

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous  
Probate - miscellaneous  
Courts - costs and fees**

Extra Copies: **ISR, RPN, PJK**

Submit via email: NO

Requester's email:

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**Pre Topic:**

SDC:.....Keckhaver - CN9511,

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**Topic:**

Elder abuse direct services

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kenneda 06/17/2001	jdyer 06/18/2001	pgreensl 06/18/2001	_____	lrb_docadmin 06/18/2001		
/2	kenneda 06/18/2001	jdyer 06/18/2001	haugeca 06/18/2001	_____	lrb_docadmin 06/18/2001		

FE Sent For:

**<END>**

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*1/2 6/18 jld*  
*12 hnd 6/18/01*

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1?	kenneda	1 9/18 JLD	6/18 PJ	umk SRM			

FE Sent For:

<END>

**DEPARTMENT OF HEALTH AND FAMILY SERVICES**

Elder Abuse direct services (memo attached)

Yvonne?

CN9511

60872

DAK

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**Coalition of Wisconsin Aging Groups**

June 6, 2001

**TO:** State Senator Kevin Shibilski  
Attention: Jessica

**FROM:** Helen Marks Dicks, Director  
CWAG Elder Law Center

**RE:** Funding for Elder Abuse

The Registrars in Probate are authorized to collect certain fees under 814.66. The ones which are of concern for our proposal are those listed in 814.66 (1)(a) through (f). These are the fees which when collected go to the clerk of courts then to the county treasurer who splits them, sending 50% to the state treasurer and retaining the remaining 50% in the county. I will explain the current system and our proposal. I will also list whom I have talked to about what types of records are kept and what is or is not available for fiscal analysis.

814.66(1)(a) and (b) are the probate and guardianship inventory fees, which are based on a percent of the value of the estate less liens and other encumbrances. The current rate is .001% or, in easier terms, \$1.00 on a \$1,000. We are suggesting that this fee be changed to .002% or \$2.00 on \$1,000. Section (c) is a \$3.00 fee collected in limited circumstances when a life estate is terminated outside the probate process. Section (d) is a rarely used provision about the judgement of the descendants of land. Section (e) is a \$10.00 fee for filing objections to the probation of a will in a will contest case. Section (f) is a \$410 fee for filing a will for safe keeping with the registrar's office.

In my time in private practice, which included Elder Law in the areas of guardianship and probate, my client paid fees under (a) and (b) of this section. In 15 years of practice I never used any of the other referred to sections. I would estimate that the fee collected from any part of this provision other than (a) and (b) would represent less than 5% of the monies collected by probate. I took the following steps to determine if my estimate was correct.

I spoke to Scott Feld (266-3712) at the State Treasurer's office. They receive the money with a form from the counties, which only indicates that it is money collected under 814.66. There is no breakdown by category. I spoke with David Gwenda (266-4215), Treasurer of Dane County. They receive the money from the Clerk of Courts office with no breakdown and split the amount as provided in 814.66(3), 50% going to the state for GPR and the remaining staying in the county.

I spoke with Lynn Erbach (266-4288) who could not provide me with any figures from the Dane County Clerk of Courts office. She also referred me to the court automation project where I spoke with Marsha Vander Cook (267-7335) who indicated they had no statistical breakdown of the fees collected under this section.

The Coalition of Wisconsin Aging Groups recommends the following options for funding.

1. Conservatively estimate that the \$1 increase in the two fees would be 90% of the \$1.5 million or \$1,350,000. Any additional amount collected could be added for elder abuse services after the fees were actually collected.
2. Increase the two fees by \$1 and direct that all of the increase be forwarded to the state. (i.e., instead of a 50/50 split between the state and county there would be a 2/3 / 1/3 split with two out of three dollars going to the state.) Conservatively appropriate \$2.5 million for elder abuse (i.e., 83% of \$3 million).

Your staff asked if the increases in the bill could be sent directly to the state with the entire amount of the increase going to the state. It would appear that this would just be a matter of computer programming.

If you have any additional questions do not hesitate to call me.

2,898,000  
2,960,000

From Yvonne (LFB):

814.66 (1)(a) 2., (1)(b) 2. + (3)

Increase approp under 20.435 (7)(d) by \$ 1,500,000 for 01-02 and by \$ 1,500,000 for 02-03.

46.90 Services:

See explanation

1.5 mill. is ~~probably~~ less

Amts. for FTE's ?

Eff. date for fee change is date of bill

Coalition of Wisconsin Aging Groups

## **Proposal to Reduce and Prevent Elder Abuse in Wisconsin**

### **Background**

Wisconsin implemented an elder abuse reporting system in 1986 with every county designating a lead agency to receive and investigate reports of elder abuse. Since 1986 the number of reports has increased by 139%. In the last 10 years the number of reports of elder abuse has grown from 1,952 in 1990 to 3,257 in 1999, a 67% increase.

Elder abuse consists of physical abuse, material (financial) abuse, neglect and self-neglect. Over 11% of reported abuse in 1999 was either fatal (6%) or life threatening. There is \$625,000 available to provide services to the victims of elder abuse that range from advocacy/legal services, day care and treatment, facility-based care, in-home services and service coordination.

Additional information prepared by the Wisconsin Association of Area Agencies on Aging is attached and provides a more detailed summary.

### **Proposed Funding Sources**

Most legal protection for elders comes through the probate courts particularly the guardianship system. The monies collected in Probate Court come from two sources--the guardianship inventory fee and the probate inventory fee. Both of those are governed by 814.66 Wi. Stats. They are currently set at 00.1% or in real dollars, \$1.00 per \$1,000. The state treasurer's office indicates that the revenue collected under 814.66 for 1999 was \$1,540,220 and for 2000 was \$1,557,811. Funds collected by the state treasurer's office go into the general fund.

We propose an increase of \$1.00 per \$1,000, which would increase revenues by \$1.5 million per year. This would establish a new total fee of \$2.00 per \$1,000 or \$100 for a \$50,000 estate, \$200 for a \$100,000 estate or \$500 for a \$250,000 estate. The additional revenues collected through the existing system would provide a \$1.5 million increase per year to provide services to the victims of elder abuse and to increase education to help reduce and prevent elder abuse.

5/23/01

## ANNUAL ELDER ABUSE BUDGET REQUEST

Elder Abuse Direct Services	\$2,451,000
Public Awareness and Professional Education	\$500,000
Two (2) FTE employees at \$60,000 each.	<u>\$120,000</u>
Total	\$3,071,000

### APPROACH

#### Direct Services:

- A. The 1998 National Elder Abuse Incidence Study estimates that abuse in domestic settings (not institutions) involves approximately 1.3% of the nation's elderly per year. There are approximately 880,000 elderly residing in Wisconsin.

Therefore, approximately 11,440 older people in Wisconsin are likely affected by elder abuse ( $888,000 \times 1.3\% = 11,440$ ).

- B. According to a 1990 Bureau of Aging and Long Term Care Resources (BALTCR) study, the average cost per elder abuse case in Wisconsin is \$3,000 (amount is adjusted for inflation).

Therefore, the real cost of elder abuse in Wisconsin is approximately \$34,320,000 ( $11,440 \times \$3,000 = \$34,320,000$ ).

- C. 1999 data includes 3266 reports of elder abuse in Wisconsin.

- D. 11,440 (from A) minus 3266 = 8174 possible cases not reported.

- E. If increased public awareness results in 10% of cases being reported that were previously not reported \$2,451,000 would be needed annually.  
( $8174 \times 10\% = 817 \times \$3000 = \$2,451,000$ )

#### Public Awareness and Professional Education:

- A. In 1997 the Wisconsin Coalition Against Sexual Assault was awarded \$500,000 to conduct a statewide public awareness campaign.

- B. Milwaukee Women's Center, a domestic abuse program, conducted a nationally recognized, award-winning public awareness campaign valued at \$500,000.

- C. **\$40,000 would be needed to provide training for professionals in order to make training available in all areas of the state.**

**DHFS Support:**

**Two state level FTE's funded at Range 15 Civil Service Classification, plus position authority. Major responsibilities to include: management of the Wisconsin Guardianship Grant; training and technical assistance to professionals including individuals who work in the criminal justice system, the health care industry, domestic abuse and/or sexual assault victim services, or, in social service or aging agencies; oversight and evaluation of a statewide public awareness campaign; resource development including identification and implementation of best practices; and, development of outcome measures (performance standards).**



Λ  
jLd

SDC:.....Keckhaver – CN9511, Elder abuse direct services

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION  
CAUCUS SENATE AMENDMENT  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment as follows:

1  
INSERT 1-1

2 1. Page 1208, line 13: after that line insert:

3 "SECTION 3835g. 814.66 (1) (a) 2. of the statutes is amended to read:

4 814.66 (1) (a) 2. For filing a petition whereby any proceeding in estates of  
5 deceased persons is commenced, if the value of the property subject to  
6 administration, less encumbrances, liens or charges, is \$10,000 or less, a fee of \$10  
7 and, if more than \$10,000, a fee of ~~0.1%~~ 0.2% of the value of the property subject to  
8 administration, less encumbrances, liens or charges. The register in probate may not  
9 base a fee under this subdivision upon the value of property that is not subject to  
10 administration.



2001

INSERT 1-1

# AMENDMENTS

LRB \_\_\_\_\_ / \_\_\_\_\_

\_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_

## \$\$\$ INCREASE/DECREASE

In the component bar, for a "regular" amendment item:

For the item text, execute: ..... create → item: → m: → \$inc-dec

#. Page 215, line 7... in ~~(de)~~ <sup>(de)</sup>crease the dollar amount for fiscal year 2001-02 by \$ . . . . 1, . 500, . 000 . . and in ~~(de)~~ <sup>(de)</sup>crease the dollar amount for fiscal year 2002-03 by \$ . . . . 1, . 500, . 000 . . ~~to . . . crease funding for the [purpose]~~ [purposes] for which the appropriation is made [to ~~in~~ <sup>in</sup>crease funding for . . . . . ~~elder abuse services~~ under section 46.90(5m) of the Statutes . . . . . ]\*

(end ins 1-1)

#. Page . . . . , line . . . . : in(de)crease the dollar amount for fiscal year 2001-02 by \$ . . . . , . . . . , . . . . and in(de)crease the dollar amount for fiscal year 2002-03 by \$ . . . . , . . . . , . . . . [to . . . crease funding for the [purpose] [purposes] for which the appropriation is made] [to . . . crease funding for . . . . . ]\*

In the component bar, for a "frozen" amendment item (used in amendments to amendments):  
 For the item text, execute: ..... create → item: → afterline [or the applicable item]  
 For the "frozen" item text, execute: create → item: → frz: → m: → \$inc-dec

#. Page . . . . , line . . . . :  
 . . . . Page . . . . , line . . . . : in(de)crease the dollar amount for fiscal year 2001-02 by \$ . . . . , . . . . , . . . . and in(de)crease the dollar amount for fiscal year 2002-03 by \$ . . . . , . . . . , . . . . [to . . . crease funding for the [purpose] [purposes] for which the appropriation is made] [to . . . crease funding for . . . . . ]\*

\* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

60872

From Youne:

Double fees dollar amts, too



SDC:.....Keckhaver – CN9511, Elder abuse direct services

FOR 2001-03 BUDGET -- NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 215, line 7: increase the dollar amount for fiscal year 2001-02 by  
3 \$1,500,000 and increase the dollar amount for fiscal year 2002-03 by \$1,500,000 to  
4 increase funding for elder abuse services under section 46.90 (5m) of the statutes.

5 **2.** Page 1208, line 13: after that line insert:

6 **"SECTION 3835g.** 814.66 (1) (a) 2. of the statutes is amended to read:

7 814.66 (1) (a) 2. For filing a petition whereby any proceeding in estates of  
8 deceased persons is commenced, if the value of the property subject to

9 administration, less encumbrances, liens or charges, is \$10,000 or less, a fee of \$10

10 and, if more than \$10,000, a fee of ~~0.1%~~ 0.2% of the value of the property subject to

✓  
\$20

1 administration, less encumbrances, liens or charges. The register in probate may not  
2 base a fee under this subdivision upon the value of property that is not subject to  
3 administration.

4 **SECTION 3835h.** 814.66 (1) (b) 2. of the statutes is amended to read:

5 814.66 (1) (b) 2. For filing a petition for guardianship of the estate under ch.  
6 880 or an application for conservatorship under ch. 880, if the value of the property,  
7 less encumbrances, liens or charges, is \$10,000 or less, a fee of \$10 and, if more than  
8 \$10,000, a fee of ~~0.1%~~ 0.2% of the value of the property, less encumbrances, liens or  
9 charges.

10 **SECTION 3835i.** 814.66 (3) of the statutes is amended to read:

11 814.66 (3) The register in probate shall, on the first Monday of each month, pay  
12 into the office of the county treasurer all fees collected by him or her and in his or her  
13 hands and still unclaimed as of that day. Each county treasurer shall make a report  
14 under oath to the state treasurer on or before the 5th day of January, April, July and  
15 October of all fees received by him or her under sub. (1) (a) to (f) up to the first day  
16 of each of those months and shall at the same time pay 50% ~~of the fees~~ of the fees to the  
17 state treasurer for deposit in the general fund. Each county treasurer shall retain  
18 the balance of fees received by him or her under this section for the use of the county.”.

19 **3.** Page 1396, line 6: after that line insert:

20 “(6d) FEES OF REGISTER IN PROBATE. The treatment of section 814.66 (1) (a) 2. and  
21 (b) 2. and (3) of the statutes first applies to petitions filed on the effective date of this  
22 subsection.”.

23 (END)

✓  
66.67%

SDC:.....Keckhaver – CN9511, Elder abuse direct services

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10          \$20 and, if more than \$10,000, a fee of ~~0.1%~~ 0.2% of the value of the property subject

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