Hearing. These documents need to be served on the ward, any current guardian and on any other interested parties along with any other forms filed with the court.
- 5) Once service is completed, then you must file an Affidavit of Service (GN-3120) with the Probate Court to show that you have served all the interested parties. If service is not completed, your hearing may be set over or the Petition may be dismissed.
- 6) Attorneys filing without a hearing must file an Affidavit of Service within 10 days of Letters of Guardianship being issued.
- 7) Pro se individuals filing without a hearing must file Affidavit of Service before Letters of Guardianship will be issued to the new guardian.
- 8) If requesting a hearing, attorneys should call ahead to get a date and time for a hearing and to acquire the name of the Guardian ad Litem that will be appointed. Attorneys should then prepare an Order and Notice of Hearing, and an Order Appointing a Guardian ad Litem to be e-filed along with the other required documents.

Standby Guardianship Petitions

You must complete petition GN-3435 if requesting a standby guardian. There is no need for the resignation form if just adding a standby guardian. Follow the procedure above. Only one petition is required.

FORMS

- 1) [GN-3410 Petition for Appointment of Successor Guardian \(without hearing\)](#)
- 2) [GN-3435 Petition for Appointment of Standby or Successor Guardian \(with hearing\)](#)
- 3) [GN-3140 Statement of Acts \(one for each proposed guardian\)](#)
- 4) [GN-3115 Waivers and Consent From Interested Parties](#)
- 5) [GN-3400 Resignation of Guardian or Conservator \(for successor\)](#)
- 6) [GN-3120 Affidavit of Service](#) (for pro se petitioners without hearing/this needs to be filed with the above forms or shortly after for letters to be issued without a hearing-for Attorneys filing without a hearing/this needs to be filed within 10 days of issuing of letters)

If you would like to have a Successor Guardian appointed without a hearing the following forms should also be completed if applicable:

- 7) [GN-3200 Proposed Letters of Guardianship of the Person Due to Incompetency](#)
- 8) [GN-3210 Proposed letters of Guardianship of the Estate Due to Incompetency](#)
- 9) [GN-3420 Proposed Order for Appointment of Successor Guardian of the Person](#)
- 10) [GN-3423 Proposed Order for Appointment of Successor Guardian of the Estate](#)
- 11) [GN-3430 Notice of Appointment of Successor Guardian Without a Hearing](#)

***Disclaimer-**This information is intended solely as a guideline for those petitioning the Probate Court for Temporary or Permanent Guardianship of a Minor or Adult/or other Petitions in Probate Court. 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 any filings and processing of any filings or actions, including service requirements. For those petitioners who have specific legal questions concerning any filings or legal requirements relating to the same, you may wish to consult with an attorney.