

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE MATTER OF

Amended

Name _____

Date of Birth _____

**Determination and Order
on Petition for Guardianship
(Minor Guardianship of the Estate)**

Case No. _____

This form does not apply to minor guardianships of the person. For minor guardianships of the person, use form JN-1530.

A Petition for Guardianship of the Estate (Minor Guardianship) was filed and a hearing was held on [Date] _____. After consideration of the reports and other documents on file, all factors required by the statutes, and such additional information presented;

THE COURT FINDS:

1. JURISDICTION, VENUE, NOTICE, AND APPEARANCES

- A. This court does does not have jurisdiction over the subject matter and the minor.
- B. This court is is not a proper venue.
- C. Notice was was not properly served.
- D. The minor is present. not present.
- E. The proposed guardian of the estate and any proposed standby guardian are
 - present as follows: _____
 - not present and the court permits attendance by telephone for good cause shown as follows: _____
 - not present and the court excuses the attendance as follows: _____

2. NEED FOR GUARDIANSHIP OF A MINOR

- Upon presentation of clear and convincing evidence the
- need for guardianship of the minor was not established.
 - allegations of the Petition are true and the minor is in need of a guardian because: _____

3. GUARDIAN OF THE ESTATE

It is appropriate to appoint and authorize a permanent guardian of the estate to perform duties under §54.19, Wis. Stats., and exercise the powers that do not require court approval under §54.20(3), Wis. Stats., except as follows: (Choose one)

- A. All powers to be transferred to the guardian, except for the following powers: _____
- B. All powers to be transferred to guardian.
- C. perform the following additional powers (other than to make gifts) that require court approval under §54.20(2), Wis. Stats., _____. **See attached**

- D. deposit the minor ward's funds of \$100,000 or less in an insured account of a bank, credit union, savings bank or savings and loan association in the name of the guardian of the estate and the minor ward, payable only upon further order of the court.
- E. waive bond.
- F. Other: _____

4. **ALTERNATIVE TO GUARDIANSHIP OF ESTATE FOR SMALL ESTATES**

It is appropriate to dispense with the appointment of a guardian of the estate and transfer the minor's funds of \$50,000 or less according to one of the alternatives for small estates under §54.12(1), Wis. Stats., as follows: _____ See attached

5. **MINOR'S RIGHT OF NOMINATION**

The minor is

- under age 14.
- age 14, or over 14 years of age
 - made a nomination of his or her guardian.
 - the court dispensed with the right of nomination for the following reason: _____

6. **SUITABILITY OF GUARDIAN**

Based upon the Statement of Acts by Proposed Guardian and Consent to Serve, the recommendation of guardian ad litem, and the court having considered all nominations and applicable preferences and criteria, including the opinions of the minor and of the members of his or her family, and any potential conflicts of interest resulting from the proposed guardian's employment or other potential conflicts of interest, the following is/are suitable to be appointed:

Type of Guardian	Name	Mailing Address [Street, City, State, Zip]	Telephone Number
Guardian of the Estate			
Standby Guardian of the Estate			

- One or both of the parents of the minor were not appointed as guardian because: _____

7. **PETITIONER'S ATTORNEY FEES AND COSTS**

It is equitable inequitable to award payment of petitioner's reasonable attorney fees and costs from the minor's income and assets.

8. Other: _____

THE COURT ORDERS:

The Petition is

- DISMISSED** for the following reason(s): _____
- GRANTED** as follows:

1. **APPOINTMENT OF GUARDIAN**

- A. The court appoints the person(s) nominated as guardian to serve in the capacities indicated.
- B. The guardian is authorized to exercise powers in part or in full consistent with the above findings in a manner that is appropriate to the minor ward and that constitutes the least restrictive form of intervention.
- C. Co-guardians must agree with each other when making decisions on behalf of the minor ward.
 - Co-guardians may act independently when making decisions on behalf of the minor ward.
 - Co-guardians may act independently when making decisions on behalf of the minor ward only in these limited circumstances: _____
- D. Any guardian shall immediately notify the court in writing of any change in the address of the minor ward or of the guardian.

2. **APPOINTMENT OF GUARDIAN OF ESTATE**

- A. **BOND**

The guardian of the estate

- will be issued Letters of Guardianship of the Estate upon filing a surety bond signature bond in the amount of \$_____.
- is not required to file a bond if the guardian of the estate deposits the minor ward's funds of \$100,000 or less in an insured account of a bank, credit union, savings bank or savings and loan association in the name of the guardian and the minor ward, and payable only upon further order of the court. Proof of deposit shall be filed with the court within _____ days.
- will be issued Letters of Guardianship of the estate without filing a bond.
- Other: _____ See attached

B. INVENTORY AND ANNUAL ACCOUNT

- (1) The guardian of the estate shall file an inventory of the minor ward's assets within 60 days and provide a copy of the inventory to the following persons: _____.
- (2) The guardian of the estate shall file an account by April 15 of each year or as otherwise required by the court as follows: _____ See attached

3. ALTERNATIVE TO GUARDIANSHIP OF ESTATE

As an alternative to appointing a guardian of the estate, the minor ward's funds of \$50,000 or less shall be transferred under one of the alternatives for small estates under §54.12(1), Wis. Stats., as follows: _____ See attached

4. FEES AND COSTS OF PROCEEDING

Guardian of the estate is

- A. not appointed. The petitioner shall pay the compensation of the guardian ad litem and the minor ward's attorney.
- B. is appointed.
- (1) Reasonable compensation of the guardian ad litem and minor ward's attorney shall be paid from the minor ward's income or assets, if sufficient. If the minor ward's income or assets are insufficient, the guardian ad litem shall be paid by the county of venue and the minor ward's attorney shall be paid at public expense or by the county of venue.
- (2) Petitioner's reasonable attorney fees and costs (if any) shall be paid by the petitioner. from the minor ward's income or assets.
- C. Other: _____

5. GUARDIAN OF THE ESTATE'S COMPENSATION AND REIMBURSEMENT

The guardian of the estate's compensation and reimbursement of expenses, if any, must be approved by the court before payment is made.

6. Other: _____

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

DISTRIBUTION:

1. Court
2. Minor Ward/Minor Ward's Legal Counsel, if any/Guardian ad litem
3. Guardian of the Estate and Guardian of the person, if different
4. Corporation Counsel
5. Case Worker/County Dept. of Human Services
6. Spouse/Parent of Minor Ward
7. Facility, if any
8. Other: _____