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## GUARDIANSHIP OF ESTATE

EAU CLAIRE COUNTY  
REGISTER IN PROBATE OFFICE  
721 OXFORD AVENUE, STE 2201  
EAU CLAIRE, WI 54703

HOURS:  
MONDAY – FRIDAY  
8:00 AM – 4:30 PM

PHONE: 715-839-4823

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**NOTE:** This guideline is provided only as a public service and is not meant to be used as legal authority. The Register in Probate personnel cannot complete forms or give legal advice. Please contact an attorney for legal advice.

### **I. LETTERS OF GUARDIANSHIP**

- A. Certified copies of the letters of guardianship may be purchased from the Register in Probate office.

### **II. INVENTORY**

- A. The guardian of estate shall take possession of the ward's property and provide an inventory to the Court. The inventory lists the property value as of the date the Court appointed the guardian.
- B. The inventory must be filed with the Court within 30 days of the guardian's appointment, which is 30 days after the letters of guardianship are signed by the Court. The inventory becomes the starting point of the accounting process. A copy of the inventory form for filing accompanies this form.
- C. A filing fee of the value of the estate must be paid at the time the inventory is filed. If the value of the property, less encumbrances, liens, or charges, is \$50,000 or less, the fee is \$20. If the value of the property, less encumbrances, liens, or charges, is more than \$50,000, the fee is 0.2 percent (2/10<sup>th</sup> of 1.0%) of the value of the property, less encumbrances, liens, or charges owed. This amount shall be paid from the ward's income and assets. Please make your check payable to the "Register in Probate."

### **III. GUARDIANSHIP PROPERTY**

- A. Title to the assets and income of the ward remains in the ward's name.
- B. The guardian of the ward's estate only has possession of property and the right to exercise control over it, subject to the orders of the Court.

### **IV. DUTIES AND POWERS OF GUARDIAN OF THE ESTATE**

- A. See brochure – Guardian of the Estate: Duties and Powers
- B. Notify the Court of any change of address of the guardian or ward. It is your responsibility to keep the Register in Probate office informed of current mailing addresses of both you and your ward.
- C. Court approval is needed for the following (this is not an exhaustive list):

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1. For any amount: gifts, donations, tithing, or reimbursement to the guardian.
2. Single-item expenditures from the ward's funds that cost \$800 or more.  
Court approval is not necessary for medical or cost-of-care expenses for the benefit of the ward.
3. A form is available to request expenditures through the Register in Probate office or by downloading the form at: <http://www.co.eau-claire.wi.us/departments/departments-l-z/register-in-probate/documents> (click on "Guardianship Documents.")

### **V. IS A GUARDIAN ENTITLED TO COMPENSATION FOR SERVICES?**

- A. The Court can authorize compensation and/or reimbursement for the guardian in an amount the Court deems "just and reasonable."
- B. Any reimbursement and/or compensation must be specifically authorized by the Court before payment is made.
- C. The guardian must sign a "Payment of Fees and Compensation of Guardians of the Estate or Trustee from the Ward's Estate or Trust Fund" and file it with the Register in Probate office.
- D. That form is available from the Register in Probate.

### **VI. ANNUAL ACCOUNT**

- A. Every year, each guardian of the estate shall file an account, under oath, of his/her handling of the estate for the prior calendar year.
- B. The annual account has four basic sections: the beginning balance (inventory or ending balance from last year's account), additions during the year (income, interest, etc.), disbursements made during the year for expenses, and the ending value of the assets at the end of the accounting period, which is December 31st.
- C. Annual account forms are sent to the guardian by the Court at the end of each year.
- D. The guardian must be prepared to display to the Court evidence of assets (such as bank statements, CDs, etc.) reported by the guardian. For this reason, cash belonging to the ward should not be kept on hand as an asset.

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- E. From the moment the guardian is appointed, it is important that he or she keep a written record of all receipts and expenses. The guardian must be able at all times to account for every penny of the ward's assets.
  
- F. To assist guardians in making sure their annual accounts balance, an annual account worksheet is available in electronic format. This Microsoft Excel document is available on the webpage for the Eau Claire County Register in Probate office, or by asking Register in Probate staff to email the document.
  
- G. Register in Probate staff cannot complete the annual account for the guardian. The Register in Probate office has samples for filling out the annual accounting form available in the office and online.

### **VII. ADDITIONAL FORMS**

- A. Guardianship forms are available on the Wisconsin Court System website at [www.wicourts.gov](http://www.wicourts.gov) by clicking on "Forms," "Circuit court," "Guardianship," then "all guardianship forms."

### **VIII. ADDITIONAL INFORMATION**

- A. The Wisconsin Guardianship Association has developed Standards of Practice: Best Practices for Wisconsin Independent and Corporate Guardians manual. This manual may be found at the following website:  
  
<http://www.wisconsin guardianship association.com/> (scroll down to "Information and Training.")