

# Eau Claire County Procedures to appoint a Guardian ad Litem before commencement of a new civil action

New CV actions should be initiated by pleadings which state a claim or cause of action upon which relief could be granted.

When the clerk only receives pleadings that seek appointment of a GAL, the following process applies in Eau Claire County:

1. Pleadings must be submitted to the Clerk of Courts either in person during regular business hours or by US mail, as E-Filing is currently not available for this case type.
2. These pleadings are maintained under a GF record (group file).
3. There is no fee.
4. Transmit the original and a copy of the GAL pleadings to the Clerk of Circuit Courts along with your letter request & a self-addressed postage paid return envelope (SASE). The pleadings usually consist of a petition, affidavit, & proposed order.
5. The clerk will file stamp & process the papers for review by the Intake Judge.
6. Once the Intake Judge has ruled on the petition & order, copies will be returned to you in the SASE along with a letter by the clerk which gives some guidance **when a new CV case is filed. In that instance, the case will be assigned a CV number.**
7. For approved orders, if/when a corresponding civil action is filed, you should submit a copy of the GAL pleadings and reference the GF case number.
8. If a court appointed Guardian Ad Litem wishes to file a Petition to commence a suit, the approval of the court is required per Wisc. Statute 807.10(1). The request would need to be submitted as described in #1 and through the GF case file, if there is one.
9. The Clerk would also note the following Eau Claire County circuit court rule which may impact the manner of filing for a corresponding civil case in Eau Claire:
  - 304 – In a personal injury action involving a minor, neither the minor’s attorney nor a member of the attorney’s firm may be appointed guardian ad litem for the minor.