

No. 234, S.]

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**CHAPTER 468**

AN ACT to repeal 318.061 and 319.30 to 319.47; to renumber 319.20 (2), as amended by chapter 13, laws of 1957, 319.48, 319.50, 319.52, 319.60 (1), (3), (4) (a), (b) and (c) and (5) to (12); to renumber and amend 319.20 (1), 319.60 (2) and (4) (d); to amend 48.14 (2) (intro. par.), 312.13 and 316.41; to repeal and recreate 319.01 to 319.29, except 319.20; and to create 51.085 of the statutes, relating to guardians and wards and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 48.14 (2) (intro. par.) of the statutes is amended to read:  
48.14 (2) (intro. par.) The appointment and removal of a guardian of the person in the following cases:

SECTION 2. 51.085 of the statutes is created to read:  
51.085 COMMITMENT OF INCOMPETENTS FOR BAD BEHAVIOR. (1) PETITION, HEARING; NOTICE. A guardian of an incompetent may present to the county court of the county wherein the ward resides a petition setting forth that the ward is addicted to lewd or indecent behavior or his conduct requires that he be confined and treated and praying that

he or she be confined in some suitable place. The court shall cause notice of the time and place of such hearing and of the nature of the petition to be given as in s. 319.08 (1). The court shall appoint a guardian ad litem to represent the ward.

(2) **COMMITMENT.** If the court determines that the ward requires custody and treatment the court may commit him to a hospital or sanatorium in or out of the state. The court may modify or terminate the commitment at any time.

**SECTION 3.** 312.13 of the statutes is amended to read:

**312.13 RESALE BY EXECUTOR, ADMINISTRATOR OR TRUSTEE WITHOUT LICENSE.** Whenever any executor, administrator \* \* \* or testamentary trustee \* \* \* has purchased real estate at judicial sale, under a judgment in an action in which he is plaintiff, or has redeemed real estate from a foreclosure or judicial sale, he may sell and convey the same without license, upon such terms as he \* \* \* deems best; and the proceeds arising from such sale shall be held by him the same as he would have held the money due upon the debt by virtue of which he purchased or held the money with which he redeemed such real estate.

**SECTION 4.** 316.41 of the statutes is amended to read:

**316.41** The executor \* \* \* or administrator \* \* \* making the sale or the guardian of any heir of the decedent shall not be interested in the purchase of any part of the real estate sold unless such sale is made with written consent of the parties concerned and of the guardian ad litem for minors and incompetents and approval of the court after notice and hearing, except where such purchase is authorized by the will of the decedent. This section shall not prohibit such purchase by a guardian for the benefit of his ward.

**SECTION 5.** 318.061 of the statutes is repealed.

**SECTION 6.** 319.01 to 319.19 of the statutes are repealed and recreated to read:

**319.01 DEFINITIONS.** For the purpose of this chapter, unless the context otherwise requires:

(1) "Guardian" means one appointed by a court to have care, custody and control of the person of a minor or an incompetent or the management of the estate of a minor, an incompetent or a spendthrift.

(2) "Minor" means a person who has not attained the age of 21 years.

(3) "Incompetent" means a person incapable of managing his property or caring for himself by reason of mental illness, deficiency or infirmity, chronic inebriety, drug addiction or other like incapacity.

(4) "Spendthrift" means a person who because of the use of intoxicants or drugs or of gambling, idleness or debauchery or other wasteful course of conduct is unable to attend to business or thereby is likely to affect the health, life or property of himself or others so as to endanger the support of himself and his dependents or expose the public to such support.

(5) "Ward" means a subject for whom a guardian has been appointed.

**319.02 JURISDICTION IN COUNTY COURT.** The county court shall have exclusive jurisdiction over all petitions for guardianship except guardianships of the person under ch. 48. A guardianship of the estate of any person, once granted, shall extend to all his estate in this state and shall exclude the jurisdiction of every other county court, except as provided in ch. 296.

**319.03 PERSONS AND ESTATES SUBJECT TO GUARDIANSHIP.** All minors, incompetents and spendthrifts are subject to guardianship. The court may appoint a guardian of the person of anyone subject

to guardianship who is also a resident of the county, or of a nonresident found in the county, under extraordinary circumstances requiring medical aid or the prevention of harm to his person or property found in the county. The court may appoint a guardian of the estate of anyone subject to guardianship, whether a resident of the state or not, if any of the estate is located within the county. Separate guardians of the person and of the estate of a ward may be appointed.

**319.04 EXCEPTIONS. (1) EMANCIPATION OF MARRIED MINORS.** Upon marriage, a minor shall no longer be a proper subject for guardianship of the person and a guardianship of the person is revoked by the marriage of a minor ward. Upon application, the court may release in whole or in part the estate of a minor ward to him upon his marriage.

**(2) SMALL ESTATES.** If a minor, except for his incapacity, is entitled to possession of personal property of a value of \$1,000 or less, any court wherein is pending an action or proceeding involving said property may, in its discretion, without requiring the appointment of a guardian, order one of the following:

**(a)** Deposit in a savings account in a bank, the payment of whose accounts in cash immediately upon default of such bank are insured by the federal deposit insurance corporation; or invest in the stock of a savings and loan association, payment of whose stock by substitution of stock in another and similar savings and loan association is insured by the national savings and loan insurance corporation, in case of default in payment.

**(b)** Payment to the natural guardian of the minor or to the person having actual custody of the minor.

**(c)** Payment to the minor.

**319.05 VENUE.** All petitions for guardianship of residents of the state shall be directed to the county court of the county of residence of the person subject to guardianship. A petition for guardianship of the person or estate of a nonresident may be directed to the county court of any county wherein he or any of his property may be found.

**319.06 CHANGE OF VENUE. (1) ORIGINAL PROCEEDING.** The court wherein a petition is first filed shall determine venue. If it is determined that venue lies in another county, the court shall order the entire record certified to the proper court. A court wherein a subsequent petition is filed shall, upon being satisfied of an earlier filing in another court, summarily dismiss such petition.

**(2) CHANGE OF RESIDENCE OF WARD OR GUARDIAN.** When a guardian removes from the county where appointed to another county within the state, or a ward removes from the county in which he has resided to another county within the state, the county court in which the ward resides may appoint a new guardian as provided by law for the appointment of a guardian. Upon verified petition of the new guardian, accompanied by a certified copy of his appointment and bond if the appointment is in another county, and upon the notice prescribed by s. 324.18 to the originally appointed guardian (unless he is the same person), and to such other persons as the court shall order, the court of original appointment may order the guardianship accounts settled and the property delivered to the new guardian.

**319.07 PETITION.** Any relative, public official or other person, may petition for the appointment of a guardian of a person subject to guardianship. Such petition shall state, so far as may be known:

**(1)** The name, date of birth, residence and post-office address of the proposed ward.

**(2)** The nature of his incapacity with specification of the incompetency or spendthrift habits.

(3) The approximate value of his property and a general description of its nature.

(4) Any assets previously derived from or benefits now due and payable from the veterans administration.

(5) Any other claim, income, compensation, pension, insurance or allowance to which he may be entitled.

(6) Whether the proposed ward has any guardian presently.

(7) The name and post-office address of any person nominated as guardian by the petitioner.

(8) The names and post-office addresses of the spouse and presumptive or apparent adult heirs of the proposed ward, and all other persons believed by the petitioner to be interested.

(9) The name and post-office address of the person or institution having the care and custody of the proposed ward.

(10) The interest of the petitioner, and if a public official or creditor is the petitioner, then the fact of indebtedness or continuing liability for maintenance or continuing breach of the public peace as well as the authority of the petitioner to act.

**319.08 NOTICE OF HEARING FOR APPOINTMENTS AND REHEARINGS.** Upon the filing of a petition for guardianship, and the court being satisfied as to compliance with s. 319.07, the court shall order notice of the time and place of hearing as follows:

(1) **INCOMPETENTS.** Notice shall be served personally upon the proposed incompetent ward at least 10 days before the time set for hearing. The court shall cause him, if able to attend, to be produced at the hearing. If he is in custody or confinement, like service shall be made on his custodian. Such notice shall also be given by mail at least 10 days before the hearing to his presumptive or apparent adult heirs whose names and addresses are known to the petitioner or can with reasonable diligence be ascertained and to such other persons as the court shall order. Like notice shall be given before appointment of a successor guardian.

(2) **SPENDTHRIFTS.** Notice shall be served personally upon the proposed spendthrift ward at east 10 days before the time set for hearing but he may enter a general appearance and thereupon the matter may be heard forthwith.

(3) **MINORS.** When the proposed ward is a minor, notice shall be given as provided in s. 324.18 to the following persons:

(a) To his spouse;

(b) To parents;

(c) To a minor over 14 years of age unless the minor appears at the hearing;

(d) To any other person, agency, institution, welfare department or other entity having the legal or actual custody of the minor.

(e) No notice need be given to parents whose rights have been judicially terminated.

(4) **REHEARINGS.** Notice of a rehearing to determine if a ward is a proper subject to continue under guardianship shall be given as required for the appointment of a guardian.

**319.09 NOMINATION; SELECTION OF GUARDIANS.** The court shall consider nominations made by any interested person and, in its discretion, shall appoint a proper guardian, having due regard for the following:

(1) **NOMINATION BY MINOR.** A minor over 14 years may in writing in county court nominate his own guardian, but whenever the minor is in the armed service, or is without the state, or if other good reason exists, the court may dispense with the right of nomination.

(2) **PARENTS OF MINORS PREFERRED.** If one or both of the parents of a minor are suitable and willing, the court shall appoint one or both of them as guardian.

(3) **EFFECT OF NOMINATION BY MINOR.** If neither parent is suitable and willing, the court may appoint the nominee of a minor.

(4) **GUARDIAN OF THE PERSON NOMINATED BY WILL.** Subject to the rights of a surviving parent, a parent may by will nominate a guardian of the person of his minor child.

(5) **GUARDIAN OF THE ESTATE NOMINATED BY WILL.** A parent may by will nominate a guardian of the estate of his minor child and may waive the requirement of a bond as to such estate derived through the will.

**319.10 NOTICE OF APPOINTMENT.** If for any reason the court fails to appoint as guardian the nominee of the minor, the guardian who qualifies shall give notice of his appointment to the minor by certified mail addressed to his last known post-office address and an affidavit of such mailing shall be filed with the court within 10 days after the issuance of letters.

**319.11 GUARDIAN AD LITEM.** At any time during the proceeding the court may appoint a guardian ad litem for the ward or proposed ward. If the court is satisfied that the estate of such person is unable to compensate the guardian ad litem for his services and expenses the court shall order his fees and expenses paid as provided in s. 957.26.

**319.12 DETERMINATION AND ORDER APPOINTING GUARDIAN.** The court shall after hearing determine whether the person is a proper subject for guardianship. If the person is found to be in need of a guardian, the court shall appoint one or more guardians but not more than one guardian of the person shall be appointed unless they be husband and wife. The order shall specify the amount of the bond, if any, to be given.

**319.13 BOND. (1) FORM OF BOND.** Upon the appointment of a guardian of the estate of a ward, the court shall require a bond given in accordance with ch. 321 and s. 331.345, conditioned upon the faithful performance of the duties of the guardian.

(2) **WAIVER OF BOND. (a)** The court may waive the requirement of a bond if so requested in a will wherein a nomination appears, but this shall extend only to property derived through the will.

(b) Whenever a guardian has or will have in his possession total funds of a value of \$10,000 or less, the court may direct deposit of such funds in an insured account of a bank or savings and loan association in the name of the guardian and the ward and payable only upon further order of the court. In such event the court may waive the requirement of a bond.

**319.14 WHEN LETTERS TO BE ISSUED.** When a guardian has given bond as required and the bond has been approved by the judge, letters under the seal of the court shall be issued to him.

**319.15 TEMPORARY GUARDIAN. (1) APPOINTMENT.** If the court finds that the welfare of a minor, spendthrift or an incompetent requires the immediate appointment of a guardian of his person or of his estate, or of both, it may, with or without notice appoint a temporary guardian for him for a period not to exceed 60 days unless further extended by order of the court. The appointment may be to perform duties respecting specific property, or to perform particular acts, as stated in the order of appointment. The temporary guardian shall make such reports as the court directs, and shall account to the court upon termination of his authority. All provisions of the statutes concerning the powers and duties of guardians shall apply to temporary guardians except as limited by the order of appointment. No appeal may be taken from the order of appointment of a temporary guardian.

(2) **BOND OF TEMPORARY GUARDIAN.** Every such temporary guardian shall before entering upon the duties of his trust give bond to the judge of the county court in such sum and with such sureties as the court may designate and approve.

(3) **SEPARATION OF POWERS.** If such temporary guardianship shall not be sooner terminated the duties and powers of the temporary guardian shall cease upon the issuing of letters of guardianship to the guardian of his ward, or, if the ward be a minor, upon his becoming of age, or when it shall be judicially determined that any other disability of the ward which was the cause of the guardianship has terminated; and such temporary guardian shall upon termination of his duties and powers account to the court and forthwith deliver to the person or persons entitled thereto, all the estate of the ward in his hands; and any action which may have been commenced by such temporary guardian may be prosecuted to final judgment by his successor or successors in interest.

**319.16 WHEN A GUARDIAN MAY BE REMOVED. (1) NOMINATION BY MINOR.** When a minor ward has attained the age of 14 years a guardian of his person, upon notice as required by the court, may be removed on petition of the ward for the purpose of having another person appointed guardian if it is for the best interest of the ward.

(2) **REMOVAL FOR CAUSE.** When any guardian fails or neglects to discharge his trust the court may remove him after such notice as the court shall direct to such guardian and all others interested.

(3) **CITATION TO GUARDIAN. (a)** A citation to a guardian to appear in county court may be served in the manner provided for substituted service for summons in circuit court when such guardian has absconded or keeps himself concealed so as to avoid personal service or when he is a nonresident of this state or has absented himself therefrom for a period of one year.

(b) Upon filing proof of service and at the time fixed in the citation such court shall consider such matter and take proof and grant such relief as shall be just; and any order or judgment made in said proceedings shall be binding upon such guardian and shall be prima facie evidence of all facts therein recited.

(4) **FRAUD AS TO WARD'S ESTATE.** Upon complaint made to the county court by any guardian or ward, or by any creditor or other person interested in the estate, or by any person having any prospective interest therein, as heir or otherwise, against any person suspected of having concealed, stolen or conveyed away any of the money, goods, effects or instruments in writing belonging to the ward the court may cite and examine such suspected person and proceed with him as to such charge in the same manner as is provided with respect to persons suspected of concealing or stealing the effects of a deceased person in ss. 312.06 and 312.07.

**319.17 APPOINTMENT OF SUCCESSOR GUARDIAN.** When a guardian dies, is removed by order of the court, or resigns and such resignation is accepted by the court, the court may appoint another guardian in his place in the same manner and subject to the same requirements as are herein provided for an original appointment of a guardian.

**319.18 INVENTORY.** When a guardian of the estate has been appointed an inventory shall be made in the same manner and subject to the same requirements as are provided for the inventory of a decedent's estate. An appraisal of all or any part of the ward's estate shall be made when ordered by the court.

**319.19 MANAGEMENT OF WARD'S ESTATE. (1) GENERAL DUTIES.** The guardian of the estate shall take possession of all of the ward's real and personal property, and of rents, income, issues and benefits therefrom, whether accruing before or after his appointment, and of the pro-

ceeds arising from the sale, mortgage, lease or exchange thereof. Subject to such possession the title of all such estate and to the increment and proceeds thereof shall be in the ward and not in the guardian. It is the duty of the guardian of the estate to protect and preserve it, to retain, sell and invest it as hereinafter provided, to account for it faithfully, to perform all other duties required of him by law and at the termination of the guardianship to deliver the assets of the ward to the persons entitled thereto.

(2) **RETENTION OF ASSETS.** (a) The guardian of the estate may, without the approval of the court, retain any real or personal property possessed by the ward at the time of appointment of the guardian or subsequently acquired by the ward by gift or inheritance without regard to ch. 320, so long as such retention constitutes the exercise of the judgment and care under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

(b) The guardian of the estate may, with the approval of the court, after such notice as the court directs, retain any real or personal property possessed by the ward at the time of the appointment of the guardian or subsequently acquired by the ward by gift or inheritance for such period of time as shall be designated in the order of the court approving such retention, without regard to ch. 320.

(3) **CONTINUATION OF BUSINESS.** In all cases where the court deems it advantageous to continue the business of a ward, such business may be continued by the guardian of the estate on such terms and conditions as may be specified in the order of the court.

(4) **INVESTMENTS.** (a) The guardian of the estate may, without approval of the court, invest and reinvest the proceeds of sale of any guardianship assets and any other moneys in his possession in accordance with ch. 320.

(b) The guardian of the estate may, with the approval of the court, after such notice as the court directs, invest the proceeds of sale of any guardianship assets and any other moneys in his possession in such real or personal property as the court determines to be in the best interests of the guardianship estate, without regard to ch. 320.

(c) No guardian shall lend guardianship funds to himself.

(5) **SALES AND OTHER DISPOSITIONS.** (a) The guardian of the estate may, without approval of the court, sell any property of the guardianship estate acquired by the guardian pursuant to sub. (4).

(b) The court, on the application of the guardian of the estate or of any other person interested in the estate of any ward, after such notice if any, as the court directs, may authorize or require the guardian to sell, mortgage, pledge, lease or exchange any property of the guardianship estate upon such terms as the court may order, for the purpose of paying the ward's debts, providing for his care, maintenance and education and the care, maintenance and education of his dependents, investing the proceeds or for any other purpose which is in the best interest of the ward.

(c) No guardian shall purchase property of the ward, unless sold at public sale with the approval of the court, and then only if the guardian is a spouse, parent, child, brother or sister of the ward or is a cotenant with the ward in the property.

(d) The provisions of this subsection insofar as they apply to real estate shall be subject to ch. 296.

SECTION 6m. 319.20 (1) of the statutes is renumbered 319.295 (1) and amended to read:

319.295 (1) When a patient in any state or county hospital or asylum for the insane or in any state institution for the mentally deficient, appears

to have property in this state, and does not have a guardian, the state department of public welfare by its collection and deportation counsel and in counties having a population of 500,000 the district attorney, may apply to the county court of the county in which such patient resided at the time of his commitment for the appointment of a guardian of his person and estate, and the court, upon such application, shall appoint such guardian in the manner provided for the appointment of guardians \* \* \* *under s. 319.08 (1) but no notice shall be required for the appointment of a successor guardian.*

SECTION 6n. 319.20 (2) of the statutes, as amended by chapter 13, laws of 1957, is renumbered 319.295 (2).

SECTION 6p. 319.21 to 319.29 of the statutes are repealed and recreated to read:

319.21 USE OF ESTATE FOR BENEFIT OF WARDS. (1) APPLICATION OF PERSONAL PROPERTY AND INCOME. Every guardian shall apply the personal property or the income therefrom or from the real estate, as far as may be necessary for the suitable education, maintenance and support of the ward and of his family, if there be any legally dependent upon him for support, and for the care and protection of his real estate. The parents, brothers and sisters of incompetent veterans of all wars are declared members of his family, and all payments heretofore made pursuant to court order to any dependent member of the family of any such incompetent, as herein defined, are ratified and approved.

(2) FOR SUPPLEMENTING PARENT'S SUPPORT OF MINOR. If any minor has property which is sufficient for his maintenance and education in a manner more expensive than his parents can reasonably afford, regard being had to the situation and circumstances of the family the expenses of his education and maintenance may be defrayed out of his property in whole or in part, as shall be judged reasonable and be directed by the county court.

319.215 LIS PENDENS, VOID CONTRACTS. A copy of the petition and order for hearing provided for in ss. 319.07 and 319.08 may be filed in the office of the register of deeds for the county; and if a guardian shall be appointed upon such application all contracts, except for necessities at reasonable prices, and all gifts, sales and transfers of property made by such insane or incompetent person or spendthrift, after the filing of a copy of such petition and order as aforesaid, shall be void.

319.22 CLAIMS. (1) PAYMENT. Every general guardian shall pay the just debts of the ward out of the ward's personal estate and the income of his real estate, if sufficient, and if not, then out of his real estate upon selling the same as provided by law. But a temporary guardian shall pay the debts of his ward only on order of the court.

(2) PROCEEDINGS TO ADJUST CLAIMS. The guardian or a creditor of any ward may apply to the court for adjustment of claims against such ward incurred prior to entry of the order appointing the guardian or the filing of a lis pendens as provided in s. 319.215. The court shall by order fix the time and place it will adjust claims and the time within which all claims must be presented or be barred. Notice of the time and place so fixed and limited shall be given by publication as in estates of decedents; and all statutes relating to claims against and in favor of estates of decedents shall apply. As in the settlement of estates of deceased persons, after the court has made such order no action or proceeding shall be commenced or maintained in any court against such ward upon any claim of which the county court has jurisdiction.

319.23 ACTIONS. Such guardian shall settle all accounts of the ward and may demand, sue for, collect and receive all debts and claims for

damages due him, or may, with the approval of the county court, compound and discharge the same, and shall appear for and represent his ward in all actions and proceedings except where another person is appointed for that purpose.

**319.24 COMPENSATION ALLOWED FROM ESTATE. (1) FEES AND EXPENSES OF GUARDIAN.** Every guardian shall be allowed the amount of his reasonable expenses incurred in the execution of his trust including necessary compensation paid to attorneys, accountants, brokers and other agents and servants. He shall also have such compensation for his services as the court, in which his accounts are settled, deems to be just and reasonable.

(2) **WARD'S EXPENSES IN PROCEEDINGS.** When a guardian is appointed the court may allow reasonable expenses incurred by the ward in contesting the appointment.

**319.25 ACCOUNTING. (1) ANNUAL REPORTS.** Every guardian shall prior to March of each year file an account under oath and specify therein the amount of property received by him and remaining in his hands or invested by him, and the nature and manner of such investment, and his receipts and expenditures during the preceding calendar year and whenever ordered by the court, he shall, within 30 days, render and file a like account for any shorter term. When any guardian of a minor has the custody of his ward and the care of his education he shall state in his report the time his ward attended school (naming the school) during the time for which the account is rendered, and shall also report any change in the status of the surety upon his bond.

(2) **DISPLAY OF ASSETS.** Upon rendering any such account the guardian shall produce for examination by the court, or some person satisfactory to the court, all securities, evidences of deposit and investments reported by him, which shall be described in such account in sufficient detail so that the same may be readily identified. It shall be ascertained whether such securities, evidences of deposit and investments correspond with such account. But such court may by a general or special order exempt any trust company bank, or any bank with trust powers, which has made the deposit required by s. 223.02 from the requirements of this section, if such bank within 30 days after each examination by its proper supervisory banking authority files in such court a certificate of the examiner in charge, that at such examination the securities, evidences of deposits and investments of all trust accounts of such bank were examined and compared with the records of the several trusts and found to be correct. Notwithstanding any such order of exemption the court may at any time require the guardian to produce all securities, evidences of debt and investments for examination as provided in this section.

(3) **SMALL ESTATES.** When the whole estate of a ward or of several wards jointly, under the same guardianship, does not exceed \$1,000 in value, the guardian shall be required to render account only upon the termination of his guardianship, unless otherwise ordered by the court.

(4) **EXAMINATION OF ACCOUNTS.** The court shall promptly examine the account and if it is not satisfactory it shall be examined on 8 days' notice and the court shall make such order thereon as justice may require. Notice to the guardian may be served personally or by certified mail as the court directs. When the examination of a guardian's account is upon notice a guardian ad litem of the ward may be appointed.

(5) **NOTICE.** No action by the court upon any account shall be final unless it is upon notice.

**319.26 TERMINATION OF GUARDIANSHIP. (1) GUARDIANSHIP OF THE PERSON.** A guardianship of the person shall terminate:

(a) When a minor ward attains his majority.

- (b) When a minor ward lawfully marries.
- (c) When the court adjudicates a former incompetent to be competent.

(2) **GUARDIANSHIP OF THE ESTATE.** A guardianship of the estate shall terminate:

- (a) When a minor ward attains his majority.
- (b) When a minor ward lawfully marries and the court approves such termination.
- (c) When the court adjudicates a former incompetent or a spendthrift to be capable of handling his property.
- (d) When a ward dies (unless the estate can be settled as provided by s. 319.27).

(3) **DEPLETED GUARDIANSHIPS.** When the court determines that the estate of the ward is below \$1,000 and reduced to a point where it is to the advantage of the ward to dispense with the guardianship, the court may terminate the guardianship and authorize disposition of the remaining assets as provided by s. 319.04 (2); and the court as a part of such disposition may order a suitable amount paid to the county treasurer under order of the court or reserved in the guardianship to assure the ward a decent burial, a marker, and perpetual care for the grave; and in case of an insolvent guardianship the court may order an amount not exceeding \$300 reserved in the guardianship or paid to the county treasurer under order of the court to assure such ward a decent burial.

**319.27 SETTLEMENT OF ACCOUNTS.** Upon termination of a guardianship, or upon resignation, removal or death of a guardian, such guardian or his personal representative shall forthwith render his final account to the court and to the former ward, the successor guardian or the deceased ward's personal representative as the case may be. Upon approval of the account and filing proper receipts the guardian shall be discharged and his bond released.

**319.28 SUMMARY SETTLEMENT OF SMALL ESTATES.** When a ward dies leaving an estate which can be settled summarily under s. 311.05 or 311.055, the court may approve such settlement and distribution by the guardian, without the necessity of appointing an administrator or executor.

**319.29 DELIVERY OF PROPERTY TO FOREIGN GUARDIAN.** When property of a nonresident ward is in the possession of or due from a guardian, administrator or executor appointed in this state, the appointing court may order such property delivered to the foreign guardian upon filing his verified petition, accompanied by a copy of his appointment and bond, authenticated so as to be admissible in evidence, and upon 10 days' notice to the resident guardian, administrator or executor. Such petition shall be denied if granting it shall appear to be against the interests of the ward. The receipt of the foreign guardian for the property so delivered shall be taken and filed with the other papers in the proceeding, and a certified copy thereof shall be sent to the court which appointed such guardian.

SECTION 7. 319.30 to 319.47 of the statutes are repealed.

SECTION 8. 319.48 of the statutes is renumbered 319.32.

SECTION 9. 319.50 of the statutes is renumbered 319.33.

SECTION 10. 319.52 of the statutes is renumbered 319.31.

SECTION 11. 319.60 (1) of the statutes is renumbered 319.30 (1).

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SECTION 12. 319.60 (2) of the statutes is renumbered 319.30 (2) and amended to read:

319.30 (2) Any adult person may make a gift of securities to a person who is a minor on the date of the gift in the following manner:

(a) Securities, if in registered form, shall be registered by the donor in his own name or in the name of any adult member of the minor's family or in the name of any guardian of the minor, followed by the words "as custodian, for \_\_\_\_\_ (name of minor), a minor, under s. \* \* \* 319.30 of the Wisconsin Statutes", and the securities shall be delivered to the person in whose name they are thus registered as custodian. If the securities are thus registered in the name of the donor as custodian such registration shall of itself constitute the delivery required by this section.

(b) Securities, in the bearer form, shall be delivered by the donor to any adult member of the minor's family, other than the donor, or to any guardian of the minor, accompanied by a deed of gift duly acknowledged in substantially the following form, signed by the donor and the person designated therein as custodian:

Deed of Gift Under Section \* \* \* 319.30 of the Wisconsin Statutes

I, \_\_\_\_\_ (name of donor) do hereby deliver to \_\_\_\_\_ (name of custodian) as custodian for \_\_\_\_\_ (name of minor), a minor, under Section \* \* \* 319.30 of the Wisconsin Statutes the following securities:

Principal amount \$\_\_\_\_\_, of the \_\_\_\_\_ (description of security)  
Serial number of security \_\_\_\_\_

or

Certificate No. \_\_\_\_\_, representing \_\_\_\_\_ shares of the \_\_\_\_\_ (class or type of stock) stock of \_\_\_\_\_ (name of company)  
\_\_\_\_\_ (signature of donor)

I, \_\_\_\_\_ (name of custodian) do hereby acknowledge receipt of the above described securities.

Dated: \_\_\_\_\_ (signature of custodian)

SECTION 13. 319.60 (3), (4) (a), (b) and (c) of the statutes are renumbered 319.30 (3), (4) (a), (b) and (c), respectively.

SECTION 14. 319.60 (4) (d) of the statutes is renumbered 319.30 (4) (d) and amended to read:

319.30 (4) (d) The custodian may execute and deliver any and all instruments in writing which he may deem advisable to carry out any of the foregoing powers. No issuer of securities, transfer agent, registrar or bank or other person acting on the instructions of any person purporting to be a custodian or donor shall be responsible for determining whether any person has been duly designated as a custodian under this section, or whether any purchase, sale or transfer to or by any person as custodian is in accordance with or authorized by this section, or shall be obliged to inquire into the validity under this section of any instrument or instructions executed or given by a person purporting to act as custodian or donor, or be bound to see to the application by any person purporting to act as custodian of any money or other property paid or delivered to him. All registered securities held by the custodian from time to time shall be registered in his name followed by the words "as custodian for \_\_\_\_\_ (name of minor), a minor under Section \* \* \* 319.30 of the Wisconsin Statutes". All other property held by the custodian for the

minor under the authority of this section shall be kept separate and distinct from the custodian's own personal funds and property and shall be maintained at all times in such a manner as to identify it clearly as the minor's property held by the custodian under the authority of this section.

SECTION 15. 319.60 (5) to (12) of the statutes are renumbered 319.30 (5) to (12), respectively.

Approved July 25, 1957.

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