

MILWAUKEE COUNTY
REGISTER IN PROBATE OFFICE

TERMINATION OF GUARDIAN OF THE ESTATE
(Depleted/Small Estate)

If you wish to terminate the guardianship (based upon a depleted/small estate) and eliminate the need to file annual accountings, then you will need to petition the court to terminate the guardianship. Prior to filing the petition, you should be familiar with the applicable law, be satisfied that the termination is in your ward's best interest and be prepared to litigate this matter pro se or with privately retained legal counsel.

To help you get started, we have prepared a list of basic instructions for bringing such an action. Each case is different, and may require additional documentation. The following list is intended to supply you with only a generic procedural roadmap. The forms that are listed below are available in the Office of the Register in Probate, 901 N. 9th Street, Room 207, Milwaukee, WI 53223 or online at www.wicourts.gov.

1. Submit one (1) original and (2) copies of the following paperwork (In person or by mail*): Order and Notice of hearing (GN-3110), Petition for Review and Modification or Termination of Guardianship (GN-3650), Guardian's Final Account (through the current date) (GN-3500) and Order Appointing GAL or Counsel (GF-131). *If mailing and requesting stamped copies, a self-addressed stamped envelope must be included.
2. Notice all interested persons by providing each interested person (including the court appointed GAL and bond agency) a copy of each the Petition (GN-3650) and the Order/Notice (GN-3110), which were previously filed with the court (see #1 above). Notice must be according to the rules set forth in section 54.38 (2) of the Wisconsin Statutes. It is preferable that you also obtain Waiver/Consent (GN-3115) from all interested parties, as it will assist the Court in completing the termination.
3. Prepare an Affidavit of Service (GN-3120) listing the names and addresses of all interested persons, the documents that were sent to them and the date they were mailed notice. Complete the Affidavit and then sign the document in front of a Notary Public.
4. Prepare and bring one (1) original and (2) copies of the following to the court hearing: Order on Petition for Review and Modification or Termination of Guardianship (GN-3660), Order for Discharge of Guardian or Conservator (GN-3740) and Affidavit of Service (with signature and stamp of a Notary Public).
5. **Do not distribute any assets until the Final Account is approved by the Court.** You will receive a signed copy of the Order Terminating the Guardianship and the Order for Discharge once it is approved. The Court will specify what is to be done with the remaining assets. (Generally, the order states that the funds shall be used for the benefit and care of the ward.) You will need to send a signed receipt to the Court for approval before the Court will sign your order for discharge.

The instructions listed above are to help you if you determine it is appropriate to terminate the Guardianship. It is your decision to petition the court and it will be your legal burden to show that termination of the guardianship of the estate is in the best interest of the ward. You should investigate and be prepared to testify as to whether the ward has a payee to handle ongoing income payments, whether the ward has other pending or future assets that would increase the value of the estate and what should be done with the remaining funds. There are many additional issues to consider and it is your duty as the petitioner in the action to be properly advised on the law.

The staff in the probate office cannot give you legal advice on the substance of your petition or the specific area of law. We will, as always, help you with any procedural questions that do not require giving legal advice.

The following forms are available online at www.wicourts.gov

- Order and Notice of Hearing (GN-3110)
- Petition for Review and Modification or Termination of Guardianship (GN-3650)
- Guardian's Final Account (GN-3500)
- Order Appointing GAL or Counsel (GF-131)
- Waiver/Consent (GN-3115)
- Affidavit of Service (GN-3120)
- Order on Petition for Review and Modification or Termination of Guardianship (GN-3660)
- Order for Discharge of Guardian or Conservator (GN-3470)
- Receipt from Guardian or Conservator (GN-3730)