

MILWAUKEE COUNTY
REGISTER IN PROBATE OFFICE

TERMINATION OF GUARDIAN OF THE ESTATE
(Death of the Ward)

Prior to filing the petition, you should be familiar with the applicable law 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 date of death) (GN-3500), Order Appointing GAL or Counsel (GF-131) and, proof of death (i.e. Death Certificate or Funeral Program). *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), Guardian's Final Account and, the Order/Notice of Hearing (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.
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 (file the original with the court, see #4).
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 the original only of the 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.**
 - a. If an estate is open, please prepare a receipt for the PR to sign accepting the guardianship assets. Send the receipt to the Court with your other paperwork. Once the final account is approved, you will be informed by the Court that the assets may be distributed. Once all documents, including a signed receipt, are filed and approved by the Court, you will be discharged.
 - b. If there is no estate, the funds still need to be properly transferred prior to the discharge of the Guardian. If is your responsibility to determine who is entitled to the assets and to inform the Court, by letter, as to the proposed distribution. It must be a lawful distribution approved by the Court. After the approval of the final account and approval of the proposed distribution, you will be notified by the Court. You will need to send a signed receipt (GN-3730) 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.

If you submit your documents by mail, please be sure to send a Self Addressed Stamped Envelope to insure that the documents can be returned.

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)
- 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)