

1 as provided in s. 879.23 (4), ~~where~~ if the interests of the minor or ~~mentally individual~~
2 alleged to be or adjudicated incompetent person are represented by an attorney of
3 record, the court shall, except upon good cause stated in the record, appoint that
4 attorney as the guardian ad litem.

History: Sup. Ct. Order, 67 Wis. 2d 585, 638 (1975); 1975 c. 218; 1977 c. 299, 449; 1981 c. 317; 1993 a. 481; 1997 a. 35; 2001 a. 61, 102.

5 **SECTION 164.** 803.01 (3) (b) 2. of the statutes is amended to read:

6 803.01 (3) (b) 2. When the plaintiff is a minor 14 years of age or over, upon the
7 plaintiff's application or upon the state's application under s. 767.045 (1) (c); or if the
8 plaintiff is under that age or is mentally adjudicated incompetent or alleged to be
9 incompetent, upon application of the plaintiff's guardian or of a relative or friend or
10 upon application of the state under s. 767.045 (1) (c). If the application is made by
11 a relative, ^afriend² or the state, notice thereof must first be given to the guardian if the
12 plaintiff has one in this state; if the plaintiff has none, then to the person with whom
13 the minor or ^vmentally^v incompetent resides or who has the minor or ^vmentally^v
14 incompetent in custody. individual adjudicated

History: Sup. Ct. Order, 67 Wis. 2d 585, 638 (1975); 1975 c. 218; 1977 c. 299, 449; 1981 c. 317; 1993 a. 481; 1997 a. 35; 2001 a. 61, 102.

15 **SECTION 165.** 803.01 (3) (b) 3. of the statutes is amended to read:

16 803.01 (3) (b) 3. When the defendant is a minor 14 years of age or over, upon
17 the defendant's application made within 20 days after the service of the summons or
18 other original process; if the defendant is under that age or neglects to so apply or
19 is mentally adjudicated incompetent or alleged to be incompetent, then upon the
20 court's own motion or upon the application of any other party or any relative or friend
21 or the defendant's guardian upon such notice of the application as the court directs
22 or approves.

History: Sup. Ct. Order, 67 Wis. 2d 585, 638 (1975); 1975 c. 218; 1977 c. 299, 449; 1981 c. 317; 1993 a. 481; 1997 a. 35; 2001 a. 61, 102.

23 **SECTION 166.** 803.01 (3) (b) 4. of the statutes is amended to read:

1 803.01 (3) (b) 4. If the appointment, for a plaintiff or a defendant, is after the
 2 commencement of the action, it shall be upon motion entitled in the action. If the
 3 appointment is for a plaintiff and is made before the action is begun, the petition for
 4 appointment shall be entitled in the name of the action proposed to be brought by the
 5 minor or individual adjudicated incompetent or alleged to be incompetent, and the
 6 appointment may be made before the summons is served. Upon the filing of a
 7 petition for appointment before summons, the clerk may impose the fee required for
 8 the commencement of an action, but in that event no additional commencement fee
 9 may be imposed when the summons is filed.

History: Sup. Ct. Order, 67 Wis. 2d 585, 638 (1975); 1975 c. 218; 1977 c. 299, 449; 1981 c. 317; 1993 a. 481; 1997 a. 35; 2001 a. 61, 102.

10 **SECTION 167.** 803.01 (3) (b) 5. of the statutes is amended to read:

11 803.01 (3) (b) 5. The motion or petition under subd. 4. shall state facts showing
 12 the need and authority for the appointment. The hearing on the motion or petition
 13 under subd. 4., if made by a minor or ~~mentally~~ an individual adjudicated incompetent
 14 or alleged to be incompetent person for such person's ^{for} the minor's or individual's
 15 guardian ad litem, may be held without notice and the appointment made by order.
 16 If the motion or petition is made for a minor or ~~mentally~~ an individual adjudicated
 17 incompetent or alleged to be incompetent who is an adverse party, the hearing shall
 18 be on notice.

History: Sup. Ct. Order, 67 Wis. 2d 585, 638 (1975); 1975 c. 218; 1977 c. 299, 449; 1981 c. 317; 1993 a. 481; 1997 a. 35; 2001 a. 61, 102.

19 **SECTION 168.** 803.01 (3) (b) 6. of the statutes is amended to read:

20 803.01 (3) (b) 6. If a compromise or a settlement of an action or proceeding to
 21 which an unrepresented minor or ~~mentally~~ individual adjudicated incompetent or
 22 alleged to be incompetent person is a party is proposed, a guardian ad litem shall be
 23 appointed, upon petition in a special proceeding, to protect the interest of the minor

1 or ~~incompetent~~ individual even though commencement of an action is not proposed.

2 Any compromise or settlement shall be subject to s. 807.10.

3 **History:** Sup. Ct. Order, 67 Wis. 2d 585, 638 (1975); 1975 c. 218; 1977 c. 299, 449; 1981 c. 317; 1993 a. 481; 1997 a. 35; 2001 a. 61, 102.

3 **SECTION 169.** 803.01 (3) (c) (title) of the statutes is amended to read:

4 803.01 (3) (c) (title) *Procedure ~~where minor or incompetent not represented for~~*
5 *unrepresented person.*

6 **History:** Sup. Ct. Order, 67 Wis. 2d 585, 638 (1975); 1975 c. 218; 1977 c. 299, 449; 1981 c. 317; 1993 a. 481; 1997 a. 35; 2001 a. 61, 102.

6 **SECTION 170.** 803.01 (3) (c) 2. (intro.) of the statutes is amended to read:

7 803.01 (3) (c) 2. (intro.) If the court finds after the entry of judgment or final
8 order that a person, who at the time of entry of judgment or final order was a minor
9 or ~~mentally~~ an individual adjudicated or alleged to be incompetent, was not
10 represented in the action or proceeding by an attorney of record or otherwise
11 represented as provided in par. (a) the judgment or order shall be vacated on motion
12 of:

13 **History:** Sup. Ct. Order, 67 Wis. 2d 585, 638 (1975); 1975 c. 218; 1977 c. 299, 449; 1981 c. 317; 1993 a. 481; 1997 a. 35; 2001 a. 61, 102.

13 **SECTION 171.** 803.01 (3) (c) 2. a. of the statutes is amended to read:

14 803.01 (3) (c) 2. a. The minor or ~~mentally~~ individual adjudicated or alleged to
15 be incompetent, for whom no appointment was made, at any time prior to the
16 expiration of one year after the disability is removed; or

17 **History:** Sup. Ct. Order, 67 Wis. 2d 585, 638 (1975); 1975 c. 218; 1977 c. 299, 449; 1981 c. 317; 1993 a. 481; 1997 a. 35; 2001 a. 61, 102.

17 **SECTION 172.** 803.01 (3) (c) 2. b. of the statutes is amended to read:

18 803.01 (3) (c) 2. b. The personal representative of ~~such~~ the minor or ~~mentally~~
19 individual adjudicated or alleged to be incompetent at any time prior to the
20 expiration of one year after the death of the minor or ~~mentally incompetent~~
21 individual.

22 **History:** Sup. Ct. Order, 67 Wis. 2d 585, 638 (1975); 1975 c. 218; 1977 c. 299, 449; 1981 c. 317; 1993 a. 481; 1997 a. 35; 2001 a. 61, 102.

22 **SECTION 173.** 803.10 (2) of the statutes is amended to read:

1 803.10 (2) INCOMPETENCY. If a party ~~becomes~~ is adjudicated incompetent, the
2 court upon motion served as provided in sub. (1) may allow the action to be continued
3 by or against the ~~incompetent~~ party's representative.

History: Sup. Ct. Order, 67 Wis. 2d 585, 652 (1975); 1975 c. 200, 218; 1993 a. 486.

4 **SECTION 174.** 804.02 (1) (b) of the statutes is amended to read:

5 804.02 (1) (b) *Notice and service.* The petitioner shall thereafter serve a notice
6 upon each person named in the petition as an expected adverse party, together with
7 a copy of the petition, stating that the petitioner will move the court, at a time and
8 place named therein, for the order described in the petition. At least 20 days before
9 the date of hearing the notice shall be served either within or without the state in the
10 manner provided in s. 801.11 for service of summons; but if such service cannot with
11 due diligence be made upon any expected adverse party named in the petition, the
12 court may make such order as is just for service by publication or otherwise, and shall
13 appoint, for persons not served in the manner provided in s. 801.11, an attorney who
14 shall represent them, and, in case they are not otherwise represented, shall
15 cross-examine the deponent. If any expected adverse party is a minor or is an
16 individual adjudicated or alleged to be incompetent, s. 803.01 (3) applies.

History: Sup. Ct. Order, 67 Wis. 2d 585, 660 (1975); 1975 c. 218; 1993 a. 486.

17 **SECTION 175.** 806.04 (4) (intro.) of the statutes is amended to read:

18 806.04 (4) REPRESENTATIVES, ETC. (intro.) Any person interested as or through
19 a personal representative, trustee, guardian, or other fiduciary, creditor, devisee,
20 legatee, heir, next of kin, or cestui que trust in the administration of a trust, or of the
21 estate of a decedent, infant, ~~mental~~ individual adjudicated incompetent, or
22 insolvent, may have a declaration of rights or legal relations in respect to the
23 administration of the trust or estate for any of the following purposes:

History: Sup. Ct. Order, 67 Wis. 2d 585, 718 (1975); 1975 c. 218; Sup. Ct. Order, 82 Wis. 2d ix (1978); 1977 c. 449; 1979 c. 38, 89, 175; 1979 c. 330 s. 13; 1979 c. 352, 355; 1981 c. 96 s. 67; 1981 c. 187 s. 10; 1981 c. 390 s. 252; 1983 a. 255 s. 6; 1985 a. 182 s. 57, Sup. Ct. Order, 166 Wis. 2d xix (1992); 2001 a. 102, 109.

SECTION # AM ; 807.10 (title) ^{or individuals} adjudicated incompetent ← incompetent
 (B) 807.10 (title) Settlements in behalf of minors; judgments.

1 SECTION 176. 807.10 (1) of the statutes is amended to read:

2 807.10 (1) A compromise or settlement of an action or proceeding to which a
 3 minor or ~~mentally~~ individual adjudicated incompetent person is a party may be made
 4 by the general guardian, if the guardian is represented by an attorney, or the
 5 guardian ad litem with the approval of the court in which such action or proceeding
 6 is pending.

History: Sup. Ct. Order, 67 Wis. 2d 585, 746 (1975); 1975 c. 218; 1981 c. 317; 1997 a. 290; 1999 a. 32.

7 SECTION 177. 807.10 (2) of the statutes is amended to read:

8 807.10 (2) A cause of action in favor of or against a minor or ~~mentally~~ individual
 9 adjudicated incompetent person may, without the commencement of an action
 10 thereon, be settled by the general guardian, if the guardian is represented by an
 11 attorney, with the approval of the court appointing the general guardian, or by the
 12 guardian ad litem with the approval of any court of record. An order approving a
 13 settlement or compromise under this subsection and directing the consummation
 14 thereof shall have the same force and effect as a judgment of the court.

History: Sup. Ct. Order, 67 Wis. 2d 585, 746 (1975); 1975 c. 218; 1981 c. 317; 1997 a. 290; 1999 a. 32.

15 SECTION 178. 807.10 (3) of the statutes is amended to read:

16 807.10 (3) If the amount awarded to a minor by judgment or by an order of the
 17 court approving a compromise settlement of a claim or cause of action of the minor
 18 does not exceed ~~\$10,000~~ \$20,000, exclusive of interest and costs and disbursements,
 19 and if there is no general guardian of the ward, the court may upon application by
 20 the guardian ad litem after judgment, or in the order approving settlement, fix and
 21 allow the expenses of the action, including attorney fees and fees of guardian ad
 22 litem, authorize the payment of the total recovery to the clerk of the court, authorize
 23 and direct the guardian ad litem upon the payment to satisfy and discharge the
 24 judgment, or to execute releases to the parties entitled thereto, and enter into a

(16)
(18)

or individual

or individual
adjudicated
incompetent

the amount
specified under
S. 867.03(1g) (intro)

1 stipulation dismissing the action upon its merits. The order shall also direct the
 2 clerk upon the payment to pay the costs and, disbursements, and expenses of the
 3 action and to dispose of the balance in ~~one of the manners~~ a manner provided in s.
 4 ~~880.04 (2)~~ 54.12 (1), as selected by the court. The fee for the clerk's services for
 5 handling, depositing, and disbursing funds under this subsection is prescribed in s.
 6 814.61 (12) (a).

History: Sup. Ct. Order, 67 Wis. 2d 585, 746 (1975); 1975 c. 218; 1981 c. 317; 1997 a. 290; 1999 a. 32.

~~***NOTE: Is it correct to change the dollar amount in this provision? No; see change~~

7 **SECTION 179.** 807.13 (2) (intro.) of the statutes is amended to read:

8 807.13 (2) EVIDENTIARY HEARINGS. (intro.) In civil actions and proceedings,
 9 including those under chs. 48, 51, 54, and 55 and ~~880~~, the court may admit oral
 10 testimony communicated to the court on the record by telephone or live audiovisual
 11 means, subject to cross-examination, when:

History: Sup. Ct. Order, 141 Wis. 2d xiii (1987); Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 32; 1997 a. 252; 1999 a. 85.

12 **SECTION 180.** 808.075 (4) (f) (intro.) of the statutes is amended to read:

13 808.075 (4) (f) (intro.) In a case under ch. ~~880~~ 54:

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

14 **SECTION 181.** 808.075 (4) (f) 1. of the statutes is amended to read:

15 808.075 (4) (f) 1. Review a bond under s. ~~880.125~~, ~~880.13~~ or ~~880.60~~ (9) 54.46 (4)
 16 or 54.852 (9).

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

17 **SECTION 182.** 808.075 (4) (f) 2. of the statutes is amended to read:

18 808.075 (4) (f) 2. Release of deposited funds under s. ~~880.13~~ (2) (b) 54.46 (4) (b)
 19 3.

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

20 **SECTION 183.** 808.075 (4) (f) 3. of the statutes is amended to read:

21 808.075 (4) (f) 3. Order for visitation under s. ~~880.155~~ 54.56.

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

1 **SECTION 184.** 808.075 (4) (f) 4. of the statutes is amended to read:
 2 808.075 (4) (f) 4. Appointment of successor guardian under s. ~~880.17~~ [✓] 54.54 [✓] (1).

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

3 **SECTION 185.** 808.075 (4) (f) 5. of the statutes is amended to read:
 4 808.075 (4) (f) 5. Approval of guardian's exercise of marital property rights
 5 under s. ~~880.173~~ [✓] 54.20 [✓] (2) (h).

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

6 **SECTION 186.** 808.075 (4) (f) 6. of the statutes is amended to read:
 7 808.075 (4) (f) 6. Approval of management of property under s. ~~880.19~~ [✓] 54.19 [✓]
 8 (1) or [✓] 54.20.

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

***NOTE: Are these the correct cross-references? Yes

9 ~~**SECTION 187.** 808.075 (4) (f) 7. of the statutes is repealed.~~

***NOTE: Is it appropriate to repeal this provision? No / BA will figure out what s-ref shd. be

INSERT 71-9

10 **SECTION 188.** 808.075 (4) (f) 8. of the statutes is amended to read:
 11 808.075 (4) (f) 8. Examination of annual accounts and assets under s. ~~880.25~~ [✓]
 12 [✓] ss. 54.62 and 54.66.

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

13 **SECTION 189.** 808.075 (4) (f) 9. of the statutes is amended to read:
 14 808.075 (4) (f) 9. Removal of guardian under s. ~~880.251~~ [✓] 54.68 [✓] (4) (d).

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

15 **SECTION 190.** 808.075 (4) (f) 11. of the statutes is amended to read:
 16 808.075 (4) (f) 11. Termination of guardianship under s. ~~880.26~~ [✓] 54.64 [✓].

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

17 **SECTION 191.** 808.075 (4) (f) 12. of the statutes is amended to read:
 18 808.075 (4) (f) 12. Restoration of specific legal rights under s. ~~880.33~~ [✓] (3) 54.64 [✓]
 19 (2) (c).

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

INSERT 71-9

Section #. 808.075 (4) (f) 7. of the statutes is amended to read:

808.075 (4) (f) 7. Direction for use of estate for benefit of wards under s. ~~880.21~~.

54.19(4)

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

54.852

a

1 SECTION 192. 808.075 (4) (f) 13. of the statutes is amended to read:
2 808.075 (4) (f) 13. Authorization of purchase of home for ward under s. 880.60

3 (15) (a) ~~54.852~~ RESTORE TO PLAIN TEXT

History: Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 86; 1993 a. 16, 446, 479, 481; 1995 a. 38, 73, 77, 275; 1997 a. 35, 191, 292, 296, 334; 1999 a. 9; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2001 a. 16.

4 SECTION 193. 813.12 (5) (d) of the statutes is amended to read:
5 813.12 (5) (d) A petition may be prepared and filed by the person who alleges
6 that he or she has been the subject of domestic abuse or by the guardian, as defined
7 in s. 880.01 (3) ~~54.01(9)~~, of an incompetent individual, as defined in s. 880.01 (4),
8 adjudicated incompetent in this state who has been the subject of domestic abuse.

History: 1983 a. 204, 540; 1985 a. 29, 135; 1989 a. 193; 1993 a. 319; 1995 a. 71, 306; 1999 a. 162; 2001 a. 61, 109; 2003 a. 321.

9 SECTION 194. 813.123 (3) (b) 1. of the statutes is amended to read:
10 813.123 (3) (b) 1. That a guardian ad litem be appointed under s. 880.331 (1)
11 for the vulnerable adult.

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61.

INSERT 54-19C

the amount specified under s. 867.03 (1g) (intro.)

12 SECTION 195. 814.66 (1) (b) 2. of the statutes is amended to read:
13 814.66 (1) (b) 2. For filing a petition for guardianship of the estate under ch.
14 880 ~~54~~ or an application for conservatorship under ch. 880 s. ~~54.76~~, if the value of the
15 property, less encumbrances, liens or charges, is \$10,000 or less, a fee of \$20 and, if
16 more than \$10,000, a fee of ~~0.2%~~ ^{0.2 percent} of the value of the property, less encumbrances, liens
17 or charges.

History: 1981 c. 317; 1985 a. 329; 1989 a. 56; 1991 a. 220, 281; 1993 a. 160; 1995 a. 27, 38, 224; 1997 a. 83; 2001 a. 16; 2003 a. 33.

****NOTE: Should the \$10,000 number be changed?

18 SECTION 196. 814.66 (1) (m) of the statutes is amended to read:
19 814.66 (1) (m) For filing a petition under s. 880.155 ~~54.56~~, whether in a
20 guardianship or temporary guardianship proceeding or to commence an
21 independent action, \$60.

History: 1981 c. 317; 1985 a. 329; 1989 a. 56; 1991 a. 220, 281; 1993 a. 160; 1995 a. 27, 38, 224; 1997 a. 83; 2001 a. 16; 2003 a. 33.

****NOTE: Should any change be made to this provision other than the cross-reference? No

INSERT 54-19E



1 **SECTION 197.** 842.25 of the statutes is amended to read:

2 **842.25 Incompetent's share Share of individual adjudicated**
 3 **incompetent.** The share of any ward shall be paid to the general guardian of the
 4 ward's estate of the ward, except under s. 54.12 (1) or s. 880.04 (2), 2003 stats.

History: 1973 c. 189; Sup. Ct. Order, 67 Wis. 2d 585, 767 (1975); Stats. 1975 s. 842.25; 1993 a. 486.

5 **SECTION 198.** 851.72 (2) of the statutes is amended to read:

6 851.72 (2) Keep a court record of every proceeding in the court under chs. 54
 7 and 851 to 880 879 under its proper title, a brief statement of the nature of the
 8 proceeding and of all papers filed therein, with the date of filing and a reference to
 9 where minute records can be found or to the microfilm or optical disk or electronic
 10 file where papers have been stored so that the court record is a complete index or brief
 11 history of each proceeding from beginning to final disposition.

History: 1977 c. 449; Sup. Ct. Order, 136 Wis. 2d xx (1987); 1987 a. 193; 1993 a. 16, 172; 1995 a. 27 ss. 7187, 7188, 9126 (19); 1995 a. 77.

12 **SECTION 199.** 851.72 (3) of the statutes is amended to read:

13 851.72 (3) Keep a minute record and enter therein a brief statement of all
 14 proceedings of the court under chs. 54 and 851 to 880 879 during its sessions, all
 15 motions made and by whom, all orders granted in open court or otherwise, and the
 16 names of all witnesses sworn or examined. If this information is all included in the
 17 court record, the judge may direct that the minute record be no longer kept.

History: 1977 c. 449; Sup. Ct. Order, 136 Wis. 2d xx (1987); 1987 a. 193; 1993 a. 16, 172; 1995 a. 27 ss. 7187, 7188, 9126 (19); 1995 a. 77.

18 **SECTION 200.** 851.73 (1) (a) of the statutes is amended to read:

19 851.73 (1) (a) May make orders for hearings when the judge is away from the
 20 county seat or unable to discharge duties or when given authority in writing by the
 21 judge and an application is made to the court in a proceeding under chs. 54 and 851

1 to ~~880~~ [✓] 879 requiring notice of hearing. The order and notice when signed “by the
2 court,, register in probate” has the same effect as if signed by the judge.

History: 1977 c. 449; Sup. Ct. Order, eff. 1-1-80; 1983 a. 347; 1995 a. 201; 2001 a. 61 s. 117.

3 **SECTION 201.** 854.13 (2) (f) of the statutes is amended to read:

4 854.13 (2) (f) *Disclaimer by guardian or conservator.* A guardian of the estate
5 or a conservator appointed under ch. [✓] 54 or ch. [✓] 880, 2003 stats., may disclaim on
6 behalf of his or her ward, with court approval, if the ward is entitled to disclaim under
7 this section.

History: 1977 c. 309; 1983 a. 189 s. 329 (26); 1991 a. 39, 301; 1995 a. 360; 1997 a. 188 ss. 22 to 59, 175; Stats. 1997 s. 854.13.

8 **SECTION 202.** 854.08 (5) (title) of the statutes is amended to read:

9 854.08 (5) (title) SALE OR LOSS OF PROPERTY OF AN INDIVIDUAL ADJUDICATED
10 INCOMPETENT.

History: 1997 a. 188.

11 **SECTION 203.** 854.17 of the statutes is amended to read:

12 **854.17 Classification; how determined.** In chs. [✓] 54 and 851 to 882,
13 classification of the property of a decedent spouse and surviving spouse is
14 determined under ch. 766.

History: 1985 a. 37; 1997 a. 188 s. 92; Stats. 1997 s. 854.17.

15 **SECTION 204.** 857.15 of the statutes is amended to read:

16 **857.15 When personal representative removed, resigns.** The judge may
17 accept the written resignation of any personal representative. When a personal
18 representative ~~becomes~~ is adjudicated incompetent, disqualified, unsuitable,
19 incapable of discharging the personal representative’s duties, or is a nonresident of
20 this state who has not appointed a resident agent to accept service of process in all
21 actions or proceedings with respect to the estate and caused such appointment to be
22 filed with the court, the court shall remove the personal representative. When any
23 personal representative has failed to perform any duty imposed by law or by any

Out of order

1 lawful order of the court or has ceased to be a resident of the state, the court may
 2 remove the personal representative. When grounds for removal appear to exist, the
 3 court on its own motion or on the petition of any person interested shall order the
 4 personal representative to appear and show cause why the personal representative
 5 should not be removed.

History: 1993 a. 486.

6 **SECTION 205.** 860.13 of the statutes is amended to read:

7 **860.13 Who not to be purchaser, mortgagee or lessee without court**
 8 **approval.** The personal representative may not be interested as a purchaser,
 9 mortgagee, or lessee of any property in the estate unless the purchase, mortgage, or
 10 lease is made with the written consent of the persons interested and of the guardian
 11 ad litem for minors and incompetents individuals adjudicated incompetent or with
 12 the approval of the court after petition and hearing on notice given under s. 879.03
 13 to all persons interested, or unless the will of the decedent specifically authorizes the
 14 personal representative to be interested as a purchaser, mortgagee, or lessee.

15 **SECTION 206.** 862.03 (title) of the statutes is amended to read:

16 **862.03 (title) Account of ~~incompetent, deceased or removed~~ personal**
 17 **representative adjudicated incompetent, deceased, or removed.**

History: 1973 c. 90; 1993 a. 486.

18 **SECTION 207.** 862.03 (1) of the statutes is amended to read:

19 862.03 (1) ~~INCOMPETENT PERSONAL~~ PERSONAL REPRESENTATIVE ADJUDICATED
 20 INCOMPETENT. If a personal representative is ~~adjudged~~ adjudicated incompetent, the
 21 account under s. 862.01 shall be filed by the personal representative's guardian, or,
 22 if the personal representative's guardian fails to file, then by the personal
 23 representative's bondsman. If neither the guardian nor the bondsman files an

1 account, the court shall appoint a special administrator to file the account of the
2 ~~incompetent~~ personal representative who is adjudicated incompetent.

3 History: 1973 c. 90; 1993 a. 486.

SECTION 208. 862.03 (4) of the statutes is amended to read:

4 862.03 (4) PAYMENT FOR PREPARATION. The person who prepares and files an
5 account in accordance with this section shall be allowed the reasonable value of the
6 person's services to be paid out of the estate, and the fees of the ~~incompetent,~~
7 ~~deceased or removed~~ personal representative who is adjudicated incompetent,
8 deceased, or removed shall be reduced accordingly.

9 History: 1973 c. 90; 1993 a. 486.

SECTION 209. 863.43 of the statutes is amended to read:

10 **863.43 Distribution to ward; notice.** At least 10 days prior to distribution
11 of a share or legacy for the benefit of a minor or individual adjudicated incompetent
12 for whom a guardian of the ~~minor's or incompetent's~~ estate has been appointed, the
13 personal representative shall notify the court appointing the guardian of the estate,
14 in writing, the total property to be distributed to the guardian of the estate for the
15 benefit of the guardian's ward. An affidavit of mailing the notice shall be filed before
16 making the distribution.

17 History: 1993 a. 486.

SECTION 210. 863.45 of the statutes is amended to read:

18 **863.45 Receipts from guardians.** If a distributee of an estate is a minor or
19 an individual adjudicated incompetent and has within this state a guardian of his
20 or her estate, the personal representative shall deliver the money or other property
21 to the guardian of the estate, take a receipt from the guardian of the estate, and file
22 the receipt with the court. The court shall transmit a certified copy of the receipt to
23 the court which appointed the guardian of the estate.

History: 1977 c. 449.

SECTION 211. 865.02 (1) (b) 1. of the statutes is amended to read:

865.02 (1) (b) 1. All interested persons request or consent in writing to informal administration and to the appointment of the same person as personal representative. A guardian or guardian ad litem may consent on behalf of an interested person who is a minor or is an individual adjudicated incompetent. The probate registrar may appoint a guardian ad litem, and shall have the authority, for such purpose, granted to the court by, and shall proceed pursuant to s. 879.23.

History: 1973 c. 39; 1975 c. 331.

SECTION 212. 865.03 (1) of the statutes is amended to read:

865.03 (1) A formal proceeding in this chapter is a judicial proceeding before the court involving the administration of the estate of a decedent, including a court proceeding concerning the use or availability of this chapter. It is distinguished from an administrative proceeding before the probate registrar. Formal proceedings, either as to a particular issue or as to the entire subsequent administration of the estate, may be initiated by the personal representative or by any interested person at any time by a written demand therefor. Formal proceedings may be demanded by a guardian or guardian ad litem on behalf of an interested person who is a minor or ~~otherwise~~ is an individual adjudicated incompetent.

History: 1973 c. 39.

SECTION 213. 867.03 (1c) of the statutes is amended to read:

867.03 (1c) DEFINITION. In this section, "guardian" has the meaning given in s. 54.01 (9) or s. 880.01 (3), 2003 stats.

History: 1973 c. 43; 1975 c. 380 s. 5; 1979 c. 29; 1989 a. 234; 1993 a. 16, 205, 437; 1995 a. 27 ss. 7197b to 7199c, 9126 (19); 1997 a. 27; 1999 a. 9, 94.

SECTION 214. 878.07 (4) of the statutes is amended to read:

878.07 (4) SEPARATE AND JOINT ACTIONS; ACTION BY WARD; ACCOUNTING, WHEN UNNECESSARY. An action upon a bond by or in behalf of one person interested does not bar or in any way affect the right of any other person interested to maintain an action

1 thereon, but separate actions or a joint action may be maintained thereon by or in
2 behalf of any or all persons interested, but the action does not impair any other
3 remedy of the ward. An accounting is not necessary before bringing an action against
4 sureties ~~when~~ if the personal representative, special administrator, guardian, or
5 trustee dies ~~or~~, moves out of the state, or ~~becomes~~ is adjudicated incompetent.

History: 1977 c. 449; 1993 a. 486.

6 **SECTION 215.** 879.09 of the statutes is amended to read:

7 **879.09 Notice requirement satisfied by waiver of notice.** Persons who
8 are not minors or individuals adjudicated incompetent, on behalf of themselves, and
9 appointed guardians ad litem and guardians of the estate on behalf of themselves
10 and those whom they represent, may in writing waive the service of notice upon them
11 and consent to the hearing of any matter without notice, except that guardians ad
12 litem cannot waive the notice of a hearing to prove a will or for administration on
13 behalf of those whom they represent. An attorney, or attorney-in-fact, for a person
14 in the military service may waive notice on behalf of himself or herself but cannot
15 waive notice on behalf of the person in the military service. Waiver of notice by any
16 person is equivalent to timely service of notice.

History: 1991 a. 220.

17 **SECTION 216.** 879.11 of the statutes is amended to read:

18 **879.11 Notice requirement satisfied by appearance.** An appearance by
19 a person who is not a minor or an individual adjudicated incompetent is equivalent
20 to timely service of notice upon the person. An appearance by a guardian of the estate
21 is equivalent to timely service of notice upon the guardian and upon the guardian's
22 ward. An appearance by a guardian ad litem is equivalent to timely service of notice
23 upon the guardian ad litem and except at a hearing to prove a will or for
24 administration is equivalent to timely service of notice upon those whom the

1 guardian ad litem represents. An appearance by an attorney, or an attorney-in-fact,
2 for a person in the military service is equivalent to timely service of notice upon the
3 attorney or attorney-in-fact but does not satisfy a requirement for notice to the
4 person in the military service.

5 History: 1991 a. 220; 1993 a. 486.

SECTION 217. 879.13 of the statutes is amended to read:

6 **879.13 Delayed service of notice.** If for any reason notice to any person,
7 including a minor or an individual adjudicated incompetent, is insufficient, the court
8 may at any time order service of notice together with documents required under ss.
9 858.03 and 862.09 and, where required, appoint a guardian ad litem under s. 879.23
10 and require the person or the person's guardian ad litem to show cause why the
11 person should not be bound by the action already taken in the proceedings as though
12 the person had been timely served with notice. Such person may consent in writing
13 to be bound.

14 History: Sup. Ct. Order, 50 Wis. 2d vii (1971); 1993 a. 486.

SECTION 218. 879.15 (1) of the statutes is amended to read:

15 879.15 (1) A minor or individual adjudicated incompetent ~~person~~ shall appear
16 by a guardian ad litem or by the guardian of his or her estate, who may appear by
17 attorney, or by another person under the doctrine of virtual representation as
18 provided in s. 879.23 (5);

19 History: 1973 c. 233; 1975 c. 198 s. 65; 1975 c. 421; 1977 c. 449; 1991 a. 220.

SECTION 219. 879.19 of the statutes is amended to read:

20 **879.19 Attorney, notice to.** Except for a person in the military service, as
21 provided in s. 879.09, if a person interested who is not a minor or an individual
22 adjudicated incompetent has retained an attorney to represent him or her and the
23 attorney has mailed a notice of retainer and request for service to the attorney for
24 the personal representative and filed a copy with the court, any notice ~~which~~ that

1 would be given to the person interested shall instead be given to the attorney, and
2 the attorney may waive notice for the person interested under s. 879.09.

3 History: 1991 a. 220; 1993 a. 486.

SECTION 220. 879.23 (1) of the statutes is amended to read:

4 879.23 (1) VIRTUAL REPRESENTATION. A guardian ad litem shall be appointed for
5 any person interested who is a minor or an individual adjudicated incompetent and
6 has no guardian of his or her estate, or where the guardian of the minor's or
7 ~~incompetent's~~ individual's estate fails to appear on the minor's or ~~incompetent's~~
8 individual's behalf or where the interest of the minor or ~~incompetent~~ individual is
9 adverse to that of the guardian of the minor's or ~~incompetent's~~ individual's estate.
10 A guardian ad litem may be appointed for persons not in being or presently
11 unascertainable. A guardian ad litem shall not be appointed or appear in the same
12 matter for different persons whose interests are conflicting.

13 History: Sup. Ct. Order, 50 Wis. 2d vii (1971); 1973 c. 233; 1977 c. 299; 1979 c. 110 s. 60 (2); 1993 a. 486; 1995 a. 225; 1997 a. 290.

SECTION 221. 879.23 (4) (a) of the statutes is amended to read:

14 879.23 (4) (a) Except as provided in par. (b) or (c), the guardian ad litem
15 appointed under this section shall be either an attorney admitted to practice in this
16 state or a parent or child of the minor or individual adjudicated incompetent to be
17 represented by the guardian ad litem. A parent or child of the person to be
18 represented may be appointed the guardian ad litem under this section only if the
19 court finds either that the prospective guardian ad litem is an attorney admitted to
20 practice in this state or is otherwise suitably qualified to perform the functions of the
21 guardian ad litem.

22 History: Sup. Ct. Order, 50 Wis. 2d vii (1971); 1973 c. 233; 1977 c. 299; 1979 c. 110 s. 60 (2); 1993 a. 486; 1995 a. 225; 1997 a. 290.

SECTION 222. 879.23 (4) (c) of the statutes is amended to read:

23 879.23 (4) (c) In matters relating to the probate of an estate in which an
24 individual adjudicated incompetent has an interest that is unlikely to exceed \$1,000

1 in value, the guardian ad litem shall be a surviving parent, unless the court finds that
 2 no surviving parent is qualified and willing to serve as the guardian ad litem. If the
 3 court finds that no surviving parent is qualified and willing to serve, the guardian
 4 ad litem shall be an adult child of the ~~incompetent~~ individual, unless the court finds
 5 that no adult child of the ~~incompetent~~ individual is qualified and willing to serve as
 6 the guardian ad litem. If the court finds that neither a parent nor an adult child of
 7 the individual adjudicated incompetent is qualified and willing to serve as the
 8 guardian ad litem, the court shall appoint an attorney as provided in par. (a).

9 History: Sup. Ct. Order, 50 Wis. 2d vii (1971); 1973 c. 233; 1977 c. 299; 1979 c. 110 s. 60 (2); 1993 a. 486; 1995 a. 225; 1997 a. 290.

SECTION 223. 879.23 (5) of the statutes is amended to read:

10 **879.23 (5) VIRTUAL REPRESENTATION.** The court may dispense with or terminate
 11 the appointment of a guardian ad litem for an interested person who is a minor, an
 12 individual adjudicated incompetent, not in being, or presently unascertainable, if
 13 there is a living person, of full legal rights and capacity, who is a party to the
 14 proceeding and has a substantially identical interest in it.

*an individual
adjudicated*

15 History: Sup. Ct. Order, 50 Wis. 2d vii (1971); 1973 c. 233; 1977 c. 299; 1979 c. 110 s. 60 (2); 1993 a. 486; 1995 a. 225; 1997 a. 290.

SECTION 224. 879.26 of the statutes is amended to read:

16 **879.26 Waiver of right to certain documents.** Any person who is not a
 17 minor or ~~incompetent~~ may in writing waive the person's right to be given a statement
 18 that the inventory has been filed under s. 858.03 and a copy of accounts under s.
 19 862.11.

20 History: 1971 c. 211 s. 126; 1993 a. 486.

SECTION 225. 879.27 (4) of the statutes is amended to read:

21 **879.27 (4) WHO MAY APPEAL ON BEHALF OF MINOR OR INDIVIDUAL ADJUDICATED**
 22 **INCOMPETENT.** In all cases the appeal on behalf of any minor or individual adjudicated

1 incompetent ~~person~~ may be taken and prosecuted by the guardian of the minor's or
2 incompetent's individual's estate or by a guardian ad litem.

History: Sup. Ct. Order, 67 Wis. 2d 585, 783 (1975); 1977 c. 187, 449; 1979 c. 89; 1983 a. 219; 1993 a. 486.

3 **SECTION 226.** 879.27 (5) of the statutes is amended to read:

4 879.27 (5) LIMITATION ON BOND AND COSTS. On appeals from courts assigned to
5 exercise probate jurisdiction to the court of appeals no bond may be required of, or
6 costs awarded against, any alleged incompetent individual or person acting in behalf
7 of an alleged incompetent individual on an appeal from an adjudication of
8 incompetency, and no bond may be required of any personal representative,
9 guardian, or trustee of a testamentary trust.

History: Sup. Ct. Order, 67 Wis. 2d 585, 783 (1975); 1977 c. 187, 449; 1979 c. 89; 1983 a. 219; 1993 a. 486.

10 **SECTION 227.** 879.57 of the statutes is amended to read:

11 **879.57 Special administrator; personal representative, guardian.** If it
12 is found by the court to be necessary to appoint a personal representative or guardian
13 and there appears to be no person in the state to petition for the appointment or there
14 appears to be no suitable person to be so appointed, the court shall, upon its own
15 motion or upon the petition of any interested party, grant administration of an estate
16 of a decedent or guardianship of the estate of a minor or ~~incompetent person~~
17 individual who is adjudicated incompetent to the interested party or a special
18 administrator, and he or she shall thereupon take possession of the estate and
19 protect and preserve it, and proceed with the administration and with the care and
20 management of the estate. The authority of a special administrator in the
21 administration or guardianship may be revoked at any time upon the appointment
22 and qualification of a personal representative or guardian, or when for any other
23 cause the court deems it just or expedient. Revocation of authority does not
24 invalidate the special administrator's acts performed prior to revocation and does

1 not impair the special administrator's rights to receive from the estate his or her
2 legal charges and disbursements, to be determined by the court.

History: 1973 c. 90; 1977 c. 449.

****NOTE: Should reference to this provision be made in ch. 54? No

BA will answer: No

INSERT 104-20B

3 **SECTION 228.** 885.17 of the statutes is amended to read:

4 **885.17 Transactions with deceased agent.** No party, and no person from,
5 through, or under whom a party derives the party's interest or title shall, may be
6 examined as a witness in respect to any transaction or communication by the party
7 or person personally with an agent of the adverse party or an agent of the person
8 from, through, or under whom such adverse party derives his or her interest or title,
9 ~~when such~~ if the agent is dead ~~or insane, or otherwise legally, mentally ill, or~~
10 adjudicated incompetent as a witness, unless the opposite party shall first be
11 examined or ~~examine~~ some other witness in his or her behalf examined in respect to
12 some transaction or communication between ~~such~~ the agent and ~~such~~ the other party
13 or person; or unless the testimony of ~~such~~ the agent, at any time taken, be first read
14 or given in evidence by the opposite party; and then, in either case respectively, only
15 in respect to such the transaction or communication of which testimony is so given
16 or to the matters to which ~~such~~ the testimony relates.

History: 1993 a. 486.

17 **SECTION 229.** 905.04 (4) (a) of the statutes is amended to read:

18 905.04 (4) (a) *Proceedings for hospitalization, guardianship, protective services*
19 *or protective placement.* There is no privilege under this rule as to communications
20 and information relevant to an issue in proceedings to hospitalize the patient for
21 mental illness, to appoint a guardian ~~under s. 880.33~~ [✓] in this state, for court-ordered
22 protective services or protective placement, or for review of guardianship, protective
23 services or protective placement orders, if the physician, registered nurse,

1 chiropractor, psychologist, social worker, marriage and family therapist or
2 professional counselor in the course of diagnosis or treatment has determined that
3 the patient is in need of hospitalization, guardianship, protective services, or
4 protective placement.

History: Sup. Ct. Order, 59 Wis. 2d R121; 1975 c. 393; 1977 c. 61, 418; 1979 c. 32 s. 92 (1); 1979 c. 221, 352; 1983 a. 400, 535; 1987 a. 233, 264; Sup. Ct. Order, 151 Wis. 2d xxi (1989); 1991 a. 32, 39, 160; 1993 a. 98; 1995 a. 77, 275, 436; 1997 a. 292; 1999 a. 22; 2001 a. 80.

5 **SECTION 230.** 905.04 (4) (am) of the statutes is amended to read:

6 905.04 (4) (am) *Proceedings for guardianship.* There is no privilege under this
7 rule as to information contained in a statement concerning the mental condition of
8 the patient furnished to the court by a physician or psychologist under s. 54.36 (1)
9 or s. 880.33 (1), 2003 stats.

History: Sup. Ct. Order, 59 Wis. 2d R121; 1975 c. 393; 1977 c. 61, 418; 1979 c. 32 s. 92 (1); 1979 c. 221, 352; 1983 a. 400, 535; 1987 a. 233, 264; Sup. Ct. Order, 151 Wis. 2d xxi (1989); 1991 a. 32, 39, 160; 1993 a. 98; 1995 a. 77, 275, 436; 1997 a. 292; 1999 a. 22; 2001 a. 80.

10 **SECTION 231.** 938.02 (20m) (a) 5. of the statutes is amended to read:

11 938.02 (20m) (a) 5. If a person specified in subd. 1. has been ~~determined to be~~
12 adjudicated incompetent under ch. 880 in this state, the guardian of the person
13 appointed ~~under ch. 880~~ for him or her.

History: 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162; 2001 a. 16, 59; 2003 a. 33, 284.

14 **SECTION 232.** 938.345 (1) (e) of the statutes is amended to read:

15 938.345 (1) (e) Place any juvenile not specifically found under chs. 46, 49, 51,
16 or 115 and or ch. 880, 2003 stats., to be developmentally disabled or mentally ill or
17 to be a child with a disability, as defined in s. 115.76 (5), in facilities which that
18 exclusively treat those categories of juveniles.

54

History: 1995 a. 77; 1997 a. 27, 164; 1999 a. 9, 89; 2003 a. 50.

19 **SECTION 233.** 949.04 (1) (b) of the statutes is amended to read:

20 949.04 (1) (b) Application by an individual adjudicated incompetent may be
21 made on the ~~incompetent's~~ individual's behalf by the guardian or other person
22 authorized to administer the ~~incompetent's~~ individual's estate.

History: 1975 c. 344, 421; 1975 c. 422 s. 163; 1977 c. 239; 1981 c. 20.

23 **SECTION 234.** 950.02 (4) (a) 5. of the statutes is amended to read:

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

History: 1979 c. 219; 1983 a. 197; 1985 a. 311; 1995 a. 77, 310; 1997 a. 35, 181; 1999 a. 32.

4 **SECTION 235.** 968.20 (1m) (a) 1. of the statutes is amended to read:

5 968.20 (1m) (a) 1. "Crime" includes an act committed by a juvenile or by an
6 adult who is adjudicated incompetent adult which that would have been a crime if
7 the act had been committed by a competent adult.

History: 1977 c. 260; 1977 c. 449 s. 497; 1979 c. 221; 1981 c. 160; 1983 a. 189 s. 329 (3); 1983 a. 278; 1985 a. 29 ss. 2447 to 2449, 3200 (35); 1987 a. 203; 1987 a. 332 s. 64; 1993 a. 90, 196; 1996 a. 157; 1997 a. 192, 248; 1999 a. 185; 2001 a. 16.

8 **SECTION 236.** 992.08 of the statutes is amended to read:

9 **992.08 Evidence as to county lands; minors.** Whenever in any action it is
10 material to any party to show that the title to any tract of land is vested in any county,
11 under chapter 132 of the general laws of 1866, by having been bid in for such county
12 for 5 successive years on sales for taxes and that the tract remains unredeemed, the
13 statement of such sales made by the county treasurer, or the record of such statement
14 in the book kept for that purpose in the treasurer's office, or the certificates of such
15 sales executed by the treasurer to the county shall be prima facie evidence of the
16 regularity of the tax proceedings from and including the valuation of any such tract
17 of land up to and inclusive of the sale thereof and of the existence of all conditions
18 precedent in any way affecting the validity of such sales, or requisite to make the title
19 of such land absolutely vest in the county in which the same is situate. This section
20 does not apply to any such lands if it appears that they were owned at the time of the
21 sales by minors or ~~persons~~ individuals who were adjudicated incompetent, insane or
22 mentally ill or were under guardianship.

History: 1979 c. 110.

INSERT 104-20D

1 ~~(3)~~ TRANSITION; GUARDIANSHIP APPOINTMENTS. (a) 1. Notwithstanding the
 2 treatment of sections 880.03 and 880.12 of the statutes by this act, except as provided
 3 in subsection ~~(#)~~^{A.R. D}, all guardianships of the person appointed under section 880.03,
 4 2003 stats., in effect on the effective date of this subsection, remain in effect until
 5 modified by court order under section 54.64 (2), of the statutes, as affected by this act,
 6 terminated by court order under section 54.64 (3) of the statutes, as affected by this
 7 act, or removed by court order under section 54.68 (4) (d) or (5) of the statutes, as
 8 created by this act.

LPS:
no
changes

9 2. Notwithstanding the treatment of sections 880.03 and 880.12 of the statutes
 10 by this act, except as provided in subsection ~~(4)~~^{A.R. D}, all guardianships of the estate
 11 appointed under section 880.03, 2003 stats., in effect on the effective date of this
 12 subsection, remain in effect until modified by court order under section 54.64 (2) of
 13 the statutes, as affected by this act, terminated by court order under section 54.64
 14 (4) of the statutes, as affected by this act, or removed by court order under section
 15 54.68 (4) (d) or (5) of the statutes, as created by this act.

16 (b) Notwithstanding the treatment of sections 880.295 and 880.33 (4) of the
 17 statutes, by this act, except as provided in subsection ~~(4)~~^{A.R. D}, all guardianships
 18 appointed under section 880.295 or 880.33 (4), 2003 stats., in effect on the effective
 19 date of this subsection, remain in effect until modified by court order under section
 20 54.64 (2) of the statutes, as affected by this act, terminated by court order under
 21 section 54.64 (3) or (4) of the statutes, as affected by this act, or removed by court
 22 order under section 54.68 (4) (d) or (5) of the statutes, as created by this act.

23 ~~(4)~~ TRANSITION; GUARDIANSHIP REVIEW AND REMOVAL. (a) Notwithstanding the
 24 treatment of section 880.16 and 880.192 of the statutes by this act, all actions for

circled
23
1st

4

1 removal of a guardian under section 880.16, 2003 stats., in effect on the effective date
 2 of this subsection, remain in effect until determined by the court under that section,
 3 and all actions for review of an account or removal of a guardian under section
 4 880.192, 2003 stats., in effect on the effective date of this subsection, remain in effect
 5 until determined by the court under that section.

6 (b) Notwithstanding the treatment of sections 880.251 and 880.34 (3) of the
 7 statutes by this act, all actions for removal of a guardian under section 880.251, 2003
 8 stats., in effect on the effective date of this subsection remain in effect until the court
 9 issues an order of removal or dismisses the action, and all actions under section
 10 880.34 (3), 2003 stats., for discharge of a guardian or limitation of a guardianship in
 11 effect on the effective date of this subsection remain in effect until determined by the
 12 court under that subsection.

13 (5) TRANSITION; LIMITED GUARDIANSHIP. Notwithstanding the treatment of
 14 sections 880.33 (3) and 880.37 of the statutes by this act,

****NOTE: It is unclear to me what you want to have done with limited guardianships in general; do you want actions under ss. 880.33 (3) and 880.37, stats., stopped or should they be continued until determined?

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

Basford, Sarah

From: Zehren, David
Sent: Monday, October 03, 2005 9:25 AM
To: LRB.Legal
Cc: Kuhn, Jamie; Bruce, Cory

Please jacket LRB-0027/1.

Thanks

Dave
Senator Mark Miller's office