

1           **SECTION 462.** 880.33 (2) (a) 3. of the statutes is renumbered 54.46 (3) (b) and  
2 amended to read:

3           54.46 (3) (b) Guardian ad litem and defense fees for indigents; liability. If the  
4 ~~person proposed ward is an adult who is~~ indigent, the county of legal settlement shall  
5 be in which venue lies for the guardianship proceeding is the county liable for any  
6 fees due the guardian ad litem and, if counsel was not appointed under s. 977.08, for  
7 any legal fees due the person's proposed ward's legal counsel. ~~If the person is a minor,~~  
8 ~~the person's parents or the county of legal settlement shall be liable for any fees due~~  
9 ~~the guardian ad litem as provided in s. 48.235 (8).~~

10           **SECTION 463.** 880.33 (2) (b) of the statutes is renumbered 54.42 (3) and  
11 amended to read:

12           54.42 (3) RIGHT TO INDEPENDENT EXAMINATION. If requested by the proposed  
13 ward, ward, or anyone on the proposed ward's or ward's behalf, the proposed ward  
14 or ward has the right at his or her own expense, or if indigent at the expense of the  
15 county where the petition is ~~filed~~ heard on the merits, to secure an independent  
16 medical or psychological examination relevant to the issue involved in any hearing  
17 under this chapter, and to present a report of this independent evaluation or the  
18 evaluator's personal testimony as evidence at the hearing.

19           **SECTION 464.** 880.33 (2) (d) of the statutes is repealed.

20           **SECTION 465.** 880.33 (2) (e) of the statutes is renumbered 54.44 (5) and  
21 amended to read:

22           54.44 (5) PRIVACY OF HEARING. Every hearing ~~on a petition under s. 880.07 (1m)~~  
23 under this chapter shall be ~~open~~ closed, unless the proposed ward or his or her  
24 attorney acting with the proposed ward's consent or the attorney for a foreign ward  
25 moves that it be ~~closed~~ open. If the hearing is closed, only ~~persons in interest,~~

1 including ~~representatives of providers of service and interested persons,~~ their  
2 attorneys, and witnesses, may be present.

3 **SECTION 466.** 880.33 (3) of the statutes is repealed.

4 **SECTION 467.** 880.33 (4) of the statutes is repealed.

5 **SECTION 468.** 880.33 (4m) and (4r) of the statutes are repealed.

6 **SECTION 469.** 880.33 (5) of the statutes is renumbered 54.15 (1) and amended  
7 to read:

8 54.15 (1) OPINIONS OF PROPOSED WARD AND FAMILY. ~~In appointing a guardian, the~~  
9 The court shall take into consideration the opinions of the ~~alleged incompetent~~  
10 proposed ward and of the members of ~~the~~ his or her family as to what is in the best  
11 interests of the proposed ~~incompetent~~ ward. However, the best interests of the  
12 proposed ~~incompetent~~ ward shall control in making the determination when the  
13 opinions of the family are in conflict with ~~the clearly appropriate decision~~ those best  
14 interests.

15 (1m) The court shall also consider potential conflicts of interest resulting from  
16 the prospective guardian's employment or other potential conflicts of interest. ~~If the~~  
17 ~~proposed incompetent has executed a power of attorney for health care under ch. 155,~~  
18 ~~the court shall give consideration to the appointment of the health care agent for the~~  
19 ~~individual as the individual's guardian.~~

20 **SECTION 470.** 880.33 (5m) of the statutes is renumbered 54.15 (9) and amended  
21 to read:

22 54.15 (9) LIMITATION ON NUMBER OF WARDS OF GUARDIAN. No ~~person, except a~~  
23 ~~nonprofit corporation approved by the department of health and family services~~  
24 ~~under s. 880.35, who has~~ individual may have guardianship of the person of more  
25 than 5 or more adult wards who are unrelated to the ~~person may accept appointment~~

1 individual, except that a court may, under circumstances that the court determines  
2 are appropriate, waive this limitation to authorize appointment of the individual as  
3 guardian of the person of another adult ward unrelated to the person, unless  
4 approved by the department. No such person may accept appointment as guardian  
5 of more than 10 such additional adult wards who are unrelated to the person  
6 individual. A corporation or association that is approved by the department under  
7 sub. (7) is not limited in the number of adult wards for which the corporation or  
8 association may accept appointment by a court as guardian.

9 **SECTION 471.** 880.33 (6) of the statutes is renumbered 54.75 and amended to  
10 read:

11 **54.75 Access to court records.** All court records pertinent to the finding of  
12 incompetency are closed but subject to access as provided in s. ~~55.06 (17)~~ 51.30 or  
13 under an order of a court under this chapter. The fact that a person has been found  
14 incompetent and the name of and contact information for the guardian is accessible  
15 to any person who demonstrates to the custodian of the records a need for that  
16 information.

17 **SECTION 472.** 880.33 (7) of the statutes is renumbered 54.48 and amended to  
18 read:

19 **54.48 Protective placement and protective services.** A finding of  
20 incompetency and appointment of a guardian under this subchapter chapter is not  
21 grounds for involuntary protective placement. ~~Such~~ or the provision of protective  
22 services. Protective placement and the provision of protective services may be made  
23 only in accordance with s. ~~55.06~~ ch. 55.

24 **SECTION 473.** 880.33 (8) (intro.) of the statutes is repealed.

25 **SECTION 474.** 880.33 (8) (a) of the statutes is repealed.

1           **SECTION 475.** 880.33 (8) (b) of the statutes is renumbered 54.46 (2) (b) and  
2 amended to read:

3           54.46 (2) (b) Power of attorney for health care. If the ~~proposed incompetent~~ has  
4 ward executed a power of attorney for health care under ch. 155, ~~find that before a~~  
5 finding of incompetency and appointment of a guardian is made for the ward under  
6 this chapter, the power of attorney for health care ~~instrument should remain~~ remains  
7 in effect. ~~If the court so finds, the court shall so order and shall, except that the court~~  
8 may, only for good cause shown, revoke the power of attorney for health care or limit  
9 the power of the guardian to make those health care decisions for the ward that are  
10 not to be made by the health care authority of the agent under the terms of the power  
11 of attorney for health care instrument. Unless the court makes this revocation or  
12 limitation, the ward's guardian may not make health care decisions for the ward that  
13 may be made by the health care agent, unless the guardian is the health care agent  
14 under those terms.

15           **SECTION 476.** 880.33 (9) of the statutes is renumbered 54.25 (2) (c) 1. g. and  
16 amended to read:

17           54.25 (2) (c) 1. g. ~~All the rights and privileges afforded a proposed incompetent~~  
18 ~~under this section shall be given to any person who is alleged to be ineligible to~~  
19 ~~register to vote or to vote in an election by reason that such person is incapable of~~  
20 ~~understanding the objective of the elective process. The determination of the court~~  
21 ~~shall be limited to a finding that the elector is either eligible or ineligible~~ The right  
22 to register to vote or to vote in an election by reason that the person is or is not  
23 capable, if the court finds that the individual is incapable of understanding the  
24 objective of the elective process. Also, in accordance with s. 6.03 (3), any elector of  
25 a municipality may petition the circuit court for a determination that an individual

1 residing in the municipality is incapable of understanding the objective of the  
2 elective process and thereby ineligible to register to vote or to vote in an election. This  
3 determination shall be made by the court in accordance with the procedures specified  
4 in this paragraph. If a petition is filed under this subd. 1. g., the finding of the court  
5 shall be limited to a determination as to voting eligibility. The appointment of a  
6 guardian is not required for an individual whose sole limitation is ineligibility to  
7 vote. The determination of the court shall be communicated in writing by the clerk  
8 of court to the election official or agency charged under s. 6.48, 6.92, 6.925, or 6.93  
9 with the responsibility for determining challenges to registration and voting which  
10 that may be directed against that elector. The determination may be reviewed as  
11 provided in s. ~~880.34 (4) and (5)~~ 54.64 (2) and any subsequent determination of the  
12 court shall be likewise communicated by the clerk of court.

13 **SECTION 477.** 880.331 (title) of the statutes is renumbered 54.40 (title) and  
14 amended to read:

15 **54.40 (title) Guardian ad litem in incompetency cases; appointment;**  
16 **duties; termination.**

17 **SECTION 478.** 880.331 (1) of the statutes is renumbered 54.40 (1) and amended  
18 to read:

19 54.40 (1) APPOINTMENT. The court shall appoint a guardian ad litem whenever  
20 it is proposed that the court appoint a guardian on the ground of incompetency under  
21 s. 880.33, when a petition for appointment of a guardian is brought under s. 54.34  
22 (1), when a petition for receipt and acceptance of a foreign guardianship is brought  
23 under s. 54.34 (3), to review the scope of a guardianship, to protectively place a person  
24 or order protective services under s. 55.06, to review any protective placement or  
25 protective service order under s. 55.06 ~~or~~ to terminate a protective placement under

1 s. 55.06, to expand an order of guardianship under s. 54.63, to review incompetency  
2 and terminate a guardianship under s. 54.64, to review the conduct of a guardian  
3 under s. 54.68, to expand an order of guardianship under s. 54.3, to review  
4 incompetency and terminate a guardianship under s. 54.64, to review the conduct of  
5 a guardian under s. 54.68, or at any other time that the court determines it is  
6 necessary.

7 **SECTION 479.** 880.331 (2) of the statutes is renumbered 54.40 (2) and amended  
8 to read:

9 54.40 (2) QUALIFICATIONS. The guardian ad litem shall be an attorney admitted  
10 to practice in this state and in compliance with SCR chapter 36. No ~~person~~ one who  
11 is an interested ~~party~~ person in a proceeding, appears as counsel in a proceeding on  
12 behalf of any party, or is a relative or representative of an interested ~~party~~ person  
13 may be appointed guardian ad litem in that proceeding or in any other proceeding  
14 that involves the same proposed ward or ward.

15 **SECTION 480.** 880.331 (3) of the statutes is renumbered 54.40 (3) and amended  
16 to read:

17 54.40 (3) RESPONSIBILITIES. The guardian ad litem shall be an advocate for the  
18 best interests of the proposed ward or ~~alleged incompetent~~ ward as to guardianship,  
19 protective placement, and protective services. The guardian ad litem shall function  
20 independently, in the same manner as an attorney for a party to the action, and shall  
21 consider, but ~~shall not be~~ is not bound by, the wishes of the proposed ward or ~~alleged~~  
22 ~~incompetent~~ ward or the positions of others as to the best interests of the proposed  
23 ward or ~~alleged incompetent~~ ward. The guardian ad litem has none of the rights or  
24 duties of a ~~general~~ guardian.

1           **SECTION 481.** 880.331 (4) (intro.) of the statutes is renumbered 54.40 (4)  
2 (intro.).

3           **SECTION 482.** 880.331 (4) (a) of the statutes is renumbered 54.40 (4) (a) and  
4 amended to read:

5           54.40 (4) (a) Interview the proposed ward or ~~alleged incompetent~~ ward and  
6 explain the contents of the petition, the applicable hearing procedure, the right to  
7 counsel, and the right to request or continue a limited guardianship.

8           **SECTION 483.** 880.331 (4) (b) of the statutes is renumbered 54.40 (4) (b) and  
9 amended to read:

10           54.40 (4) (b) Advise the proposed ward or ~~alleged incompetent~~ ward, both orally  
11 and in writing, of that person's rights to be present at the hearing, to a jury trial, to  
12 an appeal, to counsel, and to an independent medical or psychological examination  
13 on the issue of competency, at county expense if the person is indigent.

14           **SECTION 484.** 880.331 (4) (c) of the statutes is renumbered 54.40 (4) (e) and  
15 amended to read:

16           54.40 (4) (e) Request that the court order additional medical, psychological, or  
17 other evaluation, if necessary.

18           **SECTION 485.** 880.331 (4) (d) of the statutes is renumbered 54.40 (4) (f) and  
19 amended to read:

20           54.40 (4) (f) If applicable, inform the court and petitioner's attorney or, if none,  
21 the petitioner that the proposed ward or ~~alleged incompetent~~ ward objects to a  
22 finding of incompetency, the present or proposed placement, or the recommendation  
23 of the guardian ad litem as to the proposed ward's or ~~alleged incompetent's~~ ward's  
24 best interests or that the proposed ward's or ~~alleged incompetent's~~ ward's position  
25 on these matters is ambiguous. If the guardian ad litem recommends that the

1 hearing be held in a place other than a courtroom, the guardian ad litem shall provide  
2 the information under this paragraph as soon as possible.

3 **SECTION 486.** 880.331 (4) (e) of the statutes is renumbered 54.40 (4) (i) and  
4 amended to read:

5 54.40 (4) (i) Present evidence concerning the best interests of the proposed  
6 ward or ~~alleged incompetent~~ ward, if necessary.

7 **SECTION 487.** 880.331 (4) (f) of the statutes is renumbered 54.40 (4) (j) and  
8 amended to read:

9 54.40 (4) (j) Report to the court on any ~~other relevant~~ matter that the court  
10 requests.

11 **SECTION 488.** 880.331 (5) (intro.) of the statutes is renumbered 55.195 (intro.)  
12 and amended to read:

13 **55.195 Duties in of guardian ad litem for reviews.** (intro.) In any review  
14 of a protective placement under s. 55.06 or of a protective ~~service~~ services order under  
15 s. 55.05, except as provided in s. 55.19 (2), the guardian ad litem shall do all of the  
16 following:

17 **SECTION 489.** 880.331 (5) (a) of the statutes is renumbered 55.195 (1) and  
18 amended to read:

19 55.195 (1) Interview the ward to explain the review procedure, the right to an  
20 independent evaluation, the right to counsel, and the right to a hearing.

21 **SECTION 490.** 880.331 (5) (b) of the statutes is renumbered 55.195 (2) and  
22 amended to read:

23 55.195 (2) Provide the information under ~~par. (a)~~ sub. (1) to the ward in writing.

24 **SECTION 491.** 880.331 (5) (c) of the statutes is renumbered 55.195 (3) and  
25 amended to read:

1           55.195 (3) ~~Secure~~ Request that the court order an additional medical,  
2 psychological, or other evaluation of the ward, if necessary.

3           **SECTION 492.** 880.331 (5) (d) of the statutes is renumbered 55.195 (4).

4           **SECTION 493.** 880.331 (5) (e) of the statutes is renumbered 55.195 (5) and  
5 amended to read:

6           55.195 (5) Review the ward's condition, placement, and rights with the  
7 guardian.

8           **SECTION 494.** 880.331 (5) (f) of the statutes is renumbered 55.195 (6) and  
9 amended to read:

10           55.195 (6) If relevant, report to the court that the ward objects to the finding  
11 of continuing incompetency, the present or proposed placement, the position of the  
12 guardian, or the recommendation of the guardian ad litem as to the best interests of  
13 the ward or if there is ambiguity about the ward's position on these matters.

14           **SECTION 495.** 880.331 (5) (g) of the statutes is renumbered 55.195 (8).

15           **SECTION 496.** 880.331 (6) of the statutes is renumbered 54.40 (5) and amended  
16 to read:

17           54.40 (5) COMMUNICATION TO A JURY. In jury trials under this chapter or ch. 55  
18 ~~or 880~~, the court or guardian ad litem may tell the jury that the guardian ad litem  
19 represents the best interests of the proposed ward or ~~alleged incompetent ward~~.

20           **SECTION 497.** 880.331 (7) of the statutes is renumbered 54.40 (6) and amended  
21 to read:

22           54.40 (6) TERMINATION AND EXTENSION OF APPOINTMENT. The appointment of a  
23 guardian ad litem under sub. (1) terminates upon the entry of the court's final order  
24 or upon the termination of any appeal in which the guardian ad litem participates,  
25 even if counsel has been appointed for the proposed ward or ~~alleged incompetent~~

1 ward. The court may extend that appointment, or reappoint a guardian ad litem  
2 whose appointment under this section has terminated, by an order specifying the  
3 scope of responsibilities of the guardian ad litem. At any time, the guardian ad litem,  
4 any party, or the ~~person~~ individual for whom the appointment is made may request  
5 that the court terminate any extension or reappointment. The guardian ad litem  
6 may appeal, or may participate in an appeal ~~or may do neither~~. If an appeal is taken  
7 by any party and the guardian ad litem chooses not to participate in that appeal, he  
8 or she shall file with the appellate court a statement of reasons for not participating.  
9 Irrespective of the guardian ad litem's decision not to participate in an appeal, the  
10 appellate court may order the guardian ad litem to participate in the appeal.

11 **SECTION 498.** 880.331 (8) of the statutes is renumbered 54.74 and amended to  
12 read:

13 **54.74 Compensation of guardian ad litem.** ~~On order of the court, the~~  
14 ~~guardian ad litem appointed under this chapter shall be allowed reasonable~~  
15 ~~compensation to be paid by the county of venue, unless~~ Unless the court otherwise  
16 ~~directs or unless the guardian ad litem is appointed for a minor, in which case the~~  
17 ~~compensation of the guardian ad litem shall be paid by the minor's parents or the~~  
18 ~~county of venue as provided in s. 48.235 (8) or unless a petition to the court under this~~  
19 ~~chapter is dismissed, the court shall order reasonable compensation to be paid to a~~  
20 ~~guardian ad litem appointed under s. 54.40 (1) from the ward's income or assets, if~~  
21 ~~sufficient, or, if insufficient, by the county of venue. If a petition to the court under~~  
22 ~~this chapter is dismissed, the court shall order the petitioner to pay the compensation~~  
23 ~~of the guardian ad litem.~~ If the court orders a county to pay the compensation of the  
24 guardian ad litem, the amount ordered may not exceed the compensation paid to a  
25 private attorneys attorney under s. 977.08 (4m) (b). The guardian ad litem shall

1 receive compensation for performing all duties required under s. 54.40 (4) and for any  
2 other acts that are approved by the court and are reasonably necessary to promote  
3 the ward's best interests.

4 **SECTION 499.** 880.34 (title) of the statutes is renumbered 54.64 (title) and  
5 amended to read:

6 **54.64 (title) Duration Review of incompetency and termination of**  
7 **guardianship; review.**

8 **SECTION 500.** 880.34 (1) of the statutes is renumbered 54.64 (1) and amended  
9 to read:

10 54.64 (1) DURATION. Any guardianship of an individual found to be incompetent  
11 under this chapter shall continue during the life of the incompetent, ~~or ward,~~ until  
12 terminated by the court, ~~or as provided under sub. (3) or (4).~~ ~~Upon reaching the age~~  
13 ~~of majority, an incompetent subject to guardianship under this chapter shall be~~  
14 ~~reviewed by the court for the purpose of determining whether the guardianship~~  
15 ~~should be continued or modified. The court shall make a specific finding of any rights~~  
16 ~~under s. 880.33 (3) which the individual is competent to exercise at the time.~~

17 **SECTION 501.** 880.34 (2) of the statutes is renumbered 54.64 (2) (d) and  
18 amended to read:

19 54.64 (2) (d) The court shall review and may terminate the guardianship of the  
20 person of an individual found incompetent upon marriage to any person who is not  
21 subject to a guardianship.

22 **SECTION 502.** 880.34 (3) of the statutes is repealed.

23 **SECTION 503.** 880.34 (4) of the statutes is renumbered 54.64 (2) (a) (intro.) and  
24 amended to read:

1           54.64 (2) (a) (intro.) A ward who is 18 years of age or older, any interested  
2 person acting on the ward's behalf, or the ward's guardian may petition for a review  
3 of incompetency. Upon such, to have the guardian discharged and a new guardian  
4 appointed, or to have the guardianship limited and specific rights restored. The  
5 petition may be filed at any time after 180 days after any previous hearing under s.  
6 54.44, or at any time if the court determines that exigent circumstances, including  
7 presentation of new evidence, require a review. If a petition for review is filed, the  
8 court shall ~~conduct~~ do all of the following:

9           4. Conduct a hearing at which the ward shall be is present and shall have has  
10 the right to a jury trial, if demanded. ~~The ward shall also have the right to counsel~~  
11 ~~and the court shall appoint counsel if the ward is unable to obtain counsel. If the~~  
12 ~~ward is indigent, counsel shall be provided at the expense of the ward's county of legal~~  
13 ~~settlement.~~

14           **SECTION 504.** 880.34 (5) of the statutes is renumbered 54.64 (2) (c) and  
15 amended to read:

16           54.64 (2) (c) After a hearing under ~~sub. (4) par. (a)~~ or on its own motion, a court  
17 may terminate or modify ~~a the guardianship of an incompetent, including restoring~~  
18 certain of the ward's rights.

19           **SECTION 505.** 880.34 (6) of the statutes is repealed.

20           **SECTION 506.** 880.35 of the statutes is renumbered 54.15 (7) and amended to  
21 read:

22           54.15 (7) ~~NONPROFIT CORPORATION AS GUARDIAN~~ PRIVATE NONPROFIT CORPORATION  
23 OR OTHER ENTITY. A private nonprofit corporation organized under ch. 181, 187, or 188  
24 is qualified to act or an unincorporated association that is approved by the court may  
25 be appointed as guardian of the person or of the property estate or both, of an

1 individual found to be in need of guardianship under s. 880.33, if a proposed ward,  
2 if no suitable individual is available as guardian and the department of health and  
3 family services, under rules established promulgated under ch. 55 this chapter, finds  
4 the corporation or association to be a suitable agency to perform such duties.

5 **SECTION 507.** 880.36 (title) of the statutes is renumbered 54.52 (title).

6 **SECTION 508.** 880.36 (1) of the statutes is renumbered 54.52 (1) and amended  
7 to read:

8 54.52 (1) A person may at any time bring a petition for the appointment of a  
9 standby guardian of the person or property or both estate of a minor or person found  
10 incompetent under s. 880.08 to assume the duty and authority of guardianship on  
11 the death, incapacity or resignation of the initially appointed guardian may be  
12 brought under this chapter at any time. A an individual who is determined under  
13 s. 54.10 to be incompetent, a minor, or a spendthrift, except that, as specified in s.  
14 48.97 a petition for the appointment of a standby guardian of the person or property  
15 or both of a minor to assume the duty and authority of guardianship on the  
16 incapacity, death, or debilitation and consent, of the minor's parent shall may be  
17 brought under s. 48.978.

18 **SECTION 509.** 880.36 (2) of the statutes is renumbered 54.52 (2) and amended  
19 to read:

20 54.52 (2) At any hearing conducted under this section the court may designate  
21 one or more standby guardians of the person or property estate whose appointment  
22 shall become effective immediately upon the death, incapacity unwillingness, or  
23 inability to act, or resignation or court's removal of the initially appointed guardian  
24 or during a period, as determined by the initially appointed guardian, when the  
25 initially appointed guardian or the court is temporarily unable to fulfill his or her

1 duties, including during an extended vacation or illness. The powers and duties of  
2 the standby guardian shall be the same as those of the initially appointed guardian.  
3 The standby guardian shall receive a copy of the court order establishing or  
4 modifying the initial guardianship, and the order designating the standby guardian.  
5 Upon assuming office, the standby guardian shall so notify the court. Upon  
6 notification, the court shall issue new letters of guardianship that specify that the  
7 standby guardianship is permanent or that specify the time period for a limited  
8 standby guardianship.

9 **SECTION 510.** 880.37 of the statutes is repealed.

10 **SECTION 511.** 880.38 (title) of the statutes is renumbered 54.25 (title) and  
11 amended to read:

12 **54.25 (title) Guardian Duties and powers of guardian of the person of**  
13 **incompetent.**

14 **SECTION 512.** 880.38 (1) of the statutes is repealed.

15 **SECTION 513.** 880.38 (2) of the statutes is renumbered 54.25 (1) (b) (intro.) and  
16 amended to read:

17 **54.25 (1) (b) (intro.)** ~~A guardian of the person shall endeavor~~ Endeavor to  
18 secure any necessary care, or services or appropriate protective placement on behalf  
19 of for the ward, that are in the ward's best interests, based on all of the following:

20 **SECTION 514.** 880.38 (3) of the statutes is renumbered 54.25 (1) (a) and  
21 amended to read:

22 **54.25 (1) (a)** ~~A guardian of the person of an incompetent appointed under s.~~  
23 ~~880.33 shall make~~ Make an annual report on the condition of the ward to the court  
24 that ordered the guardianship and to the county department designated under s.  
25 55.02. That county department shall develop reporting requirements for the

1 guardian of the person. The report shall include, ~~but not be limited to,~~ the location  
2 of the ward, the health condition of the ward, any recommendations regarding the  
3 ward, and a statement of as to whether or not the ward is living in the least restrictive  
4 environment consistent with the needs of the ward. ~~The guardian may fulfill the~~  
5 ~~requirement under this subsection by submitting the report required under s. 55.06~~  
6 ~~(10).~~

7 **SECTION 515.** 880.39 (title) of the statutes is repealed.

8 **SECTION 516.** 880.39 of the statutes is renumbered 54.18 (4) and amended to  
9 read:

10 54.18 (4) Any A guardian of the person or of the estate is immune from civil  
11 liability for his or her acts or omissions in performing the duties of the guardianship  
12 if he or she performs the duties in good faith, in the best interests of the ward, and  
13 with the degree of diligence and prudence that an ordinarily prudent person  
14 exercises in his or her own affairs.

15 **SECTION 517.** Subchapter II (title) of chapter 880 [precedes 880.60] of the  
16 statutes, as affected by 2005 Wisconsin Act 22, is repealed.

17 **SECTION 518.** 880.60 (title) of the statutes, as affected by 2005 Wisconsin Act  
18 22, is renumbered 54.852 (title).

19 **SECTION 519.** 880.60 (1) (intro.) of the statutes is renumbered 54.852 (1)  
20 (intro.).

21 **SECTION 520.** 880.60 (1) (a) of the statutes, as affected by 2005 Wisconsin Act  
22 22, is renumbered 54.852 (1) (a).

23 **SECTION 521.** 880.60 (1) (b) to (g), (2) to (4) and (5) (title) and (a) of the statutes  
24 are renumbered 54.852 (1) (b) to (g), (2) to (4) and (5) (title) and (a), and 54.852 (1)  
25 (d) and (g), as renumbered, are amended to read:

1           54.852 (1) (d) ~~“Guardian”~~ Notwithstanding s. 54.01 (10), “guardian” means any  
2 fiduciary for the person or estate of a ward.

3           (g) ~~“Ward”~~ Notwithstanding s. 54.01 (37), “ward” means ~~a beneficiary of an~~  
4 individual who receives benefits from the U.S. department of veterans affairs.

5           **SECTION 522.** 880.60 (5) (b) of the statutes, as affected by 2005 Wisconsin Act  
6 22, is renumbered 54.852 (5) (b).

7           **SECTION 523.** 880.60 (5) (c) and (d) and (6) to (18) of the statutes are  
8 renumbered 54.852 (5) (c) and (d) and (6) to (18), and 54.852 (10) (a) and (12), as  
9 renumbered, are amended to read:

10           54.852 (10) (a) Every guardian shall file his or her accounts as required by this  
11 chapter and shall be excused from filing accounts in the case as provided by s. ~~880.25~~  
12 ~~(3)~~ 54.66 (2).

13           **(12) COMPENSATION OF GUARDIANS.** Guardians shall be compensated as provided  
14 in s. ~~880.24(1)~~ 54.72.

15           **SECTION 524.** 880.60 (19) of the statutes, as affected by 2005 Wisconsin Act 22,  
16 is renumbered 54.852 (19).

17           **SECTION 525.** 880.60 (20) and (21) of the statutes are renumbered 54.852 (20)  
18 and (21).

19           **SECTION 526.** Subchapter III (title) of chapter 880 [precedes 880.61] of the  
20 statutes is repealed.

21           **SECTION 527.** 880.61 of the statutes is renumbered 54.854, and 54.854 (intro.),  
22 (3) to (6), (10), (11), (13) and (14), as renumbered, are amended to read:

23           **54.854 (title) Definitions Uniform transfers to minors act; definitions.**  
24 (intro.) In ss. ~~880.61 to 880.72~~ 54.854 to 54.898:

1           **(3)** ~~“Conservator”~~ Notwithstanding s. 54.01 (3), “conservator” means a person  
2 appointed or qualified by a court to act as general, limited or temporary guardian of  
3 a minor’s property or a person legally authorized to perform substantially the same  
4 functions.

5           **(4)** ~~“Court”~~ Notwithstanding s. 54.01 (4), “court” means the circuit court.

6           **(5)** “Custodial property” means any interest in property transferred to a  
7 custodian under ss. ~~880.61 to 880.72~~ 54.854 to 54.898 and the income from and  
8 proceeds of that interest in property.

9           **(6)** “Custodian” means a person so designated under s. ~~880.65~~ 54.870 or a  
10 successor or substitute custodian designated under s. ~~880.695~~ 54.888.

11           **(10)** ~~“Minor”~~ Notwithstanding s. 54.01 (20), “minor” means an individual who  
12 has not attained the age of 21 years.

13           **(11)** ~~“Personal representative”~~ Notwithstanding s. 54.01 (23), “personal  
14 representative” means an executor, administrator, successor personal  
15 representative or special administrator of a decedent’s estate or a person legally  
16 authorized to perform substantially the same functions.

17           **(13)** “Transfer” means a transaction that creates custodial property under s.  
18 ~~880.65~~ 54.870.

19           **(14)** “Transferor” means a person who makes a transfer under ss. ~~880.61 to~~  
20 ~~880.72~~ 54.854 to 54.898.

21           **SECTION 528.** 880.615 of the statutes is renumbered 54.856, and 54.856 (1) and  
22 (2), as renumbered, are amended to read:

23           54.856 (1) Sections ~~880.61 to 880.72~~ 54.854 to 54.898 apply to a transfer that  
24 refers to ss. ~~880.61 to 880.72~~ 54.854 to 54.898 in the designation under s. ~~880.65~~  
25 54.870 (1) by which the transfer is made if at the time of the transfer the transferor,

1 the minor or the custodian is a resident of this state or the custodial property is  
2 located in this state. The custodianship so created remains subject to ss. ~~880.61 to~~  
3 ~~880.72~~ 54.854 to 54.898 despite a subsequent change in residence of a transferor, the  
4 minor or the custodian, or the removal of custodial property from this state.

5 (2) A person designated as custodian under s. ~~880.65 to 880.695~~ 54.870 to  
6 54.888 is subject to personal jurisdiction in this state with respect to any matter  
7 relating to the custodianship.

8 **SECTION 529.** 880.62 of the statutes is renumbered 54.858, and 54.858 (2) and  
9 (3), as renumbered, are amended to read:

10 54.858 (2) A custodian nominated under this section must be a person to whom  
11 a transfer of property of that kind may be made under s. ~~880.65~~ 54.870 (1).

12 (3) The nomination of a custodian under this section does not create custodial  
13 property until the nominating instrument becomes irrevocable or a transfer to the  
14 nominated custodian is completed under s. ~~880.65~~ 54.870. Unless the nomination  
15 of a custodian has been revoked, upon the occurrence of the future event the  
16 custodianship becomes effective and the custodian shall enforce a transfer of the  
17 custodial property under s. ~~880.65~~ 54.870.

18 **SECTION 530.** 880.625 of the statutes is renumbered 54.860 and amended to  
19 read:

20 **54.860 Transfer by gift or exercise of power of appointment.** A person  
21 may make a transfer by irrevocable gift to, or the irrevocable exercise of a power of  
22 appointment in favor of, a custodian for the benefit of a minor under s. ~~880.65~~ 54.870.

23 **SECTION 531.** 880.63 of the statutes is renumbered 54.862 and amended to  
24 read:

1           **54.862 Transfer authorized by will or trust.** (1) A personal representative  
2 or trustee may make an irrevocable transfer under s. ~~880.65~~ 54.870 to a custodian  
3 for the benefit of a minor as authorized in the governing will or trust.

4           (2) If the testator or settlor has nominated a custodian under s. ~~880.62~~ 54.858  
5 to receive the custodial property, the transfer must be made to that person.

6           (3) If the testator or settlor has not nominated a custodian under s. ~~880.62~~  
7 54.858, or all persons so nominated as custodian die before the transfer or are unable,  
8 decline or are ineligible to serve, the personal representative or the trustee, as the  
9 case may be, shall designate the custodian from among those eligible to serve as  
10 custodian for property of that kind under s. ~~880.65~~ 54.870 (1).

11           **SECTION 532.** 880.635 of the statutes is renumbered 54.864, and 54.864 (1) and  
12 (2), as renumbered, are amended to read:

13           54.864 (1) Subject to sub. (3), a personal representative or trustee may make  
14 an irrevocable transfer to another adult or trust company as custodian for the benefit  
15 of a minor under s. ~~880.65~~ 54.870 in the absence of a will or under a will or trust that  
16 does not contain an authorization to do so.

17           (2) Subject to sub. (3), a conservator may make an irrevocable transfer to  
18 another adult or trust company as custodian for the benefit of the minor under s.  
19 ~~880.65~~ 54.870.

20           **SECTION 533.** 880.64 of the statutes is renumbered 54.866 and amended to  
21 read:

22           **54.866 Transfer by obligor.** (1) Subject to subs. (2) and (3), a person not  
23 subject to s. ~~880.63~~ or ~~880.635~~ 54.862 or 54.864 who holds property of or owes a  
24 liquidated debt to a minor not having a conservator may make an irrevocable  
25 transfer to a custodian for the benefit of the minor under s. ~~880.65~~ 54.870.

1           (2) If a person having the right to do so under s. ~~880.62~~ 54.858 has nominated  
2 a custodian under that section to receive the custodial property, the transfer must  
3 be made to that person.

4           (3) If no custodian has been nominated under s. ~~880.62~~ 54.858, or all persons  
5 so nominated as custodian die before the transfer or are unable, decline or are  
6 ineligible to serve, a transfer under this section may be made to an adult member of  
7 the minor's family or to a trust company unless the property exceeds \$10,000 in  
8 value.

9           **SECTION 534.** 880.645 of the statutes is renumbered 54.868 and amended to  
10 read:

11           **54.868 Receipt for custodial property.** A written acknowledgment of  
12 delivery by a custodian constitutes a sufficient receipt and discharge for custodial  
13 property transferred to the custodian under ss. ~~880.61 to 880.72~~ 54.854 to 54.898.

14           **SECTION 535.** 880.65 of the statutes is renumbered 54.870.

15           **SECTION 536.** 880.655 of the statutes is renumbered 54.872 and amended to  
16 read:

17           **54.872 Single custodianship.** A transfer may be made only for one minor,  
18 and only one person may be the custodian. All custodial property held under ss.  
19 ~~880.61 to 880.72~~ 54.854 to 54.898 by the same custodian for the benefit of the same  
20 minor constitutes a single custodianship.

21           **SECTION 537.** 880.66 of the statutes is renumbered 54.874 and amended to  
22 read:

23           **54.874 Validity and effect of transfer.** (1) The validity of a transfer made  
24 in a manner prescribed in ss. ~~880.61 to 880.72~~ 54.854 to 54.898 is not affected by:

1 (a) Failure of the transferor to comply with s. ~~880.65~~ 54.870 (3) concerning  
2 possession and control;

3 (b) Designation of an ineligible custodian, except designation of the transferor  
4 in the case of property for which the transferor is ineligible to serve as custodian  
5 under s. ~~880.65~~ 54.870 (1); or

6 (c) Death or incapacity of a person nominated under s. ~~880.62~~ 54.858 or  
7 designated under s. ~~880.65~~ 54.870 as custodian or the disclaimer of the office by that  
8 person.

9 **(2)** A transfer made under s. ~~880.65~~ 54.870 is irrevocable, and the custodial  
10 property is indefeasibly vested in the minor, but the custodian has all the rights,  
11 powers, duties and authority provided in ss. ~~880.61 to 880.72~~ 54.854 to 54.898, and  
12 neither the minor nor the minor's legal representative has any right, power, duty or  
13 authority with respect to the custodial property except as provided in ss. ~~880.61 to~~  
14 ~~880.72~~ 54.854 to 54.898.

15 **(3)** By making a transfer, the transferor incorporates in the disposition all of  
16 the provisions of ss. ~~880.61 to 880.72~~ 54.854 to 54.898 and grants to the custodian,  
17 and to any 3rd person dealing with a person designated as custodian, the respective  
18 powers, rights and immunities provided in ss. ~~880.61 to 880.72~~ 54.854 to 54.898.

19 **SECTION 538.** 880.665 of the statutes is renumbered 54.876.

20 **SECTION 539.** 880.67 of the statutes is renumbered 54.878, and 54.878 (2), as  
21 renumbered, is amended to read:

22 54.878 **(2)** This section does not relieve a custodian from liability for breach of  
23 s. ~~880.665~~ 54.876.

24 **SECTION 540.** 880.675 of the statutes is renumbered 54.880.

1           **SECTION 541.** 880.68 of the statutes is renumbered 54.882, and 54.882 (2) and  
2 (3), as renumbered, are amended to read:

3           54.882 (2) Except for a person who is a transferor under s. ~~880.625~~ 54.860, a  
4 custodian has a noncumulative election during each calendar year to charge  
5 reasonable compensation for services performed during that year.

6           (3) Except as provided in s. ~~880.695~~ 54.888 (6), a custodian need not give a bond.

7           **SECTION 542.** 880.685 of the statutes is renumbered 54.884, and 54.884 (2) and  
8 (3), as renumbered, are amended to read:

9           54.884 (2) The propriety of, or the authority under ss. ~~880.61 to 880.72~~ 54.854  
10 to 54.898 for, any act of the purported custodian.

11           (3) The validity or propriety under ss. ~~880.61 to 880.72~~ 54.854 to 54.898 of any  
12 instrument or instructions executed or given either by the person purporting to make  
13 a transfer or by the purported custodian.

14           **SECTION 543.** 880.69 of the statutes is renumbered 54.886.

15           **SECTION 544.** 880.695 of the statutes is renumbered 54.888, and 54.888 (1), (2)  
16 and (6), as renumbered are amended to read:

17           54.888 (1) A person nominated under s. ~~880.62~~ 54.858 or designated under s.  
18 ~~880.65~~ 54.870 as custodian may decline to serve by delivering a valid disclaimer  
19 under s. 854.13 to the person who made the nomination or to the transferor or the  
20 transferor's legal representative. If the event giving rise to a transfer has not  
21 occurred and no substitute custodian able, willing and eligible to serve was  
22 nominated under s. ~~880.62~~ 54.858, the person who made the nomination may  
23 nominate a substitute custodian under s. ~~880.62~~ 54.858; otherwise the transferor or  
24 the transferor's legal representative shall designate a substitute custodian at the  
25 time of the transfer, in either case from among the persons eligible to serve as

1       custodian for that kind of property under s. ~~880.65~~ 54.870 (1). The custodian so  
2       designated has the rights of a successor custodian.

3           (2) A custodian at any time may designate a trust company or an adult other  
4       than a transferor under s. ~~880.625~~ 54.860 as successor custodian by executing and  
5       dating an instrument of designation before a subscribing witness other than the  
6       successor. If the instrument of designation does not contain or is not accompanied  
7       by the resignation of the custodian, the designation of the successor does not take  
8       effect until the custodian resigns, dies, becomes incapacitated or is removed.

9           (6) A transferor, the legal representative of a transferor, an adult member of  
10       the minor's family, a guardian of the person of the minor, the conservator of the minor  
11       or the minor if the minor has attained the age of 14 years may petition the court to  
12       remove the custodian for cause and to designate a successor custodian other than a  
13       transferor under s. ~~880.625~~ 54.860 or to require the custodian to give appropriate  
14       bond.

15           **SECTION 545.** 880.70 of the statutes is renumbered 54.890, and 54.890 (1) (b),  
16       (3) and (4), as renumbered, are amended to read:

17           54.890 (1) (b) For a determination of responsibility, as between the custodial  
18       property and the custodian personally, for claims against the custodial property  
19       unless the responsibility has been adjudicated in an action under s. ~~880.69~~ 54.886  
20       to which the minor or the minor's legal representative was a party.

21           (3) The court, in a proceeding under ss. ~~880.61 to 880.72~~ 54.854 to 54.898 or  
22       in any other proceeding, may require or permit the custodian or the custodian's legal  
23       representative to account.

24           (4) If a custodian is removed under s. ~~880.695~~ 54.888 (6), the court shall require  
25       an accounting and order delivery of the custodial property and records to the

1 successor custodian and the execution of all instruments required for transfer of the  
2 custodial property.

3 **SECTION 546.** 880.705 of the statutes is renumbered 54.892, and 54.892 (1) and  
4 (2), as renumbered, are amended to read:

5 54.892 (1) The minor’s attainment of 21 years of age with respect to custodial  
6 property transferred under s. ~~880.625 or 880.63~~ 54.860 or 54.862;

7 (2) The minor’s attainment of 18 years of age with respect to custodial property  
8 transferred under s. ~~880.635 or 880.64~~ 54.864 or 54.866; or

9 **SECTION 547.** 880.71 of the statutes is renumbered 54.894, and 54.894 (intro.)  
10 and (2), as renumbered, are amended to read:

11 **54.894 Applicability.** (intro.) Sections ~~880.61 to 880.72~~ 54.854 to 54.898  
12 apply to a transfer within the scope of s. ~~880.615~~ 54.856 made after April 8, 1988, if:

13 (2) The instrument by which the transfer purports to have been made uses in  
14 substance the designation “as custodian under the Uniform Gifts to Minors Act” or  
15 “as custodian under the Uniform Transfers to Minors Act” of any other state, and the  
16 application of ss. ~~880.61 to 880.72~~ 54.854 to 54.898 is necessary to validate the  
17 transfer.

18 **SECTION 548.** 880.715 of the statutes is renumbered 54.896 and amended to  
19 read:

20 **54.896 Effect on existing custodianships.** (1) Any transfer of custodial  
21 property as defined in ss. ~~880.61 to 880.72~~ 54.854 to 54.898 made before April 8, 1988,  
22 is validated notwithstanding that there was no specific authority in ss. 880.61 to  
23 880.71, 1985 stats., for the coverage of custodial property of that kind or for a transfer  
24 from that source at the time the transfer was made.

1           (2) Sections ~~880.61 to 880.72~~ 54.854 to 54.898 apply to all transfers made before  
2           April 8, 1988, in a manner and form prescribed in ss. 880.61 to 880.71, 1985 stats.,  
3           except insofar as the application impairs constitutionally vested rights or extends  
4           the duration of custodianships in existence on April 8, 1988.

5           (3) Sections ~~880.61 to 880.705~~ 54.854 to 54.892 with respect to the age of a  
6           minor for whom custodial property is held under ss. ~~880.61 to 880.72~~ 54.854 to 54.898  
7           do not apply to custodial property held in a custodianship that terminated because  
8           of the minor's attainment of the age of 18 after March 23, 1972 and before April 8,  
9           1988.

10          (4) To the extent that ss. ~~880.61 to 880.72~~ 54.854 to 54.898, by virtue of sub.  
11          (2), do not apply to transfers made in a manner prescribed in ss. 880.61 to 880.71,  
12          1985 stats., or to the powers, duties and immunities conferred by transfers in that  
13          manner upon custodians and persons dealing with custodians, the repeal of ss.  
14          880.61 to 880.71, 1985 stats., does not affect those transfers, powers, duties and  
15          immunities.

16          **SECTION 549.** 880.72 of the statutes is renumbered 54.898 and amended to  
17          read:

18                 **54.898 Uniformity of application and construction.** Sections ~~880.61 to~~  
19                 ~~880.72~~ 54.854 to 54.898 shall be applied and construed to effectuate their general  
20                 purpose to make uniform the law with respect to the subject of ss. ~~880.61 to 880.72~~  
21                 54.854 to 54.898 among states enacting it.

22          **SECTION 550.** Subchapter IV (title) of chapter 880 [precedes 880.75] of the  
23          statutes is repealed.

24          **SECTION 551.** 880.75 of the statutes is renumbered 54.92.

1           **SECTION 552.** 880.76 of the statutes is renumbered 54.93, and 54.93 (1), (2) and  
2 (3), as renumbered, are amended to read:

3           **54.93 (1) DEFINITIONS.** (a) All definitions in s. ~~880.75~~ 54.92 (1) (a) to (e) and (g)  
4 shall apply in this section, unless the context otherwise requires. ~~“Third~~

5           **(b)** In this section, “3rd party” is a person other than a bank, broker, transfer  
6 agent or issuer who with respect to a security held by an incompetent or spendthrift  
7 effects a transaction otherwise than directly with the incompetent or spendthrift.

8           **(2) SECURITY TRANSACTIONS INVOLVING INCOMPETENT OR SPENDTHRIFT; LIABILITY.**

9           A bank, broker, issuer, ~~third~~ 3rd party, or transfer agent incurs no liability by reason  
10 of his or her treating an incompetent or spendthrift as having capacity to transfer  
11 a security, to receive or to empower others to receive dividends, interest, principal,  
12 or other payments or distributions, to vote or give consent in person or by proxy, or  
13 to make elections or exercise rights relating to the security, unless prior to acting in  
14 the transaction the bank, broker, issuer, ~~third~~ 3rd party, or transfer agent had  
15 received written notice in the office acting in the transaction that the specific security  
16 is held by a person who has been adjudicated an incompetent or a spendthrift or  
17 unless an individual conducting the transaction for the bank, broker, issuer, ~~third~~  
18 3rd party, or transfer agent had actual knowledge that the holder of the security is  
19 a person who has been adjudicated an incompetent or a spendthrift, or actual  
20 knowledge of filing of lis pendens as provided in s. ~~880.215~~ 54.47. Except as  
21 otherwise provided in this section, such a bank, broker, issuer, ~~third~~ 3rd party, or  
22 transfer agent may assume without inquiry that the holder of a security is not an  
23 incompetent or spendthrift.

24           **(3) ACTS NOT SUBJECT TO DISAFFIRMANCE OR AVOIDANCE.** An incompetent or  
25 spendthrift, who has transferred a security, received or empowered others to receive

1 dividends, interest, principal, or other payments or distributions, voted or given  
2 consent in person or by proxy, or made an election or exercised rights relating to the  
3 security, has no right thereafter, as against a bank, broker, issuer, ~~third~~ 3rd party,  
4 or transfer agent to disaffirm or avoid the transaction, unless prior to acting in the  
5 transaction the bank, broker, issuer, ~~third~~ 3rd party, or transfer agent against whom  
6 the transaction is sought to be disaffirmed or avoided had received notice in the office  
7 acting in the transaction that the specific security is held by a person who has been  
8 adjudicated an incompetent or a spendthrift or unless an individual conducting the  
9 transaction for the bank, broker, issuer, ~~third~~ 3rd party, or transfer agent had actual  
10 knowledge that the holder is a person who has been adjudicated an incompetent or  
11 a spendthrift, or actual knowledge of filing of lis pendens as provided in s. 880.215  
12 54.47.

13 **SECTION 553.** Subchapter V (title) of chapter 880 [precedes 880.81] of the  
14 statutes is repealed.

15 **SECTION 554.** 880.81 of the statutes is renumbered 54.950, and 54.950 (3), (4),  
16 (7) and (12), as renumbered, are amended to read:

17 **54.950 (3)** ~~“Conservator”~~ Notwithstanding s. 54.01 (3), “conservator” means a  
18 person appointed or qualified by a court by voluntary proceedings to manage the  
19 estate of an individual, or a person legally authorized to perform substantially the  
20 same functions.

21 **(4)** ~~“Court”~~ Notwithstanding s. 54.01 (4), “court” means the circuit court of this  
22 state.

23 **(7)** ~~“Guardian”~~ Notwithstanding s. 54.01 (10), “guardian” means a person  
24 appointed or qualified by a court as a guardian of the person or estate, or both, of an

1 individual, including a ~~limited guardian with limited powers~~, but not a person who  
2 is only a guardian ad litem.

3 (12) ~~“Personal representative”~~ Notwithstanding s. 54.01 (23), “personal  
4 representative” means an executor, administrator or special administrator of a  
5 decedent’s estate, a person legally authorized to perform substantially the same  
6 functions or a successor to any of them.

7 **SECTION 555.** 880.815 of the statutes is renumbered 54.952, and 54.952 (8), as  
8 renumbered, is amended to read:

9 54.952 (8) ~~This subchapter does~~ Sections 54.950 to 54.988 do not displace or  
10 restrict other means of creating trusts. A trust whose terms do not conform to this  
11 subchapter may be enforceable according to its terms under other law.

12 **SECTION 556.** 880.82 of the statutes is renumbered 54.954.

13 **SECTION 557.** 880.825 of the statutes is renumbered 54.956.

14 **SECTION 558.** 880.83 of the statutes is renumbered 54.958, and 54.958 (1), as  
15 renumbered, is amended to read:

16 54.958 (1) Unless otherwise directed by an instrument designating a custodial  
17 trustee pursuant to s. ~~880.82~~ 54.954, a person, including a fiduciary other than a  
18 custodial trustee, who holds property of or owes a debt to an incapacitated individual  
19 not having a conservator or guardian of the estate may make a transfer to an adult  
20 member of the beneficiary’s family or to a trust company as custodial trustee for the  
21 use and benefit of the incapacitated individual. If the value of the property or the  
22 debt exceeds \$10,000, the transfer is not effective unless authorized by the court.

23 **SECTION 559.** 880.835 of the statutes is renumbered 54.960, and 54.960 (3), as  
24 renumbered, is amended to read:

1           54.960 (3) A custodial trustee of custodial trust property held for more than one  
2 beneficiary shall separately account to each beneficiary pursuant to ss. ~~880.84 and~~  
3 ~~880.88~~ 54.962 and 54.978 for the administration of the custodial trust.

4           **SECTION 560.** 880.84 of the statutes is renumbered 54.962.

5           **SECTION 561.** 880.845 of the statutes is renumbered 54.964, and 54.964 (2), as  
6 renumbered, is amended to read:

7           54.964 (2) This section does not relieve a custodial trustee from liability for a  
8 violation of s. ~~880.84~~ 54.962.

9           **SECTION 562.** 880.85 of the statutes is renumbered 54.966.

10          **SECTION 563.** 880.855 of the statutes is renumbered 54.968, and 54.968 (1) (a),  
11 as renumbered, is amended to read:

12          54.968 (1) (a) The custodial trust was created under s. ~~880.83~~ 54.958.

13          **SECTION 564.** 880.86 of the statutes is renumbered 54.970.

14          **SECTION 565.** 880.865 of the statutes is renumbered 54.972.

15          **SECTION 566.** 880.87 of the statutes is renumbered 54.974, and 54.974 (1) and  
16 (3), as renumbered, are amended to read:

17          54.974 (1) Before accepting the custodial trust property, a person designated  
18 as custodial trustee may decline to serve by notifying the person who made the  
19 designation, the transferor or the transferor's legal representative. If an event  
20 giving rise to a transfer has not occurred, the substitute custodial trustee designated  
21 under s. ~~880.82~~ 54.954 becomes the custodial trustee, or, if a substitute custodial  
22 trustee has not been designated, the person who made the designation may  
23 designate a substitute custodial trustee pursuant to s. ~~880.82~~ 54.954. In other cases,  
24 the transferor or the transferor's legal representative may designate a substitute  
25 custodial trustee.

1           **(3)** If a custodial trustee or successor custodial trustee is ineligible, resigns,  
2 dies or becomes incapacitated, the successor designated under s. ~~880.815 (7) or~~  
3 ~~880.82~~ 54.952 (7) or 54.954 becomes custodial trustee. If there is no effective  
4 provision for a successor, the beneficiary, if not incapacitated, may designate a  
5 successor custodial trustee. If the beneficiary is incapacitated or fails to act within  
6 90 days after the ineligibility, resignation, death or incapacity of the custodial  
7 trustee, the beneficiary's conservator or guardian of the estate becomes successor  
8 custodial trustee. If the beneficiary does not have a conservator or a guardian of the  
9 estate, or the conservator or guardian of the estate fails to act, the resigning custodial  
10 trustee may designate a successor custodial trustee.

11           **SECTION 567.** 880.875 of the statutes is renumbered 54.976.

12           **SECTION 568.** 880.88 of the statutes is renumbered 54.978.

13           **SECTION 569.** 880.885 of the statutes is renumbered 54.980.

14           **SECTION 570.** 880.89 of the statutes is renumbered 54.982, and 54.982 (2) (b),  
15 as renumbered, is amended to read:

16           54.982 (2) (b) To the survivor of multiple beneficiaries if survivorship is  
17 provided for pursuant to s. ~~880.835~~ 54.960.

18           **SECTION 571.** 880.895 of the statutes is renumbered 54.984, and 54.984 (1)  
19 (intro.), as renumbered, is amended to read:

20           54.984 (1) (intro.) If a transaction, including a declaration with respect to or  
21 a transfer of specific property, otherwise satisfies applicable law, the criteria of s.  
22 ~~880.815~~ 54.952 are satisfied by any of the following:

23           **SECTION 572.** 880.90 of the statutes is renumbered 54.986, and 54.986 (1), as  
24 renumbered, is amended to read:

1           54.986 (1) ~~This subchapter applies~~ Sections 54.950 to 54.988 apply to a transfer  
2 or declaration creating a custodial trust that refers to this subchapter if, at the time  
3 of the transfer or declaration, the transferor, beneficiary or custodial trustee is a  
4 resident of or has its principal place of business in this state or custodial trust  
5 property is located in this state. The custodial trust remains subject to this  
6 subchapter despite a later change in residence or principal place of business of the  
7 transferor, beneficiary or custodial trustee, or removal of the custodial trust property  
8 from this state.

9           **SECTION 573.** 880.905 of the statutes is renumbered 54.988 and amended to  
10 read:

11           **54.988 Uniformity of application and construction.** ~~This subchapter~~  
12 Sections 54.950 to 54.988 shall be applied and construed to effectuate its general  
13 purpose to make uniform the law with respect to the subject of this subchapter  
14 among states enacting it.

15           **SECTION 574.** 885.17 of the statutes is amended to read:

16           **885.17 Transactions with deceased agent.** No party, and no person from,  
17 through, or under whom a party derives the party's interest or title shall, may be  
18 examined as a witness in respect to any transaction or communication by the party  
19 or person personally with an agent of the adverse party or an agent of the person  
20 from, through, or under whom such adverse party derives his or her interest or title,  
21 ~~when such~~ if the agent is dead ~~or insane, or otherwise legally, mentally ill, or~~  
22 adjudicated incompetent as a witness, unless the opposite party shall first be  
23 examined or ~~examine~~ some other witness in his or her behalf examined in respect to  
24 some transaction or communication between ~~such~~ the agent and ~~such~~ the other party  
25 or person; or unless the testimony of ~~such~~ the agent, at any time taken, be first read

1 or given in evidence by the opposite party; and then, in either case respectively, only  
2 in respect to such the transaction or communication of which testimony is so given  
3 or to the matters to which ~~such~~ the testimony relates.

4 **SECTION 575.** 905.04 (4) (a) of the statutes is amended to read:

5 905.04 (4) (a) *Proceedings for hospitalization, guardianship, protective services*  
6 *or protective placement.* There is no privilege under this rule as to communications  
7 and information relevant to an issue in proceedings to hospitalize the patient for  
8 mental illness, to appoint a guardian ~~under s. 880.33 in this state,~~ for court-ordered  
9 protective services or protective placement, or for review of guardianship, protective  
10 services or protective placement orders, if the physician, registered nurse,  
11 chiropractor, psychologist, social worker, marriage and family therapist or  
12 professional counselor in the course of diagnosis or treatment has determined that  
13 the patient is in need of hospitalization, guardianship, protective services, or  
14 protective placement.

15 **SECTION 576.** 905.04 (4) (am) of the statutes is amended to read:

16 905.04 (4) (am) *Proceedings for guardianship.* There is no privilege under this  
17 rule as to information contained in a statement concerning the mental condition of  
18 the patient furnished to the court by a physician or psychologist under s. 54.36 (1)  
19 or s. 880.33 (1), 2003 stats.

20 **SECTION 577.** 938.02 (20m) (a) 5. of the statutes is amended to read:

21 938.02 (20m) (a) 5. If a person specified in subd. 1. has been ~~determined to be~~  
22 adjudicated incompetent under ch. 880 in this state, the guardian of the person  
23 appointed ~~under ch. 880~~ for him or her.

24 **SECTION 578.** 938.345 (1) (e) of the statutes is amended to read:

1           938.345 (1) (e) Place any juvenile not specifically found under chs. 46, 49, 51,  
2           54. or 115 and or ch. 880, 2003 stats., to be developmentally disabled or mentally ill  
3           or to be a child with a disability, as defined in s. 115.76 (5), in facilities ~~which~~ that  
4           exclusively treat those categories of juveniles.

5           **SECTION 579.** 949.04 (1) (b) of the statutes is amended to read:

6           949.04 (1) (b) Application by an individual adjudicated incompetent may be  
7           made on the incompetent's individual's behalf by the guardian or other person  
8           authorized to administer the incompetent's individual's estate.

9           **SECTION 580.** 950.02 (4) (a) 5. of the statutes is amended to read:

10          950.02 (4) (a) 5. If a person specified in subd. 1. has been ~~determined to be~~  
11          adjudicated incompetent ~~under ch. 880 in this state~~, the guardian of the person  
12          appointed ~~under ch. 880~~ for him or her.

13          **SECTION 581.** 968.20 (1m) (a) 1. of the statutes is amended to read:

14          968.20 (1m) (a) 1. "Crime" includes an act committed by a juvenile or by an  
15          adult who is adjudicated incompetent adult ~~which~~ that would have been a crime if  
16          the act had been committed by a competent adult.

17          **SECTION 582.** 992.08 of the statutes is amended to read:

18          **992.08 Evidence as to county lands; minors.** Whenever in any action it is  
19          material to any party to show that the title to any tract of land is vested in any county,  
20          under chapter 132 of the general laws of 1866, by having been bid in for such county  
21          for 5 successive years on sales for taxes and that the tract remains unredeemed, the  
22          statement of such sales made by the county treasurer, or the record of such statement  
23          in the book kept for that purpose in the treasurer's office, or the certificates of such  
24          sales executed by the treasurer to the county shall be prima facie evidence of the  
25          regularity of the tax proceedings from and including the valuation of any such tract

1 of land up to and inclusive of the sale thereof and of the existence of all conditions  
2 precedent in any way affecting the validity of such sales, or requisite to make the title  
3 of such land absolutely vest in the county in which the same is situate. This section  
4 does not apply to any such lands if it appears that they were owned at the time of the  
5 sales by minors or ~~persons~~ individuals who were adjudicated incompetent, ~~insane or~~  
6 mentally ill or were under guardianship.

7 **SECTION 583. Nonstatutory provisions.**

8 (1) REVIEW OF ORDER; INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION.

9 For an individual who is subject to an order appointing a guardian under section  
10 880.33 (4m), 2003 stats., and to an order initially issued under section 880.33 (4r),  
11 2003 stats., that is in effect on the effective date of this subsection, the county  
12 department of the individual's county of residence shall, no later than 9 months after  
13 the effective date of this subsection, review the individual's status under the  
14 requirements of section 55.19 of the statutes, as created by this act.

15 (2) TRANSITION; INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION.

16 Notwithstanding the treatment of sections 880.07 (1m), 880.33 (2) (d), (4m), and (4r),  
17 and 880.34 (6) of the statutes by this act, all orders issued under section 880.33 (4m)  
18 and (4r), 2003 stats., in effect on the effective date of this subsection, remain in effect  
19 until modified or terminated by a court order under section 55.19 (3) (e) 2. or 3. of the  
20 statutes, as created by this act.

21 (3) COMPLIANCE BY FACILITIES WITH REQUIREMENTS FOR ADMINISTRATION OF  
22 PSYCHOTROPIC MEDICATION.

23 (a) The department of health and family services shall submit in proposed form  
24 the rules required under section 50.02 (2) (ad), as created in this act, to the legislative

1 council staff under section 227.15 (1) of the statutes no later than the first day of the  
2 4th month beginning after the effective date of this paragraph.

3 (b) Using the procedure under section 227.24 of the statutes, the department  
4 of health and family services may promulgate rules required under section 50.02 (2)  
5 (ad) of the statutes, as created by this act, for the period before the effective date of  
6 the rules submitted under paragraph (a), but not to exceed the period authorized  
7 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24  
8 (1) (a), (2) (b), and (3) of the statutes, the department of health and family services  
9 is not required to provide evidence that promulgating a rule under this paragraph  
10 as an emergency rule is necessary for the preservation of the public peace, health,  
11 safety, or welfare and is not required to provide a finding of emergency for a rule  
12 promulgated under this paragraph.

13 (4) TRANSITION; GUARDIANSHIP APPOINTMENTS.

14 (a) 1. Notwithstanding the treatment of sections 880.03 and 880.12 of the  
15 statutes by this act, except as provided in subsection (NO TAG), all guardianships  
16 of the person appointed under section 880.03, 2003 stats., in effect on the effective  
17 date of this subsection, remain in effect until modified by court order under section  
18 54.64 (2), of the statutes, as affected by this act, terminated by court order under  
19 section 54.64 (3) of the statutes, as affected by this act, or removed by court order  
20 under section 54.68 (4) (d) or (5) of the statutes, as created by this act.

21 2. Notwithstanding the treatment of sections 880.03 and 880.12 of the statutes  
22 by this act, except as provided in subsection (NO TAG), all guardianships of the  
23 estate appointed under section 880.03, 2003 stats., in effect on the effective date of  
24 this subsection, remain in effect until modified by court order under section 54.64 (2)  
25 of the statutes, as affected by this act, terminated by court order under section 54.64

1 (4) of the statutes, as affected by this act, or removed by court order under section  
2 54.68 (4) (d) or (5) of the statutes, as created by this act.

3 (b) Notwithstanding the treatment of sections 880.295 and 880.33 (4) of the  
4 statutes, by this act, except as provided in subsection (NO TAG), all guardianships  
5 appointed under section 880.295 or 880.33 (4), 2003 stats., in effect on the effective  
6 date of this subsection, remain in effect until modified by court order under section  
7 54.64 (2) of the statutes, as affected by this act, terminated by court order under  
8 section 54.64 (3) or (4) of the statutes, as affected by this act, or removed by court  
9 order under section 54.68 (4) (d) or (5) of the statutes, as created by this act.

10 (5) TRANSITION; GUARDIANSHIP REVIEW AND REMOVAL.

11 (a) Notwithstanding the treatment of section 880.16 and 880.192 of the  
12 statutes by this act, all actions for removal of a guardian under section 880.16, 2003  
13 stats., in effect on the effective date of this subsection, remain in effect until  
14 determined by the court under that section, and all actions for review of an account  
15 or removal of a guardian under section 880.192, 2003 stats., in effect on the effective  
16 date of this subsection, remain in effect until determined by the court under that  
17 section.

18 (b) Notwithstanding the treatment of sections 880.251 and 880.34 (3) of the  
19 statutes by this act, all actions for removal of a guardian under section 880.251, 2003  
20 stats., in effect on the effective date of this subsection remain in effect until the court  
21 issues an order of removal or dismisses the action, and all actions under section  
22 880.34 (3), 2003 stats., for discharge of a guardian or limitation of a guardianship in  
23 effect on the effective date of this subsection remain in effect until determined by the  
24 court under that subsection.

1           (6) **TRANSITION; LIMITED GUARDIANSHIP.** Notwithstanding the treatment of  
2 sections 880.33 (3) and 880.37 of the statutes by this act, all limited guardianships  
3 appointed under sections 880.33 (3) and 880.37, 2003 stats., in effect on the effective  
4 date of this subsection remain in effect until modified by court order under section  
5 54.64 (2) of the statutes, as affected by this act, terminated by court order under  
6 section 54.64 (3) or (4) of the statutes, as affected by this act, or removed by court  
7 order under section 54.68 (4) (d) or (5) of the statutes, as created by this act.

8           **SECTION 584. Initial applicability.**

9           (1) **VENUE; COUNTY OF RESIDENCE; COUNTY OF RESPONSIBILITY.** The treatment of  
10 sections 51.01 (4g), (4r), (14), (14t), 51.05 (2), 51.22 (4), 51.40 (title), (1) (e), (em), (hm),  
11 (j), and (m) and (2) (intro.), (a) 1. and 2., (b) (intro.), 1., 2. (intro.), a., b., c., d., and g.,  
12 (f), and (g) 1. and 6., 55.06 (3) (c) and (d), 880.05, 880.06 (title), (1), and (2), and 880.33  
13 (2) (a) 3. of the statutes first applies to determinations of the county of residence  
14 made on the effective date of this subsection.

15           (2) **REQUIREMENTS FOR FINDING THAT AN INDIVIDUAL IS A MINOR, INCOMPETENT, OR**  
16 **A SPENDTHRIFT AND APPOINTMENT OF GUARDIAN.** The treatment of sections 46.977 (1)  
17 (a) and (2) (a) and (c) 2., 48.14 (2) (b) and (11), 48.345 (intro.), 48.347 (intro.), 48.62  
18 (2), 48.831 (1) and (1m) (e), 48.977 (8) (title), (a), and (b), 48.978 (7) (title) and (a) to  
19 (c), 50.03 (14) (c) 8. e., 50.06 (2) (c), 51.30 (4) (b) 8m. and 18. a. and c. and (5) (e), 51.40  
20 (1) (f), 51.45 (2) (e) and (13) (c) and (e), 54.01 (title) and (intro.), (1), (4) to (7), (10) to  
21 (15), (17) (a) and (b), (18), (19), (23) to (27), (29), (30), (33), (35), (36), and (38), 54.10,  
22 54.15 (1m) (title), (2), (3), (4) (title), and (8), 54.25 (1) (title), (intro.) and (b) 1. to 5.  
23 and (2), 54.34 (1) (k) to (p), 54.36 (2) and (3), 54.38 (title), (1), and (2) (b), 54.40 (4) (c),  
24 (d), (g), and (h), 54.42 (title), (1) (a) 1. to 3. and (b), (2), (3) (title), (5), and (6), 54.44  
25 (1) to (3) (a), (4) and (6), 54.46 (title), (intro.), (1), (2) (title), (intro.), (a) and (c), and

1 (3) (c), 54.60 (2) to (6), 55.06 (1) (a), 223.10, 243.07 (3) (b), 757.48 (1) (a), 814.66 (1)  
2 (b) 2. and (m), 880.01 (intro.), (1) to (7), and (8) to (10), 880.02, 880.03, 880.04 (1),  
3 880.05, 880.06 (title), (1), and (2), 880.07 (title), (1) (intro.), (a) to (j), (2), and (4),  
4 880.08 (intro.), (2), (3) (title), (am) (intro.), and 1. to 4. and (e), and (4), 880.09 (intro.),  
5 (2), and (4), 880.10, 880.12, 880.125, 880.13 (title), (1), (2) (title), (a), and (b), and (3),  
6 880.14, 880.33 (title), (1) to (4), (5), (5m), (8), and (9), 880.331 (title), (1) to (3), (4)  
7 (intro.) and (a) to (f), and (6) to (8), 880.35, and 880.81 (7), subchapters I (title), II  
8 (title), III (title), IV (title), and V (title) of chapter 54, subchapter I (title) of chapter  
9 880, and chapters 54 (title) and 880 (title) of the statutes, the repeal of sections  
10 880.08 (1) (title) and 880.09 (1) (title), (3) (title), and (7) (title) of the statutes, and the  
11 renumbering and amendment of sections 880.075, 880.08 (1), and 880.09 (1), (3), and  
12 (7) of the statutes first apply to a petition for guardianship filed on the effective date  
13 of this subsection.

14 (3) EXCEPTIONS TO APPOINTMENT OF GUARDIAN. The treatment of sections 54.12  
15 (1) (e) and (f), 814.61 (12) (a) 1., 814.66 (1) (n), and 880.04 (title), (2), (2m), and (3) of  
16 the statutes first applies to an action or proceeding pending on the effective date of  
17 this subsection.

18 (4) STANDBY GUARDIANSHIP. The treatment of section 880.36 (title) and (1) of the  
19 statutes first applies to a petition for appointment of a standby guardian filed on the  
20 effective date of this subsection.

21 (5) SUCCESSOR GUARDIANSHIP. The treatment of section 880.17 of the statutes  
22 first applies to a petition filed or motion brought on the effective date of this  
23 subsection.

24 (6) ELIMINATION OF LIMITED GUARDIANSHIP OF PROPERTY. The treatment of  
25 sections 6.03 (1) (a) and (3), 17.03 (6), 51.35 (7), 54.34 (1) (m), 55.06 (14), 155.60 (2),

1 706.03 (4), 880.215, and 880.37 of the statutes first applies to a procedure for  
2 appointment of a limited guardian that is conducted on the effective date of this  
3 subsection.

4 (7) TEMPORARY GUARDIANSHIP. The treatment of sections 50.94 (6), 54.50 (title),  
5 (1), and (3), and 880.15 (title), (1), (1m), (1s), (2), and (3) of the statutes first applies  
6 to petitions filed on the effective date of this subsection.

7 (8) POWER OF ATTORNEY FOR HEALTH CARE. The treatment of sections 155.05 (1),  
8 155.40 (2m), 155.60 (2), and 880.33 (3) and (8) (b) of the statutes first applies to the  
9 appointment of a guardian under section 54.46 (2) of the statutes, as created by this  
10 act, on the effective date of this subsection.

11 (9) DURABLE POWER OF ATTORNEY. The treatment of sections 54.46 (2) (c), 54.76  
12 (3) and (3g), and 243.07 (3) (a) and (b) and (7) (c) of the statutes first applies to the  
13 appointment of a guardian under section 54.46 (2) of the statutes, as created by this  
14 act, or to the appointment of a conservator under section 54.76 (2) of the statutes, as  
15 created by this act, on the effective date of this subsection.

16 (10) DUTIES AND POWERS OF GUARDIAN OF THE ESTATE. The treatment of sections  
17 54.18 (title) and (1) to (3) (intro.) and (b), 54.19 (title), (intro.), (2) to (6), (8) to (10),  
18 54.20 (title), (1) (a) to (c), (2) (title), (intro.), (a), (c) to (g), (i), and (j), (3) (title), (intro.),  
19 (a) to (e), and (k), 54.21, 880.173 (title), (1), and (2), 880.19 (title), (2) (title), (a) and  
20 (b), (4) (title) and (a) to (c), and (5) (title) and (a) to (d), 880.191 (title), (1), and (2),  
21 880.192, 880.195, 880.21, 880.215, 880.22 (title), and 880.24 (title), (1), (2), and (3)  
22 (title), (a) (intro.) and 1. to 4., and (b) of the statutes, the repeal of section 880.175  
23 (title), 880.18 (title), 880.19 (1) (title) and (3) (title), 880.22 (1) (title) and (2) (title),  
24 and 880.23 (title) of the statutes, and the renumbering and amendment of sections

1 880.175, 880.18, 880.19 (1) and (3), 880.22 (1) and (2), and 880.23 of the statutes first  
2 apply to a guardianship of the estate in effect on the effective date of this subsection.

3 (11) DUTIES AND POWERS OF GUARDIAN OF THE PERSON. The treatment of sections  
4 54.18 (title) and (1) to (3) (intro.) and (b), 54.25 (1) (title), (intro.) and (b) 1. to 5. and  
5 (2), 880.33 (9), and 880.38 (title) and (1) to (3) of the statutes first applies to a  
6 guardianship of the person in effect on the effective date of this subsection and to a  
7 petition for guardianship filed on the effective date of this subsection.

8 (12) NOTES AND MORTGAGES OF MINOR VETERANS. The treatment of section 880.32  
9 of the statutes first applies to a note or mortgage executed on the effective date of this  
10 subsection.

11 (13) PSYCHOTROPIC MEDICATIONS. The treatment of sections 51.03 (3) (a) 6., 54.01  
12 (6), (28), and (30), 54.25 (2) (d) 2. a., 55.01 (1v), (6t), and (6v), 55.05 (2) (d), 55.14,  
13 55.19, 609.65 (1) (intro.), 880.01 (2), (7m), and (8), 880.07 (1m), 880.33 (2) (d), (4m),  
14 and (4r), 880.34 (6), and 905.04 (4) (am) of the statutes, the repeal of section 51.20  
15 (7) (d) 1. a. and b. of the statutes, the renumbering and amendment of section 51.20  
16 (7) (d) 1. (intro.) of the statutes first applies to petitions for involuntary  
17 administration of psychotropic medication that are filed on the effective date of this  
18 subsection.

19 (14) HUNTING, PATRON, AND GUIDE LICENSES. The treatment of sections 29.024  
20 (2u), 29.161, 29.164 (3) (e), 29.171 (1), 29.173 (1), 29.182 (4m), 29.184 (6) (c) 1r. and  
21 2., 29.231 (1), 29.235 (1), and 29.512 (1) of the statutes first applies to receipt by the  
22 department of natural resources of a declaration issued by a court that an individual  
23 is incapable of understanding the nature and risks of the licensed or credentialed  
24 activity.

1           (15) ACCOUNTS. The treatment of sections 54.62 (title), (3), (4), and (7) (a) to (c),  
2           808.075 (4) (f) 8., 880.245, 880.25 (title) and (1) to (5), 880.252, and 880.253 of the  
3           statutes first applies to annual accounts that are due before April 15, 2006.

4           (16) EXPANSION OF ORDER OF GUARDIANSHIP. The treatment of section 54.63 of the  
5           statutes first applies to submittal of a written statement to the court on the effective  
6           date of this subsection.

7           (17) REVOCATION OR SUSPENSION OF LICENSES AND CREDENTIALS. The treatment  
8           of sections 343.06 (1) (L), 343.31 (title), (2x), and (3) (a), and 440.121 of the statutes  
9           first applies to receipt by an administrative agency of a record of a declaration on the  
10          effective date of this subsection.

11          (18) SETTLEMENTS AND JUDGMENTS. The treatment of section 807.10 (title) and  
12          (1) to (3) of the statutes first applies to settlements or judgments made on the  
13          effective date of this subsection.

14          (19) REVIEW OF INCOMPETENCY AND TERMINATION OF GUARDIANSHIP. The treatment  
15          of sections 54.64 (2) (title), (a) 1. to 3., and (b), 880.26 (title), (1) (intro.) and (a) to (c),  
16          (2) (intro.) and (a) to (d), and (3), 880.29, and 880.34 (title) and (1) to (5) of the statutes  
17          first applies to a petition for review of incompetency filed on the effective date of this  
18          subsection.

19          (20) REVIEW OF CONDUCT OF GUARDIAN. The treatment of section 54.68 of the  
20          statutes first applies to commitment by a guardian of any action specified under  
21          section 54.68 (2) (a) to (j) of the statutes, as created by this act, on the effective date  
22          of this subsection.

23          (21) FINAL ACCOUNTS. The treatment of sections 54.66 (title) and (3), 808.075  
24          (4) (f) 8., 880.25 (3), 880.27, 880.28, and 880.60 (10) (a) of the statutes first applies

1 to the termination or the resignation, removal, or death of a guardian or the death  
2 of a ward on the effective date of this subsection.

3 (22) APPOINTMENT OF CONSERVATOR AND STANDBY CONSERVATOR. The treatment of  
4 sections 54.01 (3), (32), and (34), 54.34 (1) (p), 54.46 (1) (b), 54.76 (title), (3g), (3m) and  
5 (3n), and (6) to (9), 243.07 (3) (a) to (c), 814.66 (1) (b) 2., 880.13 (3), 880.295, and 880.33  
6 (8) (intro.) and (a) and subchapter VI (title) of chapter 54 of the statutes, the repeal  
7 of section 880.31 (title) of the statutes, the renumbering and amendment of section  
8 880.31 (2), (3), and (6) of the statutes, and the consolidation, renumbering, and  
9 amendment of section 880.31 (1), (4), (5), and (7) of the statutes first apply to an  
10 application or petition for appointment of a conservator made on the effective date  
11 of this subsection.

12 (23) TERMINATION OF CONSERVATORSHIP. The treatment of section 54.76 (6) to (9)  
13 of the statutes first applies to commitment by a conservator of any action specified  
14 under section 54.76 (6) (a) to (h) of the statutes, as created by this act, or appointment  
15 of a guardian, death of a conservatee, or change of residence of a conservator or  
16 conservatee on the effective date of this subsection.

17 (24) DEGENERATIVE BRAIN DISORDER. The treatment of section 51.01 (5) (a) of the  
18 statutes first applies to a diagnosis of developmental disability made on the effective  
19 date of this subsection.

20 (25) PROTECTIVE PLACEMENT OR PROTECTIVE SERVICES. The treatment of sections  
21 55.05 (2) (d), 55.06 (1) (a), (3) (c) and (d), (6), and (8) (c), and 880.33 (7) of the statutes  
22 first applies to a petition for protective placement or protective services filed on the  
23 effective date of this subsection.

24 (26) REVIEW OF PROTECTIVE PLACEMENT OR PROTECTIVE SERVICES. The treatment  
25 of sections 55.195 (7) and (9) and 880.331 (5) (intro.) and (a) to (g) of the statutes first

1 applies to a review of protective placement or of protective services conducted on the  
2 effective date of this subsection.

3 (27) PETITION FOR RECEIPT AND ACCEPTANCE OF FOREIGN GUARDIANSHIP. The  
4 treatment of sections 54.01 (9g), (9i), (9k), (9m), and (9p), 54.34 (3), 54.38 (1m), 54.44  
5 (1) (c), (3) (b) and (4) (c), 54.46 (1m) and (1r), 54.68 (1), 880.02, 880.05, 880.07 (title),  
6 880.33 (2) (e), and 880.331 (1) of the statutes first applies to a petition for receipt and  
7 acceptance of a foreign guardianship filed on the effective date of this subsection.

8 **SECTION 585. Effective dates.** This act takes effect on the first day of the 7th  
9 month beginning after publication, except as follows:

10 (1) COMPLIANCE BY FACILITIES WITH REQUIREMENTS FOR ADMINISTRATION OF  
11 PSYCHOTROPIC MEDICATION. The treatment of SECTION 583 (3) of this act takes effect  
12 on the day after publication.

13 (2) WILD TURKEY HUNTING LICENSES. The repeal and recreation of section 29.164  
14 (3) (e) of the statutes takes effect on March 1, 2006.

15 (END)

**SENATE AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 391**

February 9, 2006 – Offered by COMMITTEE ON HEALTH, CHILDREN, FAMILIES, AGING  
AND LONG TERM CARE.

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

2 **1.** Page 156, line 13: after that line insert:

3 **SECTION 207m.** 786.12 of the statutes is amended to read:

4 **786.12 Wards; ~~other disposal of real estate; acquisition or other~~**  
5 **disposal of real estate.** ~~The courts and judges mentioned in~~ Under this chapter  
6 ~~are further empowered and authorized to, the court in which a guardian has been~~  
7 ~~appointed for a minor or an individual adjudicated incompetent may, in addition to~~  
8 ~~the provisions of this chapter,~~ make any ~~other~~ disposition of the real estate of any  
9 ~~minor or other~~ the ward mentioned herein when it shall be made to appear to such  
10 court or judge that such proposed disposition will substantially promote the interests  
11 of any such ward. ~~The court or judge of the court in which the general guardian has~~  
12 ~~been appointed is empowered to~~ or authorize the purchase in the name of such the

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1 ward of any real estate within the in this state of Wisconsin when it shall be made  
2 ~~to appear to such~~ if the court or judge determines that such the proposed disposition  
3 or purchase will substantially promote the interests of such the ward, ~~provided that~~  
4 ~~no debt shall be incurred or assumed by such ward for purchase of any such real~~  
5 ~~estate. The provisions of this chapter are applicable to all proceedings under this~~  
6 ~~section."~~

7

(END)

2005-2006 LEGISLATURE

**CORRECTIONS IN:**

**SENATE AMENDMENT 2,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 391**

Prepared by the Legislative Reference Bureau  
(April 18, 2006)

1. Page 1, line 2: delete "on that line".

(END)



**SENATE AMENDMENT 2,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 391**

February 9, 2006 – Offered by COMMITTEE ON HEALTH, CHILDREN, FAMILIES, AGING  
AND LONG TERM CARE.

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

2 **1.** Page 76, line 6: delete the material beginning with “counsel” ~~on that line~~  
3 and ending with “fees” on line 7 and substitute “counsel. Fees are to be”.

4 (END)

SA2-1

C