

1 **SECTION 303.** 880.01 (8) of the statutes is renumbered 54.01 (22) and amended
2 to read:

3 54.01 (22) “Other like incapacities” means those conditions incurred at any age
4 ~~which~~ that are the result of accident, organic brain damage, mental or physical
5 disability, ~~or continued consumption or absorption of substances, producing and that~~
6 produce a condition ~~which~~ that substantially impairs an individual from providing
7 for ~~the individual’s~~ his or her own care or custody.

8 **SECTION 304.** 880.01 (9) of the statutes is renumbered 54.01 (31) and amended
9 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 **SECTION 305.** 880.01 (10) of the statutes is renumbered 54.01 (37) and amended
18 to read:

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

21 **SECTION 306.** 880.02 of the statutes is renumbered 54.30 (1) and amended to
22 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6 **SECTION 307.** 880.03 of the statutes is repealed.

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

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

10 **SECTION 309.** 880.04 (1) of the statutes is renumbered 54.46 (6) and amended
11 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 **SECTION 310.** 880.04 (2) of the statutes is renumbered 54.12 (1) and amended
20 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 **SECTION 311.** 880.04 (2m) of the statutes is renumbered 54.12 (2) and amended
22 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 **SECTION 312.** 880.04 (3) of the statutes is renumbered 54.12 (3) and amended
11 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 **SECTION 313.** 880.05 of the statutes is renumbered 54.30 (2) and amended to
20 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 **SECTION 314.** 880.06 (title) of the statutes is renumbered 54.30 (3) (title).

6 **SECTION 315.** 880.06 (1) of the statutes is renumbered 54.30 (3) (a) and
7 amended to read:

8 54.30 (3) (a) *Original proceeding.* The court wherein in which a petition is first
9 filed shall determine venue. The court shall direct that proper notice be given to any
10 potentially responsible or affected county. Proper notice is given to a potentially
11 responsible or affected county if written notice of the proceeding is sent by certified
12 mail to the county's clerk and corporation counsel. After all potentially responsible
13 or affected counties and parties have been given an opportunity to be heard, the court
14 shall determine that venue lies in the county in which the petition is filed under sub.
15 (2) or in another county, as appropriate. If it is determined the court determines that
16 venue lies in another county, the court shall order the entire record certified to the
17 proper court. A court wherein in which a subsequent petition is filed shall, upon
18 being if it is satisfied of that an earlier filing took place in another court, summarily
19 dismiss such the petition. If any potentially responsible or affected county or party
20 objects to the court's finding of venue, the court may refer the issue to the department
21 for a determination of the county of residence under s. 51.40 (2) (g) and may suspend
22 ruling on the motion for change of venue until the determination under s. 51.40 (2)
23 (g) is final.

24 **SECTION 316.** 880.06 (2) of the statutes is renumbered 54.30 (3) (b) (intro.) and
25 amended to read:

1 54.30 (3) (b) (intro.) *Change of residence of ward or guardian.* If a guardian
2 ~~removes from the county where appointed to another county within the state or a~~
3 ~~ward removes from the county in which he or she has resided~~ changes residence from
4 one county to another county within the state, the circuit court for the county in
5 ~~which the ward resides may appoint a new guardian as provided by law for the~~
6 ~~appointment of a guardian. Upon verified petition of the new guardian, accompanied~~
7 ~~by a certified copy of appointment and bond if the appointment is in another county,~~
8 ~~and upon the notice prescribed by s. 879.05 to the originally appointed guardian,~~
9 ~~unless he or she is the same person, and to any other persons that the court shall~~
10 ~~order, the court of original appointment may order the guardianship accounts settled~~
11 ~~and the property delivered to the new guardian.~~ venue may be transferred to the
12 ward's new county of residence under the following procedure:

13 **SECTION 317.** 880.07 (title) of the statutes is renumbered 54.34 (title) and
14 amended to read:

15 **54.34 (title) Petition; fees for guardianship or for receipt and**
16 **acceptance of a foreign guardianship.**

17 **SECTION 318.** 880.07 (1) (intro.) of the statutes is renumbered 54.34 (1) (intro.)
18 and amended to read:

19 54.34 (1) (intro.) Any ~~relative, public official or other person,~~ may petition for
20 the appointment of a guardian of a person ~~subject to guardianship.~~ Such for an
21 individual. The petition shall state, so far as may be all of the following, if known
22 to the petitioner:

23 **SECTION 319.** 880.07 (1) (a) of the statutes is renumbered 54.34 (1) (a).

24 **SECTION 320.** 880.07 (1) (b) of the statutes is renumbered 54.34 (1) (b) and
25 amended to read:

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

3 **SECTION 321.** 880.07 (1) (c) of the statutes is renumbered 54.34 (1) (c).

4 **SECTION 322.** 880.07 (1) (d) of the statutes is renumbered 54.34 (1) (d) and
5 amended to read:

6 54.34 (1) (d) Any assets of the proposed ward previously derived from or
7 benefits of the proposed ward now due and payable from the U.S. department of
8 veterans affairs.

9 **SECTION 323.** 880.07 (1) (e) of the statutes is renumbered 54.34 (1) (e).

10 **SECTION 324.** 880.07 (1) (f) of the statutes is renumbered 54.34 (1) (f).

11 **SECTION 325.** 880.07 (1) (g) of the statutes is renumbered 54.34 (1) (g).

12 **SECTION 326.** 880.07 (1) (h) of the statutes is renumbered 54.34 (1) (h) and
13 amended to read:

14 54.34 (1) (h) The names and post-office addresses of ~~the spouse and~~
15 ~~presumptive or apparent adult heirs of the proposed ward, and all other persons~~
16 ~~believed by the petitioner to be interested parties.~~

17 **SECTION 327.** 880.07 (1) (i) of the statutes is renumbered 54.34 (1) (i) and
18 amended to read:

19 54.34 (1) (i) The name and post-office address of the person or institution
20 ~~having the, if any, that has~~ care and custody of the proposed ward or the facility, if
21 any, that is providing care to the proposed ward.

22 **SECTION 328.** 880.07 (1) (j) of the statutes is renumbered 54.34 (1) (j) and
23 amended to read:

24 54.34 (1) (j) The interest of the petitioner, and, if a public official ~~or creditor~~ is
25 the petitioner, ~~then the fact of indebtedness or continuing liability for maintenance~~

1 ~~or continuing breach of the public peace as well as the authority of the petitioner to~~
2 act.

3 **SECTION 329.** 880.07 (1m) of the statutes is repealed.

4 **SECTION 330.** 880.07 (2) of the statutes is renumbered 54.34 (2) and amended
5 to read:

6 54.34 (2) A petition for guardianship may also include an application for
7 protective placement or protective services or both under ch. 55.

8 **SECTION 331.** 880.07 (3) of the statutes is repealed.

9 **SECTION 332.** 880.07 (4) of the statutes is repealed.

10 **SECTION 333.** 880.075 of the statutes is renumbered 54.44 (1) (b) and amended
11 to read:

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

20 **SECTION 334.** 880.08 (intro.) of the statutes is renumbered 54.38 (2) (intro.) and
21 amended to read:

22 54.38 (2) ~~NOTICE OF HEARING FOR APPOINTMENTS AND REHEARINGS, SERVICE, AND~~
23 DELIVERY (intro.) Upon the filing of a petition for guardianship, ~~and the court being~~
24 of the person or of the estate, including appointment or change of a guardian, if the
25 court is satisfied as to compliance with s. ~~880.07~~ 54.34, the court shall, except as

1 provided in sub. (3), order the petitioner to serve notice on the proposed ward and
2 guardian, if any, and to deliver notice to interested persons of the time and place of
3 the hearing, as follows:

4 **SECTION 335.** 880.08 (1) (title) of the statutes is repealed.

5 **SECTION 336.** 880.08 (1) of the statutes is renumbered 54.38 (2) (a) and
6 amended to read:

7 54.38 (2) (a) ~~A petitioner shall have notice served of a petition for appointment~~
8 ~~or change of a guardian upon~~ On the proposed incompetent and existing guardian,
9 if any, ward by personal service and an existing guardian, if any, by personal service
10 or by registered or certified mail at least 10 days before the time set for hearing. If
11 ~~such proposed incompetent~~ the proposed ward is in custody or confinement, ~~a~~ the
12 petitioner shall have notice served by registered or certified mail on the proposed
13 incompetent's ward's custodian, who shall immediately serve it on the proposed
14 incompetent ward. The process server or custodian shall inform the proposed
15 incompetent ward of the complete contents of the notice and ~~certify thereon~~ petition,
16 motion, or other required document; certify on the notice that the process server or
17 custodian served and informed the proposed incompetent and returned ward; and
18 return the certificate and notice to the circuit judge. ~~The notice shall include the~~
19 ~~names of all persons who are petitioning for guardianship. A copy of the petition~~
20 ~~shall be attached to the notice. The court shall cause the proposed incompetent, if~~
21 ~~able to attend, to be produced at the hearing. The proposed incompetent is presumed~~
22 ~~able to attend unless, after a personal interview, the guardian ad litem certifies in~~
23 ~~writing to the court the specific reasons why the person is unable to attend. If the~~
24 ~~person is unable to attend a hearing because of physical inaccessibility or lack of~~
25 ~~transportation, the court shall hold the hearing in a place where the person may~~

1 attend if requested by the proposed ward, guardian ad litem, adversary counsel or
2 other interested person. Such notice shall also be given personally or by mail at least
3 10 days before the hearing to the proposed incompetent's counsel, if any, guardian
4 ad litem, presumptive adult heirs or other persons who have legal or physical custody
5 of the proposed incompetent whose names and addresses are known to the petitioner
6 or can with reasonable diligence be ascertained, to any governmental or private
7 agency, charity or foundation from which the proposed incompetent is receiving aid
8 and to such other persons or entities as the court may require. The court shall then
9 proceed under s. 880.33 court.

10 **SECTION 337.** 880.08 (2) of the statutes is repealed.

11 **SECTION 338.** 880.08 (3) (title) of the statutes is repealed.

12 **SECTION 339.** 880.08 (3) (am) (intro.) of the statutes is renumbered 54.38 (3)
13 (intro.) and amended to read:

14 54.38 (3) NOTICE OF HEARING FOR APPOINTMENT OF GUARDIAN FOR A MINOR. (intro.)
15 ~~When~~ If the proposed ward is a minor, notice shall be given as provided in s. 879.05
16 the court shall order delivery of notice by the petitioner of the time and place of the
17 hearing to all of the following persons, if applicable:

18 **SECTION 340.** 880.08 (3) (am) 1. of the statutes is renumbered 54.38 (3) (a) and
19 amended to read:

20 54.38 (3) (a) The proposed ward's spouse, if any.

21 **SECTION 341.** 880.08 (3) (am) 2. of the statutes is renumbered 54.38 (3) (b) and
22 amended to read:

23 54.38 (3) (b) The proposed ward's parents parent, unless the parent's parental
24 rights have been judicially terminated.

1 **SECTION 342.** 880.08 (3) (am) 3. of the statutes is renumbered 54.38 (3) (c) and
2 amended to read:

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

5 **SECTION 343.** 880.08 (3) (am) 4. of the statutes is renumbered 54.38 (3) (d) and
6 amended to read:

7 54.38 (3) (d) Any other person, agency, institution, welfare department or other
8 entity ~~having~~ that has the legal or actual physical custody of the minor.

9 **SECTION 344.** 880.08 (3) (e) of the statutes is repealed.

10 **SECTION 345.** 880.08 (4) of the statutes is renumbered 54.38 (4) and amended
11 to read:

12 54.38 (4) REHEARINGS. Notice of a rehearing to determine if a ward is a proper
13 subject to continue under guardianship shall be given as required ~~for the~~
14 ~~appointment of a guardian~~ under subs. (1), (2), and (3).

15 **SECTION 346.** 880.09 (intro.) of the statutes is renumbered 54.15 (intro.) and
16 amended to read:

17 ~~54.15 Nomination; selection of guardians~~ **Selection of guardian;**
18 **nominations; preferences; other criteria.** (intro.) The court shall do one of the
19 following and shall consider all of the following nominations made by any interested
20 person and, in its discretion, shall appoint a proper guardian, having due regard for
21 the following, applicable preferences, and criteria in determining who is appointed
22 as guardian:

23 **SECTION 347.** 880.09 (1) (title) of the statutes is repealed.

24 **SECTION 348.** 880.09 (1) of the statutes is renumbered 54.15 (4) (b) and
25 amended to read:

1 54.15 (4) (b) A minor ~~over~~ who is 14 years or older may in writing in circuit court
2 nominate his or her own guardian, but if the minor is in the armed service, is ~~without~~
3 outside of the state, or if other good reason exists, the court may dispense with the
4 minor's right of nomination.

5 **SECTION 349.** 880.09 (2) of the statutes is renumbered 54.15 (5) and amended
6 to read:

7 54.15 (5) ~~PREFERENCE~~ PARENT OF A PROPOSED WARD. If one or both of the parents
8 of a minor, ~~a developmentally disabled person or a person with other like incapacity~~
9 or an individual with developmental disability or with serious and persistent mental
10 illness are suitable and willing, the court shall appoint one or both of ~~them~~ as
11 guardian unless the ~~proposed ward objects~~ court finds that the appointment is not
12 in the proposed ward,s best interest. The court shall ~~appoint a corporate guardian~~
13 under s. 880.35 ~~only if no suitable individual guardian is available~~ consider a
14 proposed ward's objection to the appointment of his or her parent.

15 **SECTION 350.** 880.09 (3) (title) of the statutes is repealed.

16 **SECTION 351.** 880.09 (3) of the statutes is renumbered 54.15 (4) (c) and
17 amended to read:

18 54.15 (4) (c) If neither parent of a minor who is 14 years or older is suitable and
19 willing to be appointed guardian, the court may appoint the nominee of ~~a~~ the minor.

20 **SECTION 352.** 880.09 (4) of the statutes is repealed.

21 **SECTION 353.** 880.09 (5) of the statutes is repealed.

22 **SECTION 354.** 880.09 (6) of the statutes is renumbered 54.15 (6) and amended
23 to read:

24 54.15 (6) ~~TESTAMENTARY GUARDIANSHIP OF CERTAIN PERSONS~~ NOMINATION BY
25 PROPOSED WARD'S PARENTS. Subject to the rights of a surviving parent, a parent may

1 by will nominate a guardian and successor guardian of the person or estate ~~of~~ for any
2 of his or her minor children who ~~are~~ is in need of guardianship, unless the court finds
3 that appointment of the guardian or successor guardian is not i the minor's best
4 interests. For ~~a person over the age of an individual who is aged 18 or older and is~~
5 found to be in need of guardianship ~~under s. 880.33~~ by reason of a developmental
6 disability or ~~other like incapacity~~ serious and persistent mental illness, a parent may
7 by will nominate a testamentary guardian. The parent may waive the requirement
8 of a bond for such an estate that is derived through a will.

9 **SECTION 355.** 880.09 (7) (title) of the statutes is repealed.

10 **SECTION 356.** 880.09 (7) of the statutes is renumbered 54.15 (4) (a) and
11 amended to read:

12 54.15 (4) (a) ~~Any person~~ individual other than a minor aged 14 years or younger
13 may, ~~at such time as if the person has sufficient capacity~~ individual does not have
14 incapacity to such an extent that he or she is unable to form an intelligent a
15 reasonable and informed preference, execute a written instrument, in the same
16 manner as the execution of a will under s. 853.03, nominating ~~a person~~ another to
17 be appointed as guardian of his or her person or ~~property~~ estate or both ~~in the event~~
18 ~~that if a guardian is in the future appointed. Such nominee shall be appointed as~~
19 ~~guardian by the~~ for the individual. The court shall appoint this nominee as guardian
20 unless the court finds that the appointment of ~~such nominee~~ is not in the best
21 interests of the ~~person for whom, or for whose property, the guardian is to be~~
22 appointed proposed ward.

23 **SECTION 357.** 880.10 of the statutes is renumbered 54.38 (5) and amended to
24 read:

1 54.38 (5) NOTICE OF APPOINTMENT OF GUARDIAN OF A MINOR WARD. If for any reason
2 the court fails to appoint as guardian the nominee of the minor, the guardian who
3 qualifies shall give notice of the guardian's appointment to the minor by certified
4 mail addressed to the minor's last-known post-office address and shall file an
5 affidavit of such the mailing shall be filed with the court within 10 days after the
6 issuance of letters notice is given.

7 **SECTION 358.** 880.12 of the statutes is repealed.

8 **SECTION 359.** 880.125 of the statutes is repealed.

9 **SECTION 360.** 880.13 (title) of the statutes is renumbered 54.46 (5) (title).

10 **SECTION 361.** 880.13 (1) of the statutes is renumbered 54.46 (4) (a) and
11 amended to read:

12 54.46 (4) (a) *Form Amount and sufficiency of bond*. ~~Upon the appointment of~~
13 ~~a guardian of the estate of a ward, except as provided under s. 880.60 (9), the court~~
14 ~~may require a bond given in accordance with ch. 878 and s. 895.345~~ The order under
15 sub. (2) shall specify the amount of any bond required to be given by the guardian
16 of the estate, conditioned upon the faithful performance of the duties of the guardian
17 of the estate. No bond may be required for the guardian of the person.

18 **SECTION 362.** 880.13 (2) (title) of the statutes is renumbered 54.46 (4) (b) (title).

19 **SECTION 363.** 880.13 (2) (a) of the statutes is renumbered 54.46 (4) (b) (intro.)
20 and amended to read:

21 54.46 (4) (b) (intro.) Unless required under s. 880.60 54.852 (9), the court may
22 waive the requirement of a bond at under any of the following circumstances:

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

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

1 **SECTION 364.** 880.13 (2) (b) of the statutes is renumbered 54.46 (4) (b) 3. and
2 amended to read:

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

9 **SECTION 365.** 880.13 (3) of the statutes is repealed.

10 **SECTION 366.** 880.14 of the statutes is renumbered 54.46 (5) and amended to
11 read:

12 54.46 (5) ~~WHEN LETTERS TO BE ISSUED~~ LETTERS OF GUARDIANSHIP. ~~When~~ If a
13 guardian of the estate has given bond as, if required, and the bond has been approved
14 by the judge court, letters under the seal of the court shall be issued to the guardian
15 of the estate. If a court determination and order appointing a guardian of the person
16 is entered, letters under the seal of the court shall be issued to the guardian of the
17 person.

18 **SECTION 367.** 880.15 (title) of the statutes is repealed.

19 **SECTION 368.** 880.15 (1) of the statutes is renumbered 54.50 (2) and amended
20 to read:

21 54.50 (2) ~~APPOINTMENT~~ DURATION AND EXTENT OF AUTHORITY. ~~If, after~~
22 ~~consideration of a petition for temporary guardianship, the court finds that the~~
23 ~~welfare of a minor, spendthrift or an alleged incompetent requires the immediate~~
24 ~~appointment of a guardian of the person or of the estate, or of both, it~~ The court may
25 appoint a temporary guardian for a ward for a period not to exceed 60 days ~~unless~~

1 further extended for 60 days by order of the court. The court may extend the period
2 only once, except that the court may extend this period for good cause shown for one
3 additional 60-day period. The court may impose no further temporary guardianship
4 on the ward for at least 90 days after the expiration of the temporary guardianship
5 and any extension. The court's determination and order appointing the temporary
6 guardian shall specify the authority of the temporary guardian and shall be limited
7 to those acts that are reasonably related to the reasons for appointment that are
8 specified in the petition for temporary guardianship. The authority of the temporary
9 guardian shall be is limited to the performance of duties respecting specific property,
10 or to the performance of particular those acts, as stated in the order of appointment.
11 All provisions of the statutes concerning the powers and duties of guardians shall
12 apply to temporary guardians except as limited by the order of appointment. The
13 temporary guardian shall make the reports the court directs and shall account to the
14 court upon termination of authority. The court assigned to exercise jurisdiction
15 under chs. 48 and 938 has exclusive jurisdiction over the appointment of a temporary
16 guardian of a minor for medical purposes but shall proceed in accordance with this
17 section Unless the court first specifically approves and orders bond, the temporary
18 guardian may not sell real estate or expend an amount in excess of \$2,000.

19 **SECTION 369.** 880.15 (1m) of the statutes is repealed.

20 **SECTION 370.** 880.15 (1s) of the statutes is renumbered 54.38 (6) and amended
21 to read:

22 54.38 (6) NOTICE OF PETITION AND HEARING FOR TEMPORARY GUARDIANSHIP. The
23 person petitioning petitioner for appointment of a temporary guardian shall cause
24 give notice to be given under s. 880.08 of that the petition to the minor, spendthrift
25 or alleged incompetent and, if the appointment is made, shall give notice of the

1 ~~appointment to the ward. The time limits of s. 880.08 do not apply to notice given~~
2 ~~under this subsection proposed ward.~~ The notice shall be served before or at the time
3 the petition is filed or as soon thereafter as possible and shall include notice of the
4 right to counsel and of the right to petition for reconsideration or modification of the
5 temporary guardianship at any time under s. 880.34 ~~within 30 days of receipt of the~~
6 ~~notice~~ 54.50 (3) (d) The petitioner shall serve notice of the order for hearing on the
7 proposed ward before the hearing or not later than 3 calendar days after the hearing.
8 If the petitioner serves notice after the hearing is conducted and the court has
9 entered an order, the petitioner shall include the court's order with the notice of the
10 order for hearing.

11 **SECTION 371.** 880.15 (2) of the statutes is repealed.

12 **SECTION 372.** 880.15 (3) of the statutes is renumbered 54.50 (4) and amended
13 to read:

14 54.50 (4) (d) CESSATION OF POWERS. ~~If the temporary guardianship is not sooner~~
15 ~~terminated the~~ The duties and powers of the temporary guardian shall cease upon
16 the issuing of letters of permanent guardianship to the guardian of the ward, or, if
17 the ward is a minor, upon his becoming of age, or when it shall be judicially
18 determined, the expiration of the time period specified in sub. (2), or if the court
19 sooner determines that any other disability of the temporary ward which situation
20 of the ward that was the cause of the temporary guardianship has terminated. Upon
21 the termination of the temporary guardian's duties and powers, a temporary
22 guardian of the person shall file with the court any report that the court requires.
23 A temporary guardian of the estate shall, upon the termination of duties and powers,
24 account to the court and deliver to the person ~~or persons entitled to them~~ all the
25 estate of the ward in his or her hands the ward's estate over which the temporary

1 guardian of the estate has had control. Any action ~~which~~ that has been commenced
2 by the temporary guardian may be prosecuted to final judgment by the successor or
3 successors in interest, if any.

4 **SECTION 373.** 880.155 of the statutes is renumbered 54.56 and amended to
5 read:

6 **54.56 Visitation by a minor's grandparents and stepparents.** (1) In this
7 section, “stepparent” means the surviving spouse of a deceased parent of a minor
8 ~~child~~, whether or not the surviving spouse has remarried.

9 (2) If one or both parents of a minor ~~child~~ are deceased and the ~~child~~ minor is
10 in the custody of the surviving parent or any other person, a grandparent or
11 stepparent of the ~~child~~ minor may petition for visitation privileges with respect to the
12 ~~child~~ minor, whether or not the person with custody is married. The grandparent or
13 stepparent may file the petition in a guardianship or temporary guardianship
14 proceeding under this chapter that affects the minor ~~child~~ or may file the petition to
15 commence an independent action under this chapter. Except as provided in sub.
16 (3m), the court may grant reasonable visitation privileges to the grandparent or
17 stepparent if the surviving parent or other person who has custody of the ~~child~~ minor
18 has notice of the hearing and if the court determines that visitation is in the best
19 interest of the ~~child~~ minor.

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

22 (3m) (a) Except as provided in par. (b), the court may not grant visitation
23 privileges to a grandparent or stepparent under this section if the grandparent or
24 stepparent has been convicted under s. 940.01 of the first-degree intentional

1 homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of
2 the ~~child~~ minor, and the conviction has not been reversed, set aside or vacated.

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

9 (4m) (a) If a grandparent or stepparent granted visitation privileges with
10 respect to a ~~child~~ minor under this section is convicted under s. 940.01 of the
11 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
12 homicide, of a parent of the ~~child~~ minor, and the conviction has not been reversed,
13 set aside or vacated, the court shall modify the visitation order by denying visitation
14 with the ~~child~~ minor upon petition, motion or order to show cause by a person having
15 custody of the ~~child~~ minor, or upon the court's own motion, and upon notice to the
16 grandparent or stepparent granted visitation privileges.

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

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

22 **SECTION 374.** 880.157 (title) of the statutes is renumbered 54.57 (title).

23 **SECTION 375.** 880.157 (1) of the statutes is renumbered 54.57 (1) and amended
24 to read:

1 54.57 (1) Except as provided in sub. (2), in an action under this chapter that
2 affects a minor ~~child~~, a court may not grant to a parent of the ~~child~~ minor visitation
3 or physical placement rights with the ~~child~~ minor if the parent has been convicted
4 under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the
5 2nd-degree intentional homicide, of the ~~child's~~ minor's other parent, and the
6 conviction has not been reversed, set aside or vacated.

7 **SECTION 376.** 880.157 (2) of the statutes is renumbered 54.57 (2) and amended
8 to read:

9 54.57 (2) Subsection (1) does not apply if the court determines by clear and
10 convincing evidence that visitation or periods of physical placement would be in the
11 best interests of the ~~child~~ minor. The court shall consider the wishes of the ~~child~~
12 minor in making the determination.

13 **SECTION 377.** 880.16 of the statutes is repealed.

14 **SECTION 378.** 880.17 of the statutes is renumbered 54.54 and amended to read:

15 **54.54 Successor guardian. (1) APPOINTMENT.** ~~When~~ If a guardian dies, is
16 removed by order of the court, or resigns and the resignation is accepted by the court,
17 the court, on its own motion or upon petition of any interested person, may appoint
18 a competent and suitable person as successor guardian. The court may, upon request
19 of any interested person or on its own motion, direct that a petition for appointment
20 of a successor guardian be heard in the same manner and subject to the same
21 requirements as provided under this chapter for an original appointment of a
22 guardian.

23 **(2) NOTICE.** If the appointment under sub. (1) is made without hearing, the
24 successor guardian shall provide notice to the ward and all interested persons of the
25 appointment, the right to counsel, and the right to petition for reconsideration of the

1 successor guardian. The notice shall be served personally or by mail not later than
2 10 days after the appointment.

3 **SECTION 379.** 880.173 (title) of the statutes is repealed.

4 **SECTION 380.** 880.173 (1) of the statutes is renumbered 54.20 (2) (h) and
5 amended to read:

6 54.20 (2) (h) ~~A guardian of the estate~~ If appointed under this chapter for a
7 married person may ward, exercise with the approval of the court, except as limited
8 under s. 880.37, any management and control right over the marital property or
9 property other than marital property and any right in the business affairs ~~which that~~
10 the married person ward could exercise under ch. 766 if the person were not
11 determined under s. 880.12 to be a proper subject for guardianship. ~~Under this~~
12 section, a guardian may ward were not an individual found incompetent, consent to
13 act together in or join in any transaction for which consent or joinder of both spouses
14 is required, or may execute under s. 766.58 a marital property agreement with the
15 other ward's spouse or, if appointed for a ward who intends to marry, with the ward's
16 intended spouse, but may not make, amend or revoke a will.

17 **SECTION 381.** 880.173 (2) of the statutes is repealed.

18 **SECTION 382.** 880.175 (title) of the statutes is repealed.

19 **SECTION 383.** 880.175 of the statutes is renumbered 54.20 (2) (b) and amended
20 to read:

21 54.20 (2) (b) ~~Upon petition by the guardian, a parent, the spouse, any issue or~~
22 next of kin of any person, assets of the person may, in the discretion of the court and
23 upon its order, after such notice as the court may require, be transferred Transfer
24 assets of the ward to the trustee or trustees of an any existing revocable living trust
25 created by the person for the benefit of that the ward has created for himself or

1 herself and those dependent upon the person for support any dependents, or, if the
2 ward is a minor, to the trustee or trustees of a any trust created for the exclusive
3 benefit of the person, if a minor, which ward that distributes to him or her at age 18
4 or 21, or, if the ward dies before age 18 or 21, to his or her estate, or as he or she
5 appoints if he or she dies prior to age 18 or 21 the ward has appointed by a written
6 instrument that is executed after the ward attains age 14.

7 **SECTION 384.** 880.18 (title) of the statutes is renumbered 54.60 (title).

8 **SECTION 385.** 880.18 of the statutes is renumbered 54.60 (1) and amended to
9 read:

10 54.60 (1) INVENTORY REQUIRED. ~~When a~~ The guardian of the estate has been
11 appointed an inventory shall be made in the same manner and subject to the same
12 requirements as are provided for the inventory of a decedent's estate. ~~An appraisal~~
13 ~~of all or any part of the ward's estate shall be made when ordered by the court~~ prepare
14 an inventory that lists all of the ward's income and assets, including interests in
15 property and any marital property interest, regardless of how the asset is titled.

16 **SECTION 386.** 880.19 (title) of the statutes is repealed.

17 **SECTION 387.** 880.19 (1) (title) of the statutes is repealed.

18 **SECTION 388.** 880.19 (1) of the statutes is renumbered 54.19 (1) and amended
19 to read:

20 54.19 (1) ~~The guardian of the estate shall take~~ Take possession of all of the
21 ward's real and personal property, and of any rents, income, issues and benefits
22 ~~therefrom, whether accruing before or after the guardian's appointment~~ from the
23 property, and of the any proceeds arising from the sale, mortgage, lease, or exchange
24 thereof of the property and prepare an inventory of these. Subject to such this
25 possession, the title of all such estate the income and assets of the ward and to the

1 increment and proceeds thereof shall be of the income and assets of the ward in the
2 ward and not in the guardian. It is the duty of the guardian of the estate to protect
3 and preserve it, to retain, sell and invest it as hereinafter provided, to account for it
4 faithfully, to perform all other duties required of the guardian by law and at the
5 termination of the guardianship to deliver the assets of the ward to the persons
6 entitled thereto.

7 **SECTION 389.** 880.19 (2) (title) of the statutes is repealed.

8 **SECTION 390.** 880.19 (2) (a) of the statutes is renumbered 54.20 (1) (intro.) and
9 amended to read:

10 54.20 (1) STANDARD. (intro.) The In exercising the powers under this section,
11 the guardian of the estate may, without the approval of the court, retain any real or
12 personal property possessed by the ward at the time of appointment of the guardian
13 or subsequently acquired by the ward by gift or inheritance without regard to ch. 881,
14 so long as such retention constitutes the exercise of shall use the judgment and care
15 under the circumstances then prevailing, which that persons of prudence, discretion,
16 and intelligence exercise in the management of their own affairs, not in regard to
17 speculation but in regard to including the permanent, rather than speculative,
18 disposition of their funds, considering and consideration of the probable income as
19 well as the probable and safety of their capital. In addition, in exercising powers and
20 duties under this section, the guardian of the estate shall consider, consistent with
21 the functional limitations of the ward, all of the following:

22 **SECTION 391.** 880.19 (2) (b) of the statutes is renumbered 54.20 (3) (f) and
23 amended to read:

24 54.20 (3) (f) ~~The guardian of the estate may, with the approval of the court, after~~
25 ~~such notice as the court directs, retain~~ Retain any real or personal property

1 ~~possessed by that the ward at the time of the appointment of the~~ possesses when the
2 ~~guardian or subsequently acquired by is appointed or that the ward~~ acquires by gift
3 or inheritance for such period of time as shall be designated in the order of the court
4 approving such retention, without regard to ch. 881 during the guardian's
5 appointment.

6 **SECTION 392.** 880.19 (3) (title) of the statutes is repealed.

7 **SECTION 393.** 880.19 (3) of the statutes is renumbered 54.20 (2) (k) and
8 amended to read:

9 54.20 (2) (k) In all cases where in which the court deems it determines that it
10 is advantageous to continue the business of a ward, ~~such business may be continued~~
11 ~~by the guardian of the estate on such~~ continue the business on any terms and
12 conditions as may be specified in the order of the court.

13 **SECTION 394.** 880.19 (4) (title) of the statutes is repealed.

14 **SECTION 395.** 880.19 (4) (a) of the statutes is renumbered 54.20 (3) (h) and
15 amended to read:

16 54.20 (3) (h) ~~The guardian of the estate may, without approval of the court,~~
17 invest Invest and reinvest the proceeds of sale of any guardianship assets of the ward
18 and any of the ward's other moneys in the guardian's possession in accordance with
19 ch. 881.

20 **SECTION 396.** 880.19 (4) (b) of the statutes is renumbered 54.20 (3) (i) and
21 amended to read:

22 54.20 (3) (i) ~~The guardian of the estate may, with the approval of the court, after~~
23 Notwithstanding ch. 881, after such notice as the court directs, and subject to ch. 786,
24 invest the proceeds of sale of any guardianship assets of the ward and any of the
25 ward's other moneys in the guardian's possession in ~~such~~ the real or personal

1 property ~~as the court determines~~ that is determined by the court to be in the best
2 interests of the ~~guardianship estate, without regard to ch. 881 of the ward.~~

3 **SECTION 397.** 880.19 (4) (c) of the statutes is renumbered 54.18 (3) (a) and
4 amended to read:

5 54.18 (3) (a) ~~No guardian shall lend guardianship~~ Lend funds of the ward to
6 himself or herself.

7 **SECTION 398.** 880.19 (5) (title) of the statutes is repealed.

8 **SECTION 399.** 880.19 (5) (a) of the statutes is renumbered 54.20 (3) (g) and
9 amended to read:

10 54.20 (3) (g) ~~The guardian of the estate may, without approval of the court, sell~~
11 Subject to ch. 786, sell, mortgage, pledge, lease, or exchange any property asset of the
12 ~~guardianship estate acquired by the guardian pursuant to sub. (4)~~ ward at fair
13 market value.

14 **SECTION 400.** 880.19 (5) (b) of the statutes is renumbered 54.22 and amended
15 to read:

16 **54.22 Petition for authority to sell, mortgage, pledge, lease, or**
17 **exchange ward's property.** ~~The court, on the application of the guardian of the~~
18 ~~estate or of any other~~ Notwithstanding s. 54.20 (3) (g), (h), and (i), a person interested
19 in the estate of any a ward, after such notice if any, as the court directs, may authorize
20 or petition the court to require the guardian to sell, mortgage, pledge, lease, or
21 exchange any property asset of the guardianship estate upon such terms as of the
22 ward. Following the petition and upon any notice and hearing that the court
23 requires, the court may so order, subject to ch. 786, for the purpose of paying the
24 ward's debts, providing for the ward's care, maintenance, and education and the care,

1 maintenance, and education of the ward's dependents, investing the proceeds, or for
2 any other purpose ~~which~~ that is in the best interest of the ward.

3 **SECTION 401.** 880.19 (5) (c) of the statutes is renumbered 54.18 (3) (c) and
4 amended to read:

5 **54.18 (3) (c)** ~~No guardian shall purchase~~ Purchase property of the ward, unless
6 sold at public sale except at fair market value, subject to ch. 786, and with the
7 approval of the court, ~~and then only if the guardian is a spouse, parent, child, brother~~
8 ~~or sister of the ward or is a cotenant with the ward in the property.~~

9 **SECTION 402.** 880.19 (5) (d) of the statutes is repealed.

10 **SECTION 403.** 880.19 (6) of the statutes is repealed.

11 **SECTION 404.** 880.191 (title) of the statutes is repealed.

12 **SECTION 405.** 880.191 (1) of the statutes is renumbered 54.60 (7) and amended
13 to read:

14 **54.60 (7) VERIFICATION, EXAMINATION IN COURT.** Every guardian of the estate
15 shall verify ~~by the guardian's oath to the best of the guardian's information and belief~~
16 that every inventory required of the guardian and verification shall be to the effect
17 that the inventory is true of of the estate includes all property which belongs to his
18 ~~or her decedent's estate or his or her ward, which has come to the guardian's~~
19 ~~possession or knowledge, and that upon diligent inquiry the guardian has not been~~
20 ~~able to discover any property belonging to the estate or ward which is not included~~
21 ~~therein~~ income and assets of the ward. The court, at the request of any party
22 interested, or on its own motion, may examine the guardian of the estate on oath in
23 relation thereto, as to the inventory or ~~in relation to any supposed omission~~ from the
24 inventory.

1 **SECTION 406.** 880.191 (2) of the statutes is renumbered 54.60 (8) and amended
2 to read:

3 **54.60 (8) CITATION TO FILE INVENTORY AND TO ACCOUNT.** If any guardian neglects
4 to file the inventory or account when required by law, the ~~ircuit judge court~~ shall call
5 the guardian's attention of the guardian of the estate to the neglect. If the guardian
6 still neglects of the estate continues to neglect his or her duty ~~in the premises~~, the
7 court shall order the guardian of the estate to file the inventory, and the costs may
8 be adjudged against the guardian of the estate.

9 **SECTION 407.** 880.192 of the statutes is repealed.

10 **SECTION 408.** 880.195 of the statutes is renumbered 54.625 and amended to
11 read:

12 **54.625 Transfer of Menominees guardianship funds to trust of a**
13 **Menominee**. The ~~ircuit court which that~~ has appointed a guardian of the estate
14 of any minor or individual found incompetent who is a legally enrolled member of the
15 Menominee Indian tribe, as defined in s. 49.385, or a lawful distributee ~~thereof, as~~
16 defined in s. 54.850 (3), of the member may direct the guardian to transfer the assets
17 in the guardian's possession of the minor or individual found incompetent ~~in the~~
18 ~~guardian's possession~~ to the trustees of the trust created by the secretary of interior
19 or his or her delegate ~~which that~~ receives property of the minors or ~~incompetents~~
20 individuals found incompetent that is transferred from the United States or any
21 agency thereof as provided by P.L. 83-399, as amended, and the assets shall
22 thereafter be held, administered, and distributed in accordance with the terms and
23 conditions of the trust.

24 **SECTION 409.** 880.21 of the statutes is repealed.

1 **SECTION 410.** 880.215 of the statutes is renumbered 54.47 and amended to
2 read:

3 **54.47 Lis pendens, void contracts.** A certified copy of the petition and order
4 for hearing provided for in ss. ~~880.07~~ 54.34 and ~~880.08~~ 54.38 may be filed in the office
5 of the register of deeds for the county; ~~and if.~~ If a guardian shall be is appointed upon
6 such application after a hearing on the petition and if the court's order includes a
7 finding that the ward may not make contracts, all contracts, except for necessities
8 at reasonable prices, and all gifts, sales, and transfers of property made by such
9 ~~insane or incompetent person or spendthrift,~~ the ward after the filing of a certified
10 copy of such petition and the order as aforesaid, shall be void. ~~The validity of a~~
11 ~~contract made by a person under limited guardianship is not void, however, unless~~
12 ~~the determination is made by the court in its finding under s. 880.33 (3) that the ward~~
13 ~~is incapable of exercising the power to make contracts~~ are void, unless notified by the
14 guardian in writing.

15 **SECTION 411.** 880.22 (title) of the statutes is repealed.

16 **SECTION 412.** 880.22 (1) (title) of the statutes is repealed.

17 **SECTION 413.** 880.22 (1) of the statutes is renumbered 54.19 (7) and amended
18 to read:

19 **54.19 (7)** ~~Every general guardian shall~~ With respect to claims, pay the just
20 legally enforceable debts of the ward ~~out of, including by filing tax returns and paying~~
21 any taxes owed, from the ward's personal estate and the income of the ward's real
22 estate, if sufficient, and if not, then out of the ward's real estate upon selling the same
23 as provided by law. ~~But a temporary guardian shall pay the debts of his or her ward~~
24 ~~only on order of the court~~ and assets.

25 **SECTION 414.** 880.22 (2) (title) of the statutes is repealed.

1 **SECTION 415.** 880.22 (2) of the statutes is renumbered 54.20 (2) (L) and
2 amended to read:

3 54.20 (2) (L) ~~The guardian or a creditor of any ward may apply~~ Apply to the
4 court for adjustment of any claims against the ward incurred ~~prior to~~ before entry
5 of the order appointing the guardian or the filing of a lis pendens as provided in s.
6 ~~880.215~~ 54.47. The court shall by order fix the time and place it will adjust claims
7 and the time within which all claims ~~must~~ shall be presented ~~or be barred~~. Notice
8 ~~of the time and place so fixed and limited~~ these times and the place shall be given by
9 publication as in estates of decedents; and all statutes relating to claims against and
10 ~~in favor of estates of decedents provided in s. 879.05 (4), and ch. 859 generally~~ shall
11 apply. ~~As in the settlement of estates of deceased persons, after~~ After the court has
12 made the order, no action or proceeding may be commenced or maintained in any
13 court against the ward upon any claim of over which the circuit court has jurisdiction.

14 **SECTION 416.** 880.23 (title) of the statutes is repealed.

15 **SECTION 417.** 880.23 of the statutes is renumbered 54.20 (3) (j) and amended
16 to read:

17 54.20 (3) (j) ~~The guardian shall settle~~ Settle all claims and accounts of the ward
18 and ~~may demand, sue for, collect and receive all debts and claims for damages due~~
19 ~~him or her, or may, with the approval of the circuit court, compound and discharge~~
20 ~~the same, and shall appear for and represent his or her~~ the ward in all actions and
21 proceedings except where those for which another person is appointed for ~~that~~
22 purpose.

23 **SECTION 418.** 880.24 (title) of the statutes is repealed.

24 **SECTION 419.** 880.24 (1) of the statutes is repealed.

1 **SECTION 420.** 880.24 (2) of the statutes is renumbered 54.42 (4) and amended
2 to read:

3 54.42 (4) ~~WARD'S~~ RIGHT TO PAYMENT OF EXPENSES IN CONTESTING PROCEEDINGS.
4 ~~When~~ If a guardian is appointed, the court ~~may~~ shall, if the court determines it
5 reasonable, allow reasonable payment from the ward's income or assets of expenses
6 incurred by the ward in contesting the appointment. These expenses are payable
7 before other attorney or guardian ad litem fees.

8 **SECTION 421.** 880.24 (3) (title) of the statutes is renumbered 54.46 (3) (title) and
9 amended to read:

10 54.46 (3) (title) ~~FEES AND COSTS OF PETITIONER.~~

11 **SECTION 422.** 880.24 (3) (a) (intro.) of the statutes is renumbered 54.46 (3) (a)
12 (intro.) and amended to read:

13 54.46 (3) (a) Petitioner's attorney fees and costs. (intro.) ~~Except as provided in~~
14 ~~par. (b), when~~ If a guardian is appointed, the court shall award from the ward's estate
15 income and assets payment of the petitioner's reasonable attorney fees and costs,
16 ~~including those fees and costs, if any, related to protective placement of the ward,~~
17 unless the court finds, after considering all of the following, that it would be
18 inequitable to do so:

19 **SECTION 423.** 880.24 (3) (a) 1. to 3. of the statutes are renumbered 54.46 (3) (a)
20 1. to 3.

21 **SECTION 424.** 880.24 (3) (a) 4. of the statutes is renumbered 54.46 (3) (a) 5.

22 **SECTION 425.** 880.24 (3) (b) of the statutes is renumbered 54.46 (3) (a) 4. and
23 amended to read:

24 54.46 (3) (a) 4. ~~If the court finds that~~ Whether the ward had executed a durable
25 power of attorney under s. 243.07 or a power of attorney for health care under s.

1 155.05 or had engaged in other advance planning ~~to avoid guardianship, the court~~
2 ~~may not make the award specified in par. (a) for financial and health care decision~~
3 ~~making.~~

4 **SECTION 426.** 880.245 of the statutes is renumbered 54.62 (6) and amended to
5 read:

6 54.62 (6) ACCOUNTING BY AGENT 3RD PARTIES TO GUARDIAN. ~~The circuit court, upon~~
7 ~~the application of any~~ If a guardian appointed by it a court so requests, the court may
8 order any person ~~who has been~~ entrusted by the guardian with any part of the estate
9 of a decedent ~~or ward to appear before the court, and may require the person to render~~
10 a full account, on oath, of any property ~~or papers belonging to the estate which have~~
11 ~~come to the person's possession~~ the income or assets and of his or her ~~proceedings~~
12 ~~thereon~~ action regarding the income or assets. If the person refuses to appear and
13 render an account, the court may proceed against him or her as for contempt.

14 **SECTION 427.** 880.25 (title) of the statutes is repealed.

15 **SECTION 428.** 880.25 (1) of the statutes is renumbered 54.62 (1) and amended
16 to read:

17 54.62 (1) ANNUAL REPORTS. ~~Every~~ Except as provided in sub. (3) or unless
18 waived by a court, every guardian, except including a corporate guardian, shall, prior
19 to April 15 of each year, file an account under oath specifying that specifies the
20 amount of ~~property~~ the ward's assets or income received and held or invested by the
21 guardian, the nature and manner of the investment, and the guardian's receipts and
22 expenditures during the preceding calendar year. ~~When ordered by the court, The~~
23 court may order the guardian ~~shall within 30 days to render and file, within 30 days,~~
24 a like account for any ~~shorter term~~ less than a year. In lieu of the filing of these
25 accounts before April 15 of each year, the court may, by appropriate order upon

1 motion of the guardian, direct the guardian of an estate to thereafter render and file
2 the annual accountings within 60 days after the anniversary date of the guardian's
3 qualification as guardian, with the accounting period from the anniversary date of
4 qualification to the ensuing annual anniversary date. ~~When any guardian of a minor~~
5 ~~has custody of the ward and the care of the ward's education, the guardian's report~~
6 ~~shall state the time that the ward attended school during the time for which the~~
7 ~~account is rendered and the name of the school.~~ The guardian shall also report any
8 change in the status of the surety upon the guardian's bond. If the court determines
9 it to be in the ward's best interests, the court may specify the persons to whom the
10 guardian shall distribute copies of the account.

11 **SECTION 429.** 880.25 (2) of the statutes is renumbered 54.62 (2) and amended
12 to read:

13 54.62 (2) DISPLAY OF ASSETS. Upon rendering the account the guardian shall
14 produce for examination by the court, or some by a person satisfactory to the court,
15 evidence of all of the ward's securities, evidences of deposit depository accounts, and
16 other investments reported, which shall be described in the account in sufficient
17 detail so that they may be readily identified. ~~It shall be ascertained~~ The court or
18 person satisfactory to the court shall ascertain whether the evidence of securities,
19 evidences of deposit depository accounts, and other investments correspond with the
20 account.

21 **SECTION 430.** 880.25 (3) of the statutes is renumbered 54.66 (2) and amended
22 to read:

23 54.66 (2) SMALL ESTATES. ~~When the whole estate of a ward or of several wards~~
24 ~~jointly, under the same guardianship, does not exceed \$1,000 in value, the~~ The
25 guardian shall be required to render of a ward with a small estate, as specified in s.

1 ~~54.62 (3) (a), need not file a final~~ account only upon the termination of the guardian's
2 ~~guardianship~~, unless otherwise ordered by the court. The guardian shall instead
3 provide the court with a list of the ward's assets that remain at the time the
4 guardianship terminates, including at the death of the ward.

5 **SECTION 431.** 880.25 (4) of the statutes is renumbered 54.62 (5) and amended
6 to read:

7 54.62 (5) EXAMINATION OF ACCOUNTS. The account shall be promptly examined
8 ~~under the court's direction and if it~~ as the court directs. ~~If the account is not~~
9 ~~satisfactory it shall be examined on 8 days' notice and,~~ the court shall make such
10 ~~order thereon~~ order action as justice requires. ~~Notice and shall direct that notice be~~
11 provided to the guardian ~~may be served~~ personally or by certified mail as the court
12 ~~directs.~~ ~~When the examination of a guardian's account is upon notice.~~ If notice is
13 provided to the guardian under this subsection, the court may appoint a guardian
14 ad litem of ~~for~~ the ward ~~may be appointed.~~

15 **SECTION 432.** 880.25 (5) of the statutes is renumbered 54.62 (7) (intro.) and
16 amended to read:

17 54.62 (7) NOTICE OF FINAL ACTION ON AN ACCOUNT. (intro.) No action by the court
18 ~~upon any on an account shall be~~ is final unless it is upon the guardian first provides
19 notice. to all of the following, as applicable:

20 **SECTION 433.** 880.251 of the statutes is repealed.

21 **SECTION 434.** 880.252 of the statutes is renumbered 54.62 (8) and amended to
22 read:

23 54.62 (8) ACCOUNTS; FAILURE OF A GUARDIAN TO FILE. If a guardian fails to file the
24 guardian's account as required by law or ordered by the court, the court may, upon
25 its own motion or upon the petition of any interested party interested, ~~issue an order~~

1 to the sheriff ordering, order the guardian to show cause before the court why the
2 guardian should not immediately make and file the guardian's reports or accounts.
3 The court shall direct that a copy of the order be served on the guardian at least 20
4 days before the date that the court has ordered the guardian to appear in court. If
5 a guardian fails, neglects or refuses to make and file any report or account after
6 having been cited by the court ~~so~~ to do so, or if the guardian fails to appear in court
7 as directed by a citation issued ~~under direction and by authority of~~ the court, the
8 court may, ~~upon~~ on its own motion or ~~upon~~ on the petition of any interested party,
9 issue a warrant directed to the sheriff ordering that the guardian be brought before
10 the court to show cause why the guardian should not be punished for contempt. If
11 the court finds that the failure, refusal, or neglect is willful or inexcusable, the
12 guardian may be fined not to exceed \$50 \$250 or imprisoned not to exceed 10 days
13 or both.

14 **SECTION 435.** 880.253 of the statutes is renumbered 54.62 (9) and amended to
15 read:

16 54.62 (9) ~~FORMAL ACCOUNTING~~ ACCOUNTING BY GUARDIANS AT ANY TIME. The judge
17 court may at any time require an accounting by any guardian at a hearing, after
18 providing notice to all interested persons, including sureties on the bond of a
19 guardian. ~~The sureties on a bond of a guardian may once in every 3-year period~~
20 ~~petition the court for such a hearing.~~

21 **SECTION 436.** 880.26 (title) of the statutes is repealed.

22 **SECTION 437.** 880.26 (1) (intro.) of the statutes is renumbered 54.64 (3) (intro.)
23 and amended to read:

24 54.64 (3) ~~GUARDIANSHIP~~ TERMINATION OF GUARDIANSHIP OF THE PERSON. (intro.)

25 A guardianship of the person shall terminate ~~when~~ if any of the following occurs:

1 **SECTION 438.** 880.26 (1) (a) of the statutes is renumbered 54.64 (3) (c) and
2 amended to read:

3 54.64 (3) (c) A formerly minor ward attains ~~his or her majority, unless the minor~~
4 ~~is incompetent~~ age 18, unless the guardianship was ordered on the grounds of
5 incompetency.

6 **SECTION 439.** 880.26 (1) (b) of the statutes is renumbered 54.64 (3) (d) and
7 amended to read:

8 54.64 (3) (d) A minor ward ~~lawfully~~ whose guardianship was not ordered on the
9 grounds of incompetency marries.

10 **SECTION 440.** 880.26 (1) (c) of the statutes is renumbered 54.64 (3) (a) and
11 amended to read:

12 54.64 (3) (a) The court adjudicates a ~~former~~ ward who was formerly found to
13 be incompetent to be competent no longer incompetent or a ward who was formerly
14 found to be a spendthrift to be capable of handling his or her income and assets, or
15 terminates the guardianship under sub. (2) (d).

16 **SECTION 441.** 880.26 (2) (intro.) of the statutes is renumbered 54.64 (4) (intro.)
17 and amended to read:

18 54.64 (4) **GUARDIANSHIP TERMINATION OF GUARDIANSHIP OF THE ESTATE.** (intro.)
19 A guardianship of the estate shall terminate ~~when~~ if any of the following occurs:

20 **SECTION 442.** 880.26 (2) (a) of the statutes is renumbered 54.64 (4) (c) and
21 amended to read:

22 54.64 (4) (c) A formerly minor ward attains ~~his or her majority~~ age 18.

23 **SECTION 443.** 880.26 (2) (b) of the statutes is renumbered 54.64 (4) (d) and
24 amended to read:

1 54.64 (4) (d) A minor ward ~~lawfully~~ whose guardianship was not ordered on the
2 grounds of incompetency marries and the court approves the termination.

3 **SECTION 444.** 880.26 (2) (c) of the statutes is renumbered 54.64 (4) (a) and
4 amended to read:

5 54.64 (4) (a) The court adjudicates a ~~former~~ ward who was formerly found to
6 be incompetent or a spendthrift to be no longer incompetent or a ward who was
7 formerly found to be a spendthrift to be capable of handling his or her ~~property~~
8 income and assets.

9 **SECTION 445.** 880.26 (2) (d) of the statutes is renumbered 54.64 (4) (e) and
10 amended to read:

11 54.64 (4) (e) A ward dies, except when the estate can be settled as provided by
12 s. ~~880.28~~ 54.66 (4).

13 **SECTION 446.** 880.26 (3) of the statutes is renumbered 54.64 (5) (intro.) and
14 amended to read:

15 54.64 (5) ~~DEPLETED GUARDIANSHIPS~~ GUARDIANSHIP. (intro.) ~~When the~~ If a court
16 determines that the estate income and assets of the a ward is ~~below \$5,000~~ do not
17 exceed the amount specified in s. 867.03 (1g) and are reduced to a point where it is
18 to the advantage of the ward to dispense with the guardianship, the court may
19 terminate do one of the following:

20 (a) Terminate the guardianship and authorize order disposition of the
21 remaining assets as provided by s. ~~880.04 (2)~~ 54.12 (1). The court, as a part of the
22 disposition, may order ~~a suitable amount paid to the county treasurer under order~~
23 ~~of the court or reserved in the guardianship to assure the ward a decent burial, a~~
24 ~~marker and care for the grave.~~ In the case of an insolvent guardianship, the court
25 may order ~~an amount not exceeding \$400 reserved in the guardianship or paid to the~~

1 ~~county treasurer under order of the court to assure the ward a decent burial the~~
2 ~~guardian to make appropriate financial arrangements for the burial or other~~
3 ~~disposition of the remains of the ward.~~

4 **SECTION 447.** 880.27 of the statutes is renumbered 54.66 (1) and amended to
5 read:

6 54.66 (1) ~~SETTLEMENT OF ACCOUNTS~~ RENDER FINAL ACCOUNT. ~~Upon termination~~
7 ~~of If a court terminates a guardianship, or upon resignation, removal or death of a~~
8 ~~guardian, such resigns, is removed, or dies, the guardian or the guardian's personal~~
9 ~~representative or special administrator shall forthwith promptly render the~~
10 ~~guardian's a final account to the court and to the ward or former ward, the successor~~
11 ~~guardian, or the deceased ward's personal representative as the case may be. Upon~~
12 ~~approval of the account and filing proper receipts the guardian shall be discharged~~
13 ~~and the guardian's bond released or special administrator, as appropriate. If the~~
14 ~~ward dies and the guardian and the deceased ward's personal representative or~~
15 ~~special administrator are the same person, the deceased ward's personal~~
16 ~~representative or special administrator shall give notice of the termination and~~
17 ~~rendering of the final account to all interested persons of the ward's estate.~~

18 **SECTION 448.** 880.28 of the statutes is renumbered 54.66 (4) and amended to
19 read:

20 54.66 (4) SUMMARY SETTLEMENT OF SMALL ESTATES. ~~When~~ If a ward dies leaving
21 an estate ~~which~~ that can be settled summarily under s. 867.01, the court may
22 approve ~~such~~ the settlement and distribution by the guardian, under the procedures
23 of s. 867.01 without the necessity of appointing a personal representative.

24 **SECTION 449.** 880.29 of the statutes is renumbered 54.64 (6) and amended to
25 read:

1 **54.64 (6) DELIVERY OF PROPERTY TO FOREIGN GUARDIAN IN ANOTHER STATE.** When
2 property of a nonresident ward is in the possession of or due from a guardian or
3 personal representative appointed in this state, the appointing court may order ~~such~~
4 the property delivered to the foreign guardian upon filing appointed in the state of
5 the nonresident ward after a verified petition, accompanied by a copy of ~~his or her~~
6 the nonresident guardian's appointment and bond, authenticated so as to be
7 admissible in evidence, is filed with the court and upon after 10 days' notice is
8 provided to the resident guardian or personal representative. ~~Such~~ The petition
9 shall be denied if granting it ~~shall appear~~ appears to be against the interests of the
10 ward. ~~The~~ Any receipt ~~of~~ obtained from the ~~foreign nonresident~~ guardian for the
11 property so delivered shall be taken and filed with the other papers in the proceeding,
12 and a certified copy ~~thereof~~ of the receipt shall be sent to the court ~~which~~ that
13 appointed ~~such~~ the nonresident guardian.

14 **SECTION 450.** 880.295 of the statutes is repealed.

15 **SECTION 451.** 880.31 (title) of the statutes is repealed.

16 **SECTION 452.** 880.31 (1) and (7) of the statutes are consolidated, renumbered
17 54.76 (1) and amended to read:

18 **54.76 (1)** Any adult resident who is unwilling or believes that he or she is
19 unable properly to manage his or her ~~property~~ assets or income may voluntarily
20 apply to the circuit court of the county of his or her residence for appointment of a
21 conservator of the estate. Upon receipt of the application, the court shall fix a time
22 and place for hearing the application and may direct to whom, including presumptive
23 heirs, and in what manner notice of the hearing shall be given. ~~(7) If an application~~
24 ~~for conservatorship is filed, the~~ to a potential recipient of the notice, unless the
25 potential recipient has waived receipt. The fee prescribed in s. 814.66 (1) (b) shall

1 be paid at the time of the filing of the inventory or other documents setting forth the
2 value of the estate assets and income.

3 **SECTION 453.** 880.31 (2) of the statutes is renumbered 54.76 (2) and amended
4 to read:

5 54.76 (2) ~~At the time of such hearing for appointment of a conservator,~~ the
6 applicant shall be personally examined by the court and if the court is satisfied that
7 the applicant desires a conservator and that the fiduciary nominated is and any
8 proposed standby conservator are suitable, the court may appoint the nominee as
9 conservator and, if applicable, designate the proposed standby conservator as
10 standby conservator and issue letters of conservatorship to the nominee ~~upon the~~
11 ~~filing of~~ after he or she files a bond in the amount fixed by the court.

12 **SECTION 454.** 880.31 (3) of the statutes is renumbered 54.76 (3) and amended
13 to read:

14 54.76 (3) ~~A- Except as provided in sub. (3g), a conservator shall have~~ has all
15 the powers and duties of a guardian of the ~~property of an incompetent person.~~ ~~The~~
16 ~~conservator's powers shall cease upon being removed by the court or upon death of~~
17 ~~the person whose estate is being conserved~~ estate. An individual whose income and
18 assets are under conservatorship may make gifts of his or her income and assets,
19 subject to approval of the conservator.

20 **SECTION 455.** 880.31 (4) and (5) of the statutes are consolidated, renumbered
21 54.76 (4) and amended to read:

22 54.76 (4) Any person, ~~including an individual~~ whose ~~estate is~~ income and assets
23 are under conservatorship, may apply to the court at any time for termination
24 ~~thereof~~ of the conservatorship. Upon ~~such~~ receipt of the application, the court shall
25 fix a time and place for hearing and may direct that 10 days' notice by mail be given

1 to the ~~person's individual's~~ guardian, if any, of the person or agent under a power of
2 attorney for health care, the conservator, any standby conservator, and the
3 presumptive adult heirs of the applicant. ~~Upon such individual whose income and~~
4 assets are under conservatorship. A potential recipient of the notice may waive its
5 receipt. At the hearing, the court shall, unless it is clearly shown that the applicant
6 individual whose income and assets are under conservatorship is incompetent,
7 remove the conservator and order the ~~property~~ income and assets restored to the
8 applicant, or if the applicant so desires and the nominee is suitable, the court may
9 appoint a successor conservator. ~~(5) individual. If, however, the court shall upon~~
10 ~~such hearing determine~~ determines at the hearing that the person individual whose
11 estate is income and assets administered by a conservator ~~may be~~ is incapable
12 of handling his or her estate income and assets, the court shall order the
13 conservatorship continued, or, if the applicant so desires and the a nominee is
14 suitable, ~~the court may~~ appoint a successor conservator. A conservatorship may only
15 be terminated under a hearing under this subsection.

16 **SECTION 456.** 880.31 (6) of the statutes is renumbered 54.76 (5) and amended
17 to read:

18 54.76 (5) Appointment of a conservator ~~shall not be~~ does not constitute
19 evidence of the competency or incompetency of the person individual whose estate
20 is income and assets being administered.

21 **SECTION 457.** 880.32 of the statutes is renumbered 45.55 and amended to read:

22 **45.55 Notes and mortgages of minor veterans.** Notwithstanding any
23 provision of this chapter or any other law to the contrary, any minor who served in
24 the active armed forces of the United States at any time after August 27, 1940, and
25 the husband or wife of such a minor may execute, in his or her own right, notes or

1 mortgages, as defined in s. 851.15, the payment of which is guaranteed or insured
2 by the U.S. department of veterans affairs or the federal housing administrator
3 under the servicemen's readjustment act of 1944 ~~or~~, the national housing act, or any
4 acts ~~supplementary thereto or amendatory thereof~~ supplementing or amending
5 these acts. In connection with ~~such~~ these transactions, ~~such~~ the minors may sell,
6 release or convey ~~such~~ the mortgaged property and litigate or settle controversies
7 arising therefrom, including the execution of releases, deeds, and other necessary
8 papers or instruments. ~~Such~~ The notes, mortgages, releases, deeds and other
9 necessary papers or instruments when so executed ~~shall~~ are not be subject to
10 avoidance by ~~such~~ the minor or the husband or wife of ~~such~~ the minor upon either
11 or both of them attaining the age of 18 because of the minority of either or both of
12 them at the time of the execution thereof.

13 **SECTION 458.** 880.33 (title) of the statutes is repealed.

14 **SECTION 459.** 880.33 (1) of the statutes is renumbered 54.36 (1) and amended
15 to read:

16 **54.36 Examination of proposed ward.** (1) Whenever it is proposed to
17 appoint a guardian on the ground of that a proposed ward allegedly has
18 incompetency or is a spendthrift, a licensed physician or licensed psychologist, or
19 both, shall examine the proposed ward and furnish a written statement concerning
20 the mental condition of report stating the physician's or psychologist's professional
21 opinion regarding the presence and likely duration of any medical or other condition
22 causing the proposed ward, based upon examination to have incapacity or to be a
23 spendthrift. The privilege under s. 905.04 ~~shall~~ does not apply to ~~this~~ the statement.
24 ~~A~~ The petitioner shall provide a copy of the statement shall be provided report to
25 the proposed ward, or his or her counsel, the guardian ad litem, and the petitioner's

1 attorney, if any. Prior to the examination, ~~under this subsection, of a person alleged~~
2 ~~to be not competent to refuse psychotropic medication under s. 880.07 (1m), the~~
3 ~~person shall be informed that his or her~~ on which the report is based, the guardian
4 ad litem, physician, or psychologist shall inform the proposed ward that statements
5 made by the proposed ward may be used as a basis for a finding of incompetency and
6 an order for protective services, including psychotropic medication. ~~The person shall~~
7 ~~also be informed~~ or a finding that he or she is a spendthrift, that he or she has a right
8 to remain silent ~~refuse to participate in the examination, absent a court order, or~~
9 speak to the physician or psychologist and that the examiner physician or
10 psychologist is required to report to the court even if the ~~person remains silent~~
11 proposed ward does not speak to the physician or psychologist. The issuance of such
12 a warning to the ~~person~~ proposed ward prior to each examination establishes a
13 presumption that the ~~person~~ proposed ward understands that he or she need not
14 speak to the examiner. physician or psychologist. Nothing in this section prohibits
15 the use of a report by a physician or psychologist that is based on an examination of
16 the proposed ward by the physician or psychologist before filing the petition for
17 appointment of a guardian, but the court will consider the recency of the report in
18 determining whether the report sufficiently describes the proposed ward's current
19 state and in determining the weight to be given to the report.

20 **SECTION 460.** 880.33 (2) (a) 1. of the statutes is renumbered 54.42 (1) (a) (intro.)
21 and amended to read:

22 54.42 (1) (a) (intro.) The proposed ward or ward has the right to counsel
23 ~~whether or not present at the hearing on determination of competency.~~ ~~The court~~
24 ~~shall in all cases require the appointment of an attorney as guardian ad litem in~~
25 ~~accordance with s. 757.48 (1) and shall in addition require representation by full~~

1 legal counsel whenever the petition contains the allegations under s. 880.07 (1m) or
2 if, at least 72 hours before the hearing, the alleged incompetent requests; the
3 guardian ad litem or any other person states that the alleged incompetent is opposed
4 to the guardianship petition; or the court determines that the interests of justice
5 require it. The proposed ward has the right to a trial by a jury if demanded by the
6 proposed ward, attorney or guardian ad litem, except that if the petition contains the
7 allegations under s. 880.07 (1m) and if notice of the time set for the hearing has
8 previously been provided to the proposed ward and his or her counsel, a jury trial is
9 deemed waived unless demanded at least 48 hours prior to the time set for the
10 hearing. The number of jurors shall be determined under s. 756.06 (2) (b). The
11 proposed ward, attorney or guardian ad litem shall have the right to present and
12 cross-examine witnesses, including the physician or psychologist reporting to the
13 court under sub. (1). The attorney or guardian ad litem for the proposed ward shall
14 be provided with a copy of the report of the physician or psychologist at least 96 hours
15 in advance of the hearing. Any final decision of the court is subject to the right of
16 appeal. if any of the following occurs:

17 **SECTION 461.** 880.33 (2) (a) 2. of the statutes is renumbered 54.42 (1) (c) and
18 amended to read:

19 54.42 (1) (c) If the person requests but is par. (a) 1., 2., or 3. applies but the
20 proposed ward or ward is unable to obtain legal counsel, the court shall appoint legal
21 counsel. If the person is represented by counsel appointed under s. 977.08 in a
22 proceeding for a protective placement under s. 55.06 or for the appointment of a
23 guardian under s. 880.07 (1m), the court shall order the counsel appointed under s.
24 977.08 to represent the person.