

No. 437, S.]

[Published April 19, 1905.]

## CHAPTER 89.

AN ACT to amend chapter 170 of the statutes of 1898, relating to guardians and wards, by adding sections relating to special guardians.

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

**When special guardian may be appointed.** SECTION 1. Chapter 170 of the statutes of 1898, relating to guardians and wards, is hereby amended by adding thereto the following sections:

Section 3995c. When there shall be delay in appointing a guardian of a minor, insane person or other person subject to guardianship, or in issuing letters of guardianship to such guardian, occasioned by any contest concerning a guardian appointed in any will, or from any other cause, or when it shall appear to the satisfaction of the court to be necessary, the county court may appoint a special guardian for such ward, to act until the matter causing the delay shall be disposed of or the necessity therefor cease to exist. No appeal shall be allowed from the appointment of such special guardian, and such special guardian may be appointed without notice. Such special guardian may be removed whenever the court may so order.

**Powers and duties of special guardian.** Section 3995d. Such special guardian shall have power to collect all the goods, chattels and credits of the ward and, with leave of the court, to lease for a term not exceeding one year the real estate of the ward, to care for, gather and secure crops, and do such other things as the court shall direct and as may be deemed for the interest of the ward, and preserve all the property of the ward, and may, for such purposes, demand, sue for, collect and receive all debts due to him, and sell such personal property of the ward as the court may direct. Such special guardian shall not be liable to any action by any creditor or be called upon in any way to pay the debts of the ward. Such special guardian may have the custody of the ward if the court shall so order upon a hearing to be had after notice of

the time and place of such hearing, to be served on the ward, and, if he be under fourteen years of age, also on his parent, if living in this state, at least five days before such hearing; but the ward and such parent may waive in writing the service of such notice; whereupon such order concerning the custody of the ward may be made immediately. Such special guardian may be required to appear before the county court in the same way that a guardian may be required to appear before such court.

**Bond.** Section 3995e. Every such special guardian shall, before entering upon the duties of his trust, give a bond to the ward in such sum and with such sureties as the court may designate and approve, and conditioned as provided in section 3966. Sections 3967 and 3968 shall be applicable in every case of an appointment of such a special guardian.

**Power of when to cease; delivery of property to successor.** Section 3995f. If such special guardian shall not be sooner removed, his power 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 special guardian shall, upon his removal or other termination of his power, forthwith deliver to the person or persons entitled thereto, all the property and effects of the ward in his hands; and any action which may have been commenced by such special guardian may be prosecuted to final judgment by his successor or successors in interest. Section 3993 shall apply to every such special guardian.

**SECTION 2.** This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1905.