

1 *~~4828/P1.199~~* **SECTION 199.** 880.01 (4) of the statutes is amended to read:

2 880.01 (4) “Incompetent” means a person adjudged by a court of record to be
3 substantially incapable of managing his or her property or caring for himself or
4 herself by reason of ~~infirmities of aging~~ degenerative brain disorder, developmental
5 disabilities, or other like incapacities. Physical disability without mental incapacity
6 is not sufficient to establish incompetence.

7 *~~4829/P1.192~~* **SECTION 192.** 880.01 (4) of the statutes is amended to read:

8 880.01 (4) “Incompetent” means a person adjudged by a court of record to be
9 substantially incapable of managing his or her property or caring for himself or
10 herself by reason of ~~infirmities of aging~~ degenerative brain disorder, developmental
11 disabilities, or other like incapacities. Physical disability without mental incapacity
12 is not sufficient to establish incompetence.

NOTE: Replaces the term “infirmities of aging” with the term “degenerative brain disorder.”

13 *~~4828/P1.200~~* **SECTION 200.** 880.01 (5) of the statutes is renumbered 880.01
14 (1t) and amended to read:

15 880.01 (1t) ~~“Infirmities of aging”~~ “Degenerative brain disorder” means ~~organic~~
16 ~~brain damage caused by advanced age or other physical degeneration in connection~~
17 ~~therewith to the extent that the person so afflicted~~ the loss or dysfunction of brain
18 cells to the extent that an individual is substantially impaired in his or her ability
19 to adequately provide adequately for his or her own care or custody.

20 *~~4829/P1.193~~* **SECTION 193.** 880.01 (5) of the statutes is renumbered 880.01
21 (1t) and amended to read:

22 880.01 (1t) ~~“Infirmities of aging~~ “Degenerative brain disorder” means ~~organic~~
23 ~~brain damage caused by advanced age or other physical degeneration in connection~~

1 ~~therewith to the extent that the person so afflicted the loss or dysfunction of brain~~
2 ~~cells to the extent that an individual is substantially impaired in his or her ability~~
3 ~~to adequately provide adequately for his or her own care or custody.~~

NOTE: Replaces the term “infirmities of aging” with the term “degenerative brain disorder.”

4 *~~4830/P2.299~~* SECTION 299. 880.01 (5) of the statutes is repealed.

5 *~~4830/P2.300~~* SECTION 300. 880.01 (6) of the statutes is repealed.

6 *~~4830/P2.301~~* SECTION 301. 880.01 (7) of the statutes is renumbered 54.01
7 (20) and amended to read:

8 54.01 (20) “Minor” means ~~a person~~ an individual who has not attained the age
9 of 18 years.

10 *~~4829/P1.194~~* SECTION 194. 880.01 (7m) of the statutes is renumbered 55.14
11 (1) (b) and amended to read:

12 55.14 (1) (b) “Not competent to refuse psychotropic medication” means that,
13 ~~because of chronic mental illness, as defined in s. 51.01 (3g) as a result of~~
14 ~~developmental disabilities, degenerative brain disorder, serious and persistent~~
15 ~~mental illness, or other like incapacities,~~ and after the advantages and
16 disadvantages of and alternatives to accepting the particular psychotropic
17 medication have been explained to an individual, one of the following is true:

18 1. The individual is incapable of expressing an understanding of the
19 advantages and disadvantages of accepting treatment and the alternatives to
20 accepting treatment.

21 2. The individual is substantially incapable of applying an understanding of
22 the advantages, disadvantages and alternatives to his or her ~~chronic mental illness~~

1 condition in order to make an informed choice as to whether to accept or refuse
2 psychotropic medication.

NOTE: Relocates a provision in ch. 880 that defines "not competent to refuse psychotropic medication" to the newly-created section of ch. 55 that establishes the procedure and requirements for a court order authorizing a guardian to consent to the involuntary administration of psychotropic medication to a ward. Also revises that definition to reflect terminology changes made elsewhere in the bill.

3 ~~*-4830/P2.302* SECTION 302.~~ 880.01 (7m) of the statutes is renumbered 55.14

4 (1) (b) and amended to read:

5 55.14 (1) (b) "Not competent to refuse psychotropic medication" means that,
6 because of chronic mental illness, as defined in s. 51.01 (3g) for an individual with
7 developmental disability or as a result of degenerative brain disorder, serious and
8 persistent mental illness, or other like incapacities, and after the advantages and
9 disadvantages of and alternatives to accepting the particular psychotropic
10 medication have been explained to an individual, one of the following is true:

11 1. The individual is incapable of expressing an understanding of the
12 advantages and disadvantages of accepting treatment and the alternatives to
13 accepting treatment.

14 2. The individual is substantially incapable of applying an understanding of
15 the advantages, disadvantages and alternatives to his or her ~~chronic mental illness~~
16 condition in order to make an informed choice as to whether to accept or refuse
17 psychotropic medication.

18 ~~*-4830/P2.303* SECTION 303.~~ 880.01 (8) of the statutes is renumbered 54.01
19 (22) and amended to read:

20 54.01 (22) "Other like incapacities" means those conditions incurred at any age
21 ~~which~~ that are the result of accident, organic brain damage, mental or physical
22 disability, or continued consumption or absorption of substances, ~~producing and that~~

1 produce a condition ~~which that~~ substantially impairs an individual from providing
2 for the individual's his or her own care or custody.

3 *~~4829/P1.195~~* *~~0122/2.11~~* SECTION 195. 880.01 (8m) of the statutes is
4 created to read:

5 880.01 (8m) "Psychotropic medication" means a prescription drug, as defined
6 in s. 450.01 (20), that is used to treat or manage a psychiatric symptom or challenging
7 behavior.

8 *~~4830/P2.304~~* SECTION 304. 880.01 (9) of the statutes is renumbered 54.01
9 (31) and amended to read:

10 54.01 (31) "Spendthrift" means a person who, because of the use of ~~intoxicants~~
11 alcohol or other drugs or because of gambling, ~~idleness or debauchery~~ or other
12 wasteful course of conduct, is unable to ~~attend to business or thereby~~ manage
13 effectively his or her financial affairs or is likely to affect the health, life, or property
14 of the person himself, herself, or others so as to endanger the his or her support of
15 the person and the person's support of his or her dependents, if any, or expose the
16 public to such responsibility for his or her support.

17 *~~4830/P2.305~~* SECTION 305. 880.01 (10) of the statutes is renumbered 54.01
18 (37) and amended to read:

19 54.01 (37) "Ward" means ~~a subject~~ an individual for whom a guardian has been
20 appointed.

21 *~~4830/P2.306~~* SECTION 306. 880.02 of the statutes is renumbered 54.30 (1)
22 and amended to read:

23 54.30 (1) JURISDICTION ~~IN CIRCUIT COURT~~. The Except as provided in s. 54.38 (1),
24 the circuit court ~~shall have~~ has subject matter jurisdiction over all petitions for
25 guardianship. A guardianship of the estate of any person individual, once granted,

1 shall extend to all of his or her estate the ward's income and assets in this state and
2 shall exclude the jurisdiction of every other circuit court, except as provided in ch.
3 786. Jurisdiction under this subsection also extends to the petition by a foreign
4 guardian for the receipt and acceptance of a foreign guardianship, except as provided
5 in s. 54.38 (1m) and, if the petition is granted, to the accepted guardianship.

6 *–4830/P2.307* SECTION 307. 880.03 of the statutes is repealed.

7 *–4830/P2.308* SECTION 308. 880.04 (title) of the statutes is renumbered
8 54.12 (title) and amended to read:

9 **54.12 (title) Exceptions to appointment of guardian.**

10 *–4830/P2.309* SECTION 309. 880.04 (1) of the statutes is renumbered 54.46
11 (6) and amended to read:

12 54.46 (6) EMANCIPATION OF MARRIED MINORS. Except for ~~minors~~ a minor found
13 to be incompetent, upon marriage, a minor shall ~~is~~ no longer be a proper subject for
14 guardianship of the person and a guardianship of the person is revoked by the
15 marriage of a minor ward. Upon application, the court may release in whole or in
16 part the estate income and assets of a minor ward to the ward upon the ward's
17 marriage. ~~Upon marriage, the guardianship of an incompetent is subject to review~~
18 ~~under s. 880.34.~~

19 *–4830/P2.310* SECTION 310. 880.04 (2) of the statutes is renumbered 54.12
20 (1) and amended to read:

21 54.12 (1) SMALL ESTATES. If a minor or an individual found incompetent, except
22 for his or her incapacity, is entitled to ~~possession of personal property of a value of~~
23 \$10,000 possess assets valued at the amount specified in s 867.03 (1g) (intro.) or less,
24 any court ~~wherein~~ in which an action or proceeding involving said property the assets

1 is pending may, ~~in its discretion~~, without requiring the appointment of a guardian,
2 order that the register i probate do one of the following:

3 (a) Deposit the property in ~~a savings an interest-bearing~~ account in a bank,
4 ~~the payment of whose accounts in cash immediately upon default of the bank are or~~
5 other financial institution insured by an agency of the federal deposit insurance
6 corporation; ~~deposit in a savings account in a savings bank or a savings and loan~~
7 ~~association that has its deposits insured by the federal deposit insurance~~
8 ~~corporation; deposit in a savings account in a credit union having its deposits~~
9 ~~guaranteed by the Wisconsin credit union savings insurance corporation or by the~~
10 ~~national board, as defined in s. 186.01 (3m);~~ government or invest the property in
11 interest-bearing obligations of the United States. The fee for the clerk's services of
12 the register in probate in depositing and disbursing the funds under this paragraph
13 is prescribed in s. 814.61 (12) (a) 814.66 (1) (n).

14 (b) ~~Payment~~ Make payment to the ~~natural guardian~~ parent of the minor or to
15 the person having actual custody of the minor.

16 (c) ~~Payment~~ Make payment to the minor.

17 (d) ~~Payment~~ Make payment to the person having actual or legal custody of the
18 incompetent or to the person providing for the ~~incompetent's~~ care and maintenance
19 of the individual found incompetent for the benefit of the individual found
20 incompetent.

21 ~~*-4830/P2.311*~~ SECTION 311. 880.04 (2m) of the statutes is renumbered 54.12
22 (2) and amended to read:

23 54.12 (2) INFORMAL ADMINISTRATION. If ~~a minor or an~~ individual found
24 incompetent, except for his or her incapacity, a minor, or a spendthrift is entitled to
25 possession of personal property assets of a value of \$5,000 the amount specified in

1 s. 867.03 (1g) (intro.) or less from an estate administered through informal
2 administration under ch. 865, the personal representative may, without the
3 appointment of a guardian, do any of the following:

4 (a) With the approval of the register in probate, take one of the actions ~~under~~
5 specified in sub. (2) (1) (a) to (f).

6 (b) With the approval of the guardian ad litem of the minor or individual found
7 incompetent, take one of the actions ~~under~~ specified in sub. (2) (1) (a) to (f) and file
8 proof of the action taken and of the approval of the guardian ad litem with the probate
9 registrar instead of filing a receipt under s. 865.21.

10 ***-4830/P2.312* SECTION 312.** 880.04 (3) of the statutes is renumbered 54.12
11 (3) and amended to read:

12 54.12 (3) UNIFORM GIFTS AND TRANSFERS TO MINORS. If a minor, except for his or
13 her incapacity, is entitled to possession of personal property of any value, any court
14 wherein in which an action or proceeding involving the property is pending may,
15 without requiring the appointment of a guardian, order payment, subject to any
16 limitations the court may impose, to a custodian for the minor designated by the
17 court under ss. ~~880.61 to 880.72~~ 54.854 to 54.898 or under the uniform gifts to minors
18 act or uniform transfers to minors act of any other state.

19 ***-4830/P2.313* SECTION 313.** 880.05 of the statutes is renumbered 54.30 (2)
20 and amended to read:

21 54.30 (2) VENUE. All petitions for guardianship of residents of the state shall
22 be directed to the circuit court of the county of residence of the ~~person subject to~~
23 guardianship proposed ward or of the county in which the person proposed ward is
24 physically present. A petition for guardianship of the person or estate of a
25 nonresident may be directed to the circuit court of any county where in which the

1 person nonresident or any property assets of the nonresident may be found or of the
2 county in which the petitioner proposes that the proposed ward resides. A petition
3 for receipt and acceptance of a foreign guardianship shall be directed to the circuit
4 court of the county in which the foreign ward resides or intends to reside.

5 *~~4830/P2.314~~* SECTION 314. 880.06 (title) of the statutes is renumbered
6 54.30 (3) (title).

7 *~~4830/P2.315~~* SECTION 315. 880.06 (1) of the statutes is renumbered 54.30
8 (3) (a) and amended to read:

9 54.30 (3) (a) *Original proceeding.* ~~The court wherein in which~~ a petition is first
10 filed shall determine venue. The court shall direct that proper notice be given to any
11 potentially responsible or affected county. Proper notice is given to a potentially
12 responsible or affected county if written notice of the proceeding is sent by certified
13 mail to the county's clerk and corporation counsel. After all potentially responsible
14 or affected counties and parties have been given an opportunity to be heard, the court
15 shall determine that venue lies in the county in which the petition is filed under sub.
16 (2) or in another county, as appropriate. If it is determined the court determines that
17 venue lies in another county, the court shall order the entire record certified to the
18 proper court. A court wherein in which a subsequent petition is filed shall, upon
19 being if it is satisfied of that an earlier filing took place in another court, summarily
20 dismiss such the petition. If any potentially responsible or affected county or party
21 objects to the court's finding of venue, the court may refer the issue to the department
22 for a determination of the county of residence under s. 51.40 (2) (g) and may suspend
23 ruling on the motion for change of venue until the determination under s. 51.40 (2)
24 (g) is final.

1 *~~4830/P2.316~~* SECTION 316. 880.06 (2) of the statutes is renumbered 54.30
2 (3) (b) (intro.) and amended to read:

3 54.30 (3) (b) (intro.) *Change of residence of ward or guardian.* If a guardian
4 removes from the county where appointed to another county within the state or a
5 ward removes from the county in which he or she has resided changes residence from
6 one county to another county within the state, the circuit court for the county in
7 which the ward resides may appoint a new guardian as provided by law for the
8 appointment of a guardian. Upon verified petition of the new guardian, accompanied
9 by a certified copy of appointment and bond if the appointment is in another county,
10 and upon the notice prescribed by s. 879.05 to the originally appointed guardian,
11 unless he or she is the same person, and to any other persons that the court shall
12 order, the court of original appointment may order the guardianship accounts settled
13 and the property delivered to the new guardian. venue may be transferred to the
14 ward's new county of residence under the following procedure:

15 *~~4830/P2.317~~* SECTION 317. 880.07 (title) of the statutes is renumbered
16 54.34 (title) and amended to read:

17 **54.34 (title) Petition; fees for guardianship or for receipt and**
18 **acceptance of a foreign guardianship.**

19 *~~4830/P2.318~~* SECTION 318. 880.07 (1) (intro.) of the statutes is renumbered
20 54.34 (1) (intro.) and amended to read:

21 54.34 (1) (intro.) Any relative, public official or other person, may petition for
22 the appointment of a guardian of a person subject to guardianship. Such for an
23 individual. The petition shall state, so far as may be all of the following, if known
24 to the petitioner:

1 *~~4830/P2.319~~* **SECTION 319.** 880.07 (1) (a) of the statutes is renumbered
2 54.34 (1) (a).

3 *~~4830/P2.320~~* **SECTION 320.** 880.07 (1) (b) of the statutes is renumbered
4 54.34 (1) (b) and amended to read:

5 54.34 (1) (b) The specific nature of the proposed ward's alleged incapacity with
6 specification of the incompetency or spendthrift habits.

7 *~~4830/P2.321~~* **SECTION 321.** 880.07 (1) (c) of the statutes is renumbered 54.34
8 (1) (c).

9 *~~4830/P2.322~~* **SECTION 322.** 880.07 (1) (d) of the statutes is renumbered
10 54.34 (1) (d) and amended to read:

11 54.34 (1) (d) Any assets of the proposed ward previously derived from or
12 benefits of the proposed ward now due and payable from the U.S. department of
13 veterans affairs.

14 *~~4830/P2.323~~* **SECTION 323.** 880.07 (1) (e) of the statutes is renumbered
15 54.34 (1) (e).

16 *~~4830/P2.324~~* **SECTION 324.** 880.07 (1) (f) of the statutes is renumbered 54.34
17 (1) (f).

18 *~~4830/P2.325~~* **SECTION 325.** 880.07 (1) (g) of the statutes is renumbered
19 54.34 (1) (g).

20 *~~4830/P2.326~~* **SECTION 326.** 880.07 (1) (h) of the statutes is renumbered
21 54.34 (1) (h) and amended to read:

22 54.34 (1) (h) The names and post-office addresses of ~~the spouse and~~
23 ~~presumptive or apparent adult heirs of the proposed ward, and all other persons~~
24 ~~believed by the petitioner to be interested parties.~~

1 *~~4830/P2.327~~* SECTION 327. 880.07 (1) (i) of the statutes is renumbered 54.34
2 (1) (i) and amended to read:

3 54.34 (1) (i) The name and post-office address of the person or institution
4 ~~having the, if any, that has~~ care and custody of the proposed ward or the facility, if
5 any, that is providing care to the proposed ward.

6 *~~4830/P2.328~~* SECTION 328. 880.07 (1) (j) of the statutes is renumbered 54.34
7 (1) (j) and amended to read:

8 54.34 (1) (j) The interest of the petitioner, and, if a public official ~~or creditor is~~
9 the petitioner, ~~then the fact of indebtedness or continuing liability for maintenance~~
10 ~~or continuing breach of the public peace as well as the authority of the petitioner to~~
11 act.

12 *~~4829/P1.196~~* *~~0125/4.7~~* SECTION 196. 880.07 (1m) of the statutes is
13 repealed.

NOTE: Repeals a provision describing the required contents of a petition alleging
that a proposed ward is incompetent to refuse psychotropic medications to reflect that the
bill creates a new procedure for these types of petitions in s. 55.14.

14 *~~4830/P2.329~~* SECTION 329. 880.07 (1m) of the statutes is repealed.

15 *~~4830/P2.330~~* SECTION 330. 880.07 (2) of the statutes is renumbered 54.34
16 (2) and amended to read:

17 54.34 (2) A petition for guardianship may also include an application for
18 protective placement or protective services or both under ch. 55.

19 *~~4829/P1.197~~* *~~0026/3.3~~* SECTION 197. 880.07 (2m) of the statutes is created
20 to read:

21 880.07 (2m) Whenever a petition for guardianship on the ground of
22 incompetency is filed with respect to an individual who resides in a facility licensed

1 for 16 or more beds, a petition for protective placement of the individual shall also
2 be filed.

NOTE: Requires the filing of a protective placement petition whenever a petition for guardianship on the ground of incompetency is filed with respect to a person who resides in a facility licensed for 16 or more beds.

3 *~~4830/P2.331~~* SECTION 331. 880.07 (3) of the statutes is repealed.

4 *~~4830/P2.332~~* SECTION 332. 880.07 (4) of the statutes is repealed.

5 *~~4830/P2.333~~* SECTION 333. 880.075 of the statutes is renumbered 54.44 (1)

6 (b) and amended to read:

7 54.44 (1) (b) *Time of hearing for certain appointments.* A petition for
8 guardianship of ~~a person~~ an individual who has been admitted to a nursing home
9 or a community-based residential facility under s. 50.06 shall be heard within 60
10 days after it is filed. If an individual under s. 50.06 (3) alleges that an individual is
11 making a health care decision under s. 50.06 (5) (a) that is not in the best interests
12 of the incapacitated individual or if the incapacitated individual verbally objects to
13 or otherwise actively protests the admission, the petition shall be heard as soon as
14 possible within the 60-day period.

15 *~~4830/P2.334~~* SECTION 334. 880.08 (intro.) of the statutes is renumbered
16 54.38 (2) (intro.) and amended to read:

17 54.38 (2) ~~NOTICE OF HEARING FOR APPOINTMENTS AND REHEARINGS, SERVICE, AND~~
18 ~~DELIVERY.~~ (intro.) Upon the filing of a petition for guardianship, ~~and the court being~~
19 ~~of the person or of the estate, including appointment or change of a guardian, if the~~
20 ~~court is satisfied as to compliance with s. 880.07 54.34, the court shall, except as~~
21 ~~provided in sub. (3), order the petitioner to serve notice on the proposed ward and~~
22 ~~guardian, if any, and to deliver notice to interested persons of the time and place of~~
23 ~~the hearing, as follows:~~

1 ~~*-4830/P2.335* SECTION 335. 880.08 (1) (title) of the statutes is repealed.~~

2 ~~*-4830/P2.336* SECTION 336. 880.08 (1) of the statutes is renumbered 54.38~~

3 (2) (a) and amended to read:

of the statutes, as affected by 2005 Wisconsin Acts 264 and ... (Senate Bill 391), is repealed and recreated

4 54.38 (2) (a) ~~A petitioner shall have notice served of a petition for appointment~~

5 ~~or change of a guardian upon~~ On the proposed ~~incompetent and existing guardian,~~

6 ~~if any~~ ward ^{or ward} by personal service and an existing guardian, if any, by personal service

7 or by registered or certified mail at least 10 days before the time set for hearing. If

8 ~~such proposed incompetent~~ the proposed ward ^{or ward} is in custody or confinement, ~~a~~ the

9 petitioner shall have notice served by registered or certified mail on the proposed

10 ~~incompetent's~~ ward's ^{or ward's} custodian, who shall immediately serve it on the proposed

11 ~~incompetent~~ ward. ^{or ward} The process server or custodian shall inform the proposed

12 ~~incompetent~~ ward of the complete contents of the notice and ~~certify thereon~~ petition,

13 ~~motion, or other required document; certify on the notice that the process server or~~

14 ~~custodian served and informed the proposed~~ ~~incompetent and returned~~ ward; ^{or ward} and

15 ~~return the certificate and notice to the circuit judge. The notice shall include the~~

16 ~~names of all persons who are petitioning for guardianship. A copy of the petition~~

17 ~~shall be attached to the notice. The court shall cause the proposed incompetent, if~~

18 ~~able to attend, to be produced at the hearing. The proposed incompetent is presumed~~

19 ~~able to attend unless, after a personal interview, the guardian ad litem certifies in~~

20 ~~writing to the court the specific reasons why the person is unable to attend. If the~~

21 ~~person is unable to attend a hearing because of physical inaccessibility or lack of~~

22 ~~transportation, the court shall hold the hearing in a place where the person may~~

23 ~~attend if requested by the proposed ward, guardian ad litem, adversary counsel or~~

24 ~~other interested person. Such notice shall also be given personally or by mail at least~~

25 ~~10 days before the hearing to the proposed incompetent's counsel, if any, guardian~~

1 ~~ad litem, presumptive adult heirs or other persons who have legal or physical custody~~
 2 ~~of the proposed incompetent whose names and addresses are known to the petitioner~~
 3 ~~or can with reasonable diligence be ascertained, to any governmental or private~~
 4 ~~agency, charity or foundation from which the proposed incompetent is receiving aid~~
 5 ~~and to such other persons or entities as the court may require. The court shall then~~
 6 ~~proceed under s. 880.33 court.~~ ←

7 *~~4829/P1.198~~* SECTION 198. 880.08 (1) of the statutes is amended to read:
 8 880.08 (1) ~~INCOMPETENTS~~ PROPOSED WARD OR WARD. A petitioner shall have
 9 notice served of a petition for appointment or change of a guardian upon the a
 10 proposed incompetent ward or ward and existing guardian, if any, by personal
 11 service at least 10 days before the time set for hearing. If such the proposed
 12 incompetent ward or ward is in custody or confinement, a petitioner shall have notice
 13 served by registered or certified mail on the proposed incompetent's ward's or ward's
 14 custodian, who shall immediately serve it on the proposed incompetent ward or
 15 ward. The custodian shall inform the proposed incompetent ward or ward of the
 16 complete contents of the notice and, ~~certify thereon~~ on it that the custodian served
 17 and informed the proposed incompetent ward or ward, and ~~returned~~ return the
 18 certificate and notice to the circuit judge. The notice shall include the names of all
 19 persons who are petitioning for guardianship. A copy of the petition shall be attached
 20 to the notice. ~~The court shall cause the petitioner shall ensure that the proposed~~
 21 ~~incompetent, if able to attend, to be produced at~~ ward or ward attends the hearing.
 22 ~~The proposed incompetent is presumed able to attend unless, after a personal~~
 23 ~~interview, the guardian ad litem~~ waives the attendance and so certifies in writing to
 24 the court the specific reasons why the person proposed ward or ward is unable to
 25 attend. In determining whether to waive attendance by the proposed ward or ward,

1 the guardian ad litem shall consider the ability of the proposed ward or ward to
2 understand and meaningfully participate, the effect of the proposed ward's or ward's
3 attendance on his or her physical or psychological health in relation to the
4 importance of the proceeding, and the proposed ward's or ward's expressed desires.
5 If the person proposed ward or ward is unable to attend a hearing only because of
6 residency in a nursing home or other facility, physical inaccessibility , or lack of
7 transportation, the court shall hold the hearing in a place where the person may
8 attend, if requested by the proposed ward or ward, guardian ad litem, adversary
9 counsel for the proposed ward or ward, or other interested person. Such, hold the
10 hearing in a place where the proposed ward or ward is able to attend. The notice shall
11 also be given personally or by mail at least 10 days before the hearing to the proposed
12 incompetent's ward's or ward's counsel, if any, guardian ad litem, presumptive adult
13 heirs or other persons who have legal or physical custody of the proposed
14 incompetent ward or ward whose names and addresses are known to the petitioner
15 or can with reasonable diligence be ascertained, to any governmental or private
16 agency, charity or foundation from which the proposed incompetent ward or ward is
17 receiving aid and to such other persons or entities as the court may require. The
18 court shall then proceed under s. 880.33.

NOTE: Specifies that the court need not hold a hearing on appointment of a guardian for a person alleged to be incompetent in the presence of the person under certain circumstances. These provisions are identical to provisions inserted into ch. 55 by SECTION 159 of the bill.

19 ***-4830/P2.337* SECTION 337.** 880.08 (2) of the statutes is repealed.
20 ***-4830/P2.338* SECTION 338.** 880.08 (3) (title) of the statutes is repealed.
21 ***-4830/P2.339* SECTION 339.** 880.08 (3) (am) (intro.) of the statutes is
22 renumbered 54.38 (3) (intro.) and amended to read:

1 54.38 (3) NOTICE OF HEARING FOR APPOINTMENT OF GUARDIAN FOR A MINOR. (intro.)

2 ~~When~~ If the proposed ward is a minor, notice shall be given as provided in s. 879.05
3 ~~the court shall order delivery of notice by the petitioner of the time and place of the~~
4 ~~hearing to all of the following persons, if applicable:~~

5 *~~4830/P2.340~~* **SECTION 340.** 880.08 (3) (am) 1. of the statutes is renumbered
6 54.38 (3) (a) and amended to read:

7 54.38 (3) (a) The proposed ward's spouse, if any.

8 *~~4830/P2.341~~* **SECTION 341.** 880.08 (3) (am) 2. of the statutes is renumbered
9 54.38 (3) (b) and amended to read:

10 54.38 (3) (b) The proposed ward's ~~parents~~ parent, unless the parent's parental
11 rights have been judicially terminated.

12 *~~4830/P2.342~~* **SECTION 342.** 880.08 (3) (am) 3. of the statutes is renumbered
13 54.38 (3) (c) and amended to read:

14 54.38 (3) (c) ~~A minor~~ The proposed ward, if the proposed ward is over 14 years
15 of age unless the minor appears at the hearing.

16 *~~4830/P2.343~~* **SECTION 343.** 880.08 (3) (am) 4. of the statutes is renumbered
17 54.38 (3) (d) and amended to read:

18 54.38 (3) (d) Any other person, ~~agency, institution, welfare department or other~~
19 ~~entity having~~ that has the legal or actual physical custody of the minor.

20 *~~4830/P2.344~~* **SECTION 344.** 880.08 (3) (e) of the statutes is repealed.

21 *~~4830/P2.345~~* **SECTION 345.** 880.08 (4) of the statutes is renumbered 54.38
22 (4) and amended to read:

23 54.38 (4) **REHEARINGS.** Notice of a rehearing to determine if a ward is a proper
24 subject to continue under guardianship shall be given as required ~~for the~~
25 appointment of a guardian under subs. (1), (2), and (3).

1 *~~4830/P2.346~~* SECTION 346. 880.09 (intro.) of the statutes is renumbered
2 54.15 (intro.) and amended to read:

3 **54.15 ~~Nomination; selection of guardians~~ Selection of guardian;**
4 **nominations; preferences; other criteria.** (intro.) The court shall do one of the
5 following and shall consider all of the following nominations made by any interested
6 person and, in its discretion, shall appoint a proper guardian, having due regard for
7 the following, applicable preferences, and criteria in determining who is appointed
8 as guardian:

9 *~~4830/P2.347~~* SECTION 347. 880.09 (1) (title) of the statutes is repealed.

10 *~~4830/P2.348~~* SECTION 348. 880.09 (1) of the statutes is renumbered 54.15
11 (4) (b) and amended to read:

12 54.15 (4) (b) A minor ~~over who is 14 years or older~~ may in writing in circuit court
13 nominate his or her own guardian, but if the minor is in the armed service, is ~~without~~
14 outside of the state, or if other good reason exists, the court may dispense with the
15 minor's right of nomination.

16 *~~4830/P2.349~~* SECTION 349. 880.09 (2) of the statutes is renumbered 54.15
17 (5) and amended to read:

18 54.15 (5) ~~PREFERENCE~~ PARENT OF A PROPOSED WARD. If one or both of the parents
19 of a minor, ~~a developmentally disabled person or a person with other like incapacity~~
20 or an individual with developmental disability or with serious and persistent mental
21 illness are suitable and willing, the court shall appoint one or both ~~of them~~ as
22 guardian unless the ~~proposed ward objects~~ court finds that the appointment is not
23 in the proposed ward,s best interest. The court shall ~~appoint a corporate guardian~~
24 ~~under s. 880.35 only if no suitable individual guardian is available~~ consider a
25 proposed ward's objection to the appointment of his or her parent.

1 *~~4830/P2.350~~* SECTION 350. 880.09 (3) (title) of the statutes is repealed.

2 *~~4830/P2.351~~* SECTION 351. 880.09 (3) of the statutes is renumbered 54.15
3 (4) (c) and amended to read:

4 54.15 (4) (c) If neither parent of a minor who is 14 years or older is suitable and
5 willing to be appointed guardian, the court may appoint the nominee of ~~a~~ the minor.

6 *~~4830/P2.352~~* SECTION 352. 880.09 (4) of the statutes is repealed.

7 *~~4830/P2.353~~* SECTION 353. 880.09 (5) of the statutes is repealed.

8 *~~4830/P2.354~~* SECTION 354. 880.09 (6) of the statutes is renumbered 54.15
9 (6) and amended to read:

10 54.15 (6) ~~TESTAMENTARY GUARDIANSHIP OF CERTAIN PERSONS~~ NOMINATION BY
11 PROPOSED WARD'S PARENTS. Subject to the rights of a surviving parent, a parent may
12 by will nominate a guardian and successor guardian of the person or estate ~~of~~ for any
13 of his or her minor children who ~~are~~ is in need of guardianship, unless the court finds
14 that appointment of the guardian or successor guardian is not i the minor's best
15 interests. For ~~a person over the age of~~ an individual who is aged 18 or older and is
16 found to be in need of guardianship ~~under s. 880.33~~ by reason of a developmental
17 disability or ~~other like incapacity~~ serious and persistent mental illness, a parent may
18 by will nominate a testamentary guardian. The parent may waive the requirement
19 of a bond for such an estate that is derived through a will.

20 *~~4830/P2.355~~* SECTION 355. 880.09 (7) (title) of the statutes is repealed.

21 *~~4830/P2.356~~* SECTION 356. 880.09 (7) of the statutes is renumbered 54.15
22 (4) (a) and amended to read:

23 54.15(4) (a) Any ~~person~~ individual other than a minor aged 14 years or younger
24 may, at such time as if the person has sufficient capacity individual does not have
25 incapacity to such an extent that he or she is unable to form an intelligent a

1 ~~reasonable and informed~~ preference, execute a written instrument, in the same
2 manner as the execution of a will under s. 853.03, nominating ~~a person~~ another to
3 be appointed as guardian of his or her person or ~~property~~ estate or both in the event
4 that if a guardian is in the future appointed. ~~Such nominee shall be appointed as~~
5 ~~guardian by the~~ for the individual. The court ~~shall~~ appoint this nominee as guardian
6 unless the court finds that the appointment of such nominee is not in the best
7 interests of the ~~person for whom, or for whose property, the guardian is to be~~
8 ~~appointed~~ proposed ward.

9 ~~*-4830/P2.357*~~ SECTION 357. 880.10 of the statutes is renumbered 54.38 (5)
10 and amended to read:

11 54.38 (5) NOTICE OF APPOINTMENT OF GUARDIAN OF A MINOR WARD. If for any reason
12 the court fails to appoint as guardian the nominee of the minor, the guardian who
13 qualifies shall give notice of the guardian's appointment to the minor by certified
14 mail addressed to the minor's last-known post-office address and shall file an
15 affidavit of such ~~the~~ mailing shall be filed with the court within 10 days after the
16 ~~issuance of letters~~ notice is given.

17 ~~*-4830/P2.358*~~ SECTION 358. 880.12 of the statutes is repealed.

18 ~~*-4830/P2.359*~~ SECTION 359. 880.125 of the statutes is repealed.

19 ~~*-4830/P2.360*~~ SECTION 360. 880.13 (title) of the statutes is renumbered
20 54.46 (5) (title).

21 ~~*-4830/P2.361*~~ SECTION 361. 880.13 (1) of the statutes is renumbered 54.46
22 (4) (a) and amended to read:

23 54.46 (4) (a) ~~Form~~ Amount and sufficiency of bond. ~~Upon the appointment of~~
24 ~~a guardian of the estate of a ward, except as provided under s. 880.60 (9), the court~~
25 ~~may require a bond given in accordance with ch. 878 and s. 895.345~~ The order under

1 sub. (2) shall specify the amount of any bond required to be given by the guardian
2 of the estate, conditioned upon the faithful performance of the duties of the guardian
3 of the estate. No bond may be required for the guardian of the person.

4 *~~4830/P2.362~~* SECTION 362. 880.13 (2) (title) of the statutes is renumbered
5 54.46 (4) (b) (title).

6 *~~4830/P2.363~~* SECTION 363. 880.13 (2) (a) of the statutes is renumbered
7 54.46 (4) (b) (intro.) and amended to read:

8 54.46 (4) (b) (intro.) Unless required under s. ~~880.60~~ 54.852 (9), the court may
9 waive the requirement of a bond at under any of the following circumstances:

10 1. At any time in its discretion or if,

11 2. If so requested in a will wherein in which a nomination appears.

12 *~~4830/P2.364~~* SECTION 364. 880.13 (2) (b) of the statutes is renumbered
13 54.46 (4) (b) 3. and amended to read:

14 54.46 (4) (b) 3. ~~Whenever~~ If a guardian has or will have possession of funds of
15 the ward with a total value of \$40,000 \$100,000 or less, and the court may ~~direct~~
16 directs deposit of the funds in an insured account of a bank, credit union, savings
17 bank, or savings and loan association in the name of the guardian and the ward and
18 payable only upon further order of the court. ~~In such event the court may waive the~~
19 ~~requirement of a bond.~~

20 *~~4830/P2.365~~* SECTION 365. 880.13 (3) of the statutes is repealed.

21 *~~4830/P2.366~~* SECTION 366. 880.14 of the statutes is renumbered 54.46 (5)
22 and amended to read:

23 54.46 (5) ~~WHEN LETTERS TO BE ISSUED~~ LETTERS OF GUARDIANSHIP. ~~When~~ If a
24 guardian of the estate has given bond as, if required, and the bond has been approved
25 by the judge court, letters under the seal of the court shall be issued to the guardian

1 of the estate. If a court determination and order appointing a guardian of the person
2 is entered, letters under the seal of the court shall be issued to the guardian of the
3 person.

4 *~~4830/P2.367~~* SECTION 367. 880.15 (title) of the statutes is repealed.

5 *~~4830/P2.368~~* SECTION 368. 880.15 (1) of the statutes is renumbered 54.50
6 (2) and amended to read:

7 54.50 (2) APPOINTMENT DURATION AND EXTENT OF AUTHORITY. If, after
8 consideration of a petition for temporary guardianship, the court finds that the
9 welfare of a minor, spendthrift or an alleged incompetent requires the immediate
10 appointment of a guardian of the person or of the estate, or of both, it The court may
11 appoint a temporary guardian for a ward for a period not to exceed 60 days unless
12 further extended for 60 days by order of the court. The court may extend the period
13 only once, except that the court may extend this period for good cause shown for one
14 additional 60-day period. The court may impose no further temporary guardianship
15 on the ward for at least 90 days after the expiration of the temporary guardianship
16 and any extension. The court's determination and order appointing the temporary
17 guardian shall specify the authority of the temporary guardian and shall be limited
18 to those acts that are reasonably related to the reasons for appointment that are
19 specified in the petition for temporary guardianship. The authority of the temporary
20 guardian shall be is limited to the performance of duties respecting specific property,
21 or to the performance of particular those acts, as stated in the order of appointment.
22 All provisions of the statutes concerning the powers and duties of guardians shall
23 apply to temporary guardians except as limited by the order of appointment. The
24 temporary guardian shall make the reports the court directs and shall account to the
25 court upon termination of authority. The court assigned to exercise jurisdiction

1 under chs. 48 and 938 has exclusive jurisdiction over the appointment of a temporary
2 guardian of a minor for medical purposes but shall proceed in accordance with this
3 section Unless the court first specifically approves and orders bond, the temporary
4 guardian may not sell real estate or expend an amount in excess of \$2,000.

5 *~~4830/P2.369~~* SECTION 369. 880.15 (1m) of the statutes is repealed.

6 *~~4830/P2.370~~* SECTION 370. 880.15 (1s) of the statutes is renumbered 54.38
7 (6) and amended to read:

8 54.38 (6) NOTICE OF PETITION AND HEARING FOR TEMPORARY GUARDIANSHIP. The
9 person petitioning petitioner for appointment of a temporary guardian shall ~~cause~~
10 give notice to be given under s. 880.08 of that the petition to the minor, spendthrift
11 or alleged incompetent and, if the appointment is made, shall give notice of the
12 appointment to the ward. The time limits of s. 880.08 do not apply to notice given
13 under this subsection proposed ward. The notice shall be served before or at the time
14 the petition is filed or as soon thereafter as possible and shall include notice of the
15 right to counsel and of the right to petition for reconsideration or modification of the
16 temporary guardianship at any time under s. 880.34 ~~within 30 days of receipt of the~~
17 notice 54.50 (3) (d) The petitioner shall serve notice of the order for hearing on the
18 proposed ward before the hearing or not later than 3 calendar days after the hearing.
19 If the petitioner serves notice after the hearing is conducted and the court has
20 entered an order, the petitioner shall include the court's order with the notice of the
21 order for hearing.

22 *~~4830/P2.371~~* SECTION 371. 880.15 (2) of the statutes is repealed.

23 *~~4830/P2.372~~* SECTION 372. 880.15 (3) of the statutes is renumbered 54.50
24 (4) and amended to read:

1 54.50 (4) (d) CESSATION OF POWERS. ~~If the temporary guardianship is not sooner~~
2 ~~terminated the~~ The duties and powers of the temporary guardian shall cease upon
3 ~~the issuing of letters of permanent guardianship to the guardian of the ward, or, if~~
4 ~~the ward is a minor, upon his becoming of age, or when it shall be judicially~~
5 ~~determined, the expiration of the time period specified in sub. (2), or if the court~~
6 ~~sooner determines that any other disability of the temporary ward which~~ situation
7 of the ward that was the cause of the temporary guardianship has terminated. Upon
8 the termination of the temporary guardian's duties and powers, a temporary
9 guardian of the person shall file with the court any report that the court requires.
10 A temporary guardian of the estate shall, upon the termination of duties and powers,
11 account to the court and deliver to the person ~~or persons~~ entitled to them ~~all the~~
12 ~~estate of the ward in his or her hands~~ the ward's estate over which the temporary
13 guardian of the estate has had control. Any action ~~which~~ that has been commenced
14 by the temporary guardian may be prosecuted to final judgment by the successor or
15 successors in interest, if any.

16 *~~4830/P2.373~~* SECTION 373. 880.155 of the statutes is renumbered 54.56 and
17 amended to read:

18 **54.56 Visitation by a minor's grandparents and stepparents.** (1) In this
19 section, "stepparent" means the surviving spouse of a deceased parent of a minor
20 ~~child~~, whether or not the surviving spouse has remarried.

21 (2) If one or both parents of a minor ~~child~~ are deceased and the ~~child~~ minor is
22 in the custody of the surviving parent or any other person, a grandparent or
23 stepparent of the ~~child~~ minor may petition for visitation privileges with respect to the
24 ~~child~~ minor, whether or not the person with custody is married. The grandparent or
25 stepparent may file the petition in a guardianship or temporary guardianship

1 proceeding under this chapter that affects the minor child or may file the petition to
2 commence an independent action under this chapter. Except as provided in sub.
3 (3m), the court may grant reasonable visitation privileges to the grandparent or
4 stepparent if the surviving parent or other person who has custody of the child minor
5 has notice of the hearing and if the court determines that visitation is in the best
6 interest of the child minor.

7 (3) Whenever possible, in making a determination under sub. (2), the court
8 shall consider the wishes of the child minor.

9 (3m) (a) Except as provided in par. (b), the court may not grant visitation
10 privileges to a grandparent or stepparent under this section if the grandparent or
11 stepparent has been convicted under s. 940.01 of the first-degree intentional
12 homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of
13 the child minor, and the conviction has not been reversed, set aside or vacated.

14 (b) Paragraph (a) does not apply if the court determines by clear and convincing
15 evidence that the visitation would be in the best interests of the child minor. The
16 court shall consider the wishes of the child minor in making the determination.

17 (4) The court may issue any necessary order to enforce a visitation order that
18 is granted under this section, and may from time to time modify such the visitation
19 privileges or enforcement order ~~upon a showing of~~ for good cause shown.

20 (4m) (a) If a grandparent or stepparent granted visitation privileges with
21 respect to a child minor under this section is convicted under s. 940.01 of the
22 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
23 homicide, of a parent of the child minor, and the conviction has not been reversed,
24 set aside or vacated, the court shall modify the visitation order by denying visitation
25 with the child minor upon petition, motion or order to show cause by a person having

1 custody of the ~~child~~ minor, or upon the court's own motion, and upon notice to the
2 grandparent or stepparent granted visitation privileges.

3 (b) Paragraph (a) does not apply if the court determines by clear and convincing
4 evidence that the visitation would be in the best interests of the ~~child~~ minor. The
5 court shall consider the wishes of the ~~child~~ minor in making the determination.

6 (5) This section applies to every minor ~~child~~ in this state whose parent or
7 parents are deceased, regardless of the date of death of the parent or parents.

8 *~~4830/P2.374~~* SECTION 374. 880.157 (title) of the statutes is renumbered
9 54.57 (title).

10 *~~4830/P2.375~~* SECTION 375. 880.157 (1) of the statutes is renumbered 54.57
11 (1) and amended to read:

12 54.57 (1) Except as provided in sub. (2), in an action under this chapter that
13 affects a minor ~~child~~, a court may not grant to a parent of the ~~child~~ minor visitation
14 or physical placement rights with the ~~child~~ minor if the parent has been convicted
15 under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the
16 2nd-degree intentional homicide, of the ~~child's~~ minor's other parent, and the
17 conviction has not been reversed, set aside or vacated.

18 *~~4830/P2.376~~* SECTION 376. 880.157 (2) of the statutes is renumbered 54.57
19 (2) and amended to read:

20 54.57 (2) Subsection (1) does not apply if the court determines by clear and
21 convincing evidence that visitation or periods of physical placement would be in the
22 best interests of the ~~child~~ minor. The court shall consider the wishes of the ~~child~~
23 minor in making the determination.

24 *~~4830/P2.377~~* SECTION 377. 880.16 of the statutes is repealed.

1 *~~4830/P2.378~~* SECTION 378. 880.17 of the statutes is renumbered 54.54 and
2 amended to read:

3 **54.54 Successor guardian.** (1) APPOINTMENT. ~~When~~ If a guardian dies, is
4 removed by order of the court, or resigns and the resignation is accepted by the court,
5 the court, on its own motion or upon petition of any interested person, may appoint
6 a competent and suitable person as successor guardian. The court may, upon request
7 of any interested person or on its own motion, direct that a petition for appointment
8 of a successor guardian be heard in the same manner and subject to the same
9 requirements as provided under this chapter for an original appointment of a
10 guardian.

11 (2) NOTICE. If the appointment under sub. (1) is made without hearing, the
12 successor guardian shall provide notice to the ward and all interested persons of the
13 appointment, the right to counsel, and the right to petition for reconsideration of the
14 successor guardian. The notice shall be served personally or by mail not later than
15 10 days after the appointment.

16 *~~4830/P2.379~~* SECTION 379. 880.173 (title) of the statutes is repealed.

17 *~~4830/P2.380~~* SECTION 380. 880.173 (1) of the statutes is renumbered 54.20
18 (2) (h) and amended to read:

19 54.20 (2) (h) ~~A guardian of the estate~~ If appointed under this chapter for a
20 married person may ward, exercise with the approval of the court, except as limited
21 under s. 880.37, any management and control right over the marital property or
22 property other than marital property and any right in the business affairs ~~which that~~
23 the married person ward could exercise under ch. 766 if the person were not
24 determined under s. 880.12 to be a proper subject for guardianship. Under this
25 section, a guardian may ward were not an individual found incompetent, consent to

1 act together in or join in any transaction for which consent or joinder of both spouses
2 is required, or may execute under s. 766.58 a marital property agreement with the
3 other ward's spouse or, if appointed for a ward who intends to marry, with the ward's
4 intended spouse, but may not make, amend or revoke a will.

5 *~~4830/P2.381~~* SECTION 381. 880.173 (2) of the statutes is repealed.

6 *~~4830/P2.382~~* SECTION 382. 880.175 (title) of the statutes is repealed.

7 *~~4830/P2.383~~* SECTION 383. 880.175 of the statutes is renumbered 54.20 (2)

8 (b) and amended to read:

9 54.20 (2) (b) ~~Upon petition by the guardian, a parent, the spouse, any issue or~~
10 ~~next of kin of any person, assets of the person may, in the discretion of the court and~~
11 ~~upon its order, after such notice as the court may require, be transferred~~ Transfer
12 assets of the ward to the trustee or trustees of an any existing revocable living trust
13 ~~created by the person for the benefit of~~ that the ward has created for himself or
14 ~~herself and those dependent upon the person for support~~ any dependents, or, if the
15 ward is a minor, to the trustee or trustees of a- any trust created for the exclusive
16 benefit of the person, if a minor, which ward that distributes to him or her at age 18
17 or 21, or, if the ward dies before age 18 or 21, to his or her estate, or as he or she
18 appoints if he or she dies prior to age 18 or 21 the ward has appointed by a written
19 instrument that is executed after the ward attains age 14.

20 *~~4830/P2.384~~* SECTION 384. 880.18 (title) of the statutes is renumbered
21 54.60 (title).

22 *~~4830/P2.385~~* SECTION 385. 880.18 of the statutes is renumbered 54.60 (1)
23 and amended to read:

24 54.60 (1) INVENTORY REQUIRED. ~~When a~~ The guardian of the estate has been
25 ~~appointed an inventory shall be made in the same manner and subject to the same~~

1 requirements as are provided for the inventory of a decedent's estate. An appraisal
2 of all or any part of the ward's estate shall be made when ordered by the court prepare
3 an inventory that lists all of the ward's income and assets, including interests in
4 property and any marital property interest, regardless of how the asset is titled.

5 *~~4830/P2.386~~* SECTION 386. 880.19 (title) of the statutes is repealed.

6 *~~4830/P2.387~~* SECTION 387. 880.19 (1) (title) of the statutes is repealed.

7 *~~4830/P2.388~~* SECTION 388. 880.19 (1) of the statutes is renumbered 54.19
8 (1) and amended to read:

9 54.19 (1) ~~The guardian of the estate shall take~~ Take possession of all of the
10 ward's real and personal property, and of any rents, income, issues and benefits
11 ~~therefrom, whether accruing before or after the guardian's appointment from the~~
12 property, and of the any proceeds arising from the sale, mortgage, lease, or exchange
13 thereof of the property and prepare an inventory of these. Subject to such this
14 possession, the title of all such ~~estate~~ the income and assets of the ward and to the
15 increment and proceeds thereof shall be of the income and assets of the ward in the
16 ward and not in the guardian. ~~It is the duty of the guardian of the estate to protect~~
17 ~~and preserve it, to retain, sell and invest it as hereinafter provided, to account for it~~
18 ~~faithfully, to perform all other duties required of the guardian by law and at the~~
19 ~~termination of the guardianship to deliver the assets of the ward to the persons~~
20 ~~entitled thereto.~~

21 *~~4830/P2.389~~* SECTION 389. 880.19 (2) (title) of the statutes is repealed.

22 *~~4830/P2.390~~* SECTION 390. 880.19 (2) (a) of the statutes is renumbered
23 54.20 (1) (intro.) and amended to read:

24 54.20 (1) STANDARD. (intro.) The In exercising the powers under this section,
25 the guardian of the estate may, without the approval of the court, retain any real or

1 personal property possessed by the ward at the time of appointment of the guardian
2 or subsequently acquired by the ward by gift or inheritance without regard to ch. 881,
3 so long as such retention constitutes the exercise of shall use the judgment and care
4 under the circumstances then prevailing, which that persons of prudence, discretion,
5 and intelligence exercise in the management of their own affairs, not in regard to
6 speculation but in regard to including the permanent, rather than speculative,
7 disposition of their funds, considering and consideration of the probable income as
8 well as the probable and safety of their capital. In addition, in exercising powers and
9 duties under this section, the guardian of the estate shall consider, consistent with
10 the functional limitations of the ward, all of the following:

11 *~~4830/P2.391~~* SECTION 391. 880.19 (2) (b) of the statutes is renumbered
12 54.20 (3) (f) and amended to read:

13 54.20 (3) (f) ~~The guardian of the estate may, with the approval of the court, after~~
14 ~~such notice as the court directs, retain~~ Retain any real or personal property
15 possessed by that the ward at the time of the appointment of the possesses when the
16 guardian ~~or subsequently acquired by~~ is appointed or that the ward acquires by gift
17 or inheritance for ~~such period of time as shall be designated in the order of the court~~
18 ~~approving such retention, without regard to ch. 881~~ during the guardian's
19 appointment.

20 *~~4830/P2.392~~* SECTION 392. 880.19 (3) (title) of the statutes is repealed.

21 *~~4830/P2.393~~* SECTION 393. 880.19 (3) of the statutes is renumbered 54.20
22 (2) (k) and amended to read:

23 54.20 (2) (k) In all cases where in which the court deems it determines that it
24 is advantageous to continue the business of a ward, such business may be continued

1 ~~by the guardian of the estate on such~~ continue the business on any terms and
2 ~~conditions as may be specified in the order of the court.~~

3 ~~*-4830/P2.394* SECTION 394.~~ 880.19 (4) (title) of the statutes is repealed.

4 ~~*-4830/P2.395* SECTION 395.~~ 880.19 (4) (a) of the statutes is renumbered
5 54.20 (3) (h) and amended to read:

6 ~~54.20 (3) (h) The guardian of the estate may, without approval of the court,~~
7 ~~invest~~ Invest and reinvest the proceeds of sale of any ~~guardianship assets of the ward~~
8 and any of the ward's other moneys in the guardian's possession in accordance with
9 ch. 881.

10 ~~*-4830/P2.396* SECTION 396.~~ 880.19 (4) (b) of the statutes is renumbered 54.20
11 (3) (i) and amended to read:

12 ~~54.20 (3) (i) The guardian of the estate may, with the approval of the court, after~~
13 Notwithstanding ch. 881, after such notice as the court directs, and subject to ch. 786,
14 invest the proceeds of sale of any ~~guardianship assets of the ward~~ and any of the
15 ward's other moneys in the guardian's possession in ~~such~~ the real or personal
16 property ~~as the court determines that is determined by the court~~ to be in the best
17 interests of the ~~guardianship estate, without regard to ch. 881 of the ward.~~

18 ~~*-4830/P2.397* SECTION 397.~~ 880.19 (4) (c) of the statutes is renumbered 54.18
19 (3) (a) and amended to read:

20 ~~54.18 (3) (a) No guardian shall lend guardianship~~ Lend funds of the ward to
21 himself or herself.

22 ~~*-4830/P2.398* SECTION 398.~~ 880.19 (5) (title) of the statutes is repealed.

23 ~~*-4830/P2.399* SECTION 399.~~ 880.19 (5) (a) of the statutes is renumbered 54.20
24 (3) (g) and amended to read:

1 54.20 (3) (g) ~~The guardian of the estate may, without approval of the court, sell~~
2 ~~Subject to ch. 786, sell, mortgage, pledge, lease, or exchange any property asset of the~~
3 ~~guardianship estate acquired by the guardian pursuant to sub. (4) ward at fair~~
4 ~~market value.~~

5 *~~4830/P2.400~~* SECTION 400. 880.19 (5) (b) of the statutes is renumbered
6 54.22 and amended to read:

7 **54.22 Petition for authority to sell, mortgage, pledge, lease, or**
8 **exchange ward's property.** ~~The court, on the application of the guardian of the~~
9 ~~estate or of any other Notwithstanding s. 54.20 (3) (g), (h), and (i), a person interested~~
10 ~~in the estate of any a ward, after such notice if any, as the court directs, may authorize~~
11 ~~or petition the court to require the guardian to sell, mortgage, pledge, lease, or~~
12 ~~exchange any property asset of the guardianship estate upon such terms as of the~~
13 ~~ward. Following the petition and upon any notice and hearing that the court~~
14 ~~requires, the court may so order, subject to ch. 786, for the purpose of paying the~~
15 ~~ward's debts, providing for the ward's care, maintenance, and education and the care,~~
16 ~~maintenance, and education of the ward's dependents, investing the proceeds, or for~~
17 ~~any other purpose which that is in the best interest of the ward.~~

18 *~~4830/P2.401~~* SECTION 401. 880.19 (5) (c) of the statutes is renumbered 54.18
19 (3) (c) and amended to read:

20 54.18 (3) (c) ~~No guardian shall purchase~~ Purchase property of the ward, ~~unless~~
21 ~~sold at public sale~~ except at fair market value, subject to ch. 786, and with the
22 approval of the court, ~~and then only if the guardian is a spouse, parent, child, brother~~
23 ~~or sister of the ward or is a cotenant with the ward in the property.~~

24 *~~4830/P2.402~~* SECTION 402. 880.19 (5) (d) of the statutes is repealed.

25 *~~4830/P2.403~~* SECTION 403. 880.19 (6) of the statutes is repealed.