

1 Such ~~The~~ petition shall state, ~~so far as may be~~ all of the following, if known to the
2 petitioner:

3 History: 1971 c. 41 s. 8; Stats. 1971 s. 880.07; 1973 c. 284; 1977 c. 394; 1979 c. 32, 110, 355; 1981 c. 317; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

3 SECTION 46. 880.07 (1) (a) of the statutes is renumbered 54.34 (1) (a).

4 SECTION 47. 880.07 (1) (b) of the statutes is renumbered 54.34 (1) (b) and
5 amended to read:

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

8 History: 1971 c. 41 s. 8; Stats. 1971 s. 880.07; 1973 c. 284; 1977 c. 394; 1979 c. 32, 110, 355; 1981 c. 317; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

8 SECTION 48. 880.07 (1) (c) of the statutes is renumbered 54.34 (1) (c).

9 SECTION 49. 880.07 (1) (d) of the statutes is renumbered 54.34 (1) (d) and
10 amended to read:

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

14 History: 1971 c. 41 s. 8; Stats. 1971 s. 880.07; 1973 c. 284; 1977 c. 394; 1979 c. 32, 110, 355; 1981 c. 317; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

14 SECTION 50. 880.07 (1) (e) of the statutes is renumbered 54.34 (1) (e).

15 SECTION 51. 880.07 (1) (f) of the statutes is renumbered 54.34 (1) (f).

16 SECTION 52. 880.07 (1) (g) of the statutes is renumbered 54.34 (1) (g).

17 SECTION 53. 880.07 (1) (h) of the statutes is renumbered 54.34 (1) (h) and
18 amended to read:

19 54.34 (1) (h) The names and post-office addresses of ~~the spouse and~~
20 ~~presumptive or apparent adult heirs of the proposed ward, and all other persons~~
21 ~~believed by the petitioner to be interested parties.~~

22 History: 1971 c. 41 s. 8; Stats. 1971 s. 880.07; 1973 c. 284; 1977 c. 394; 1979 c. 32, 110, 355; 1981 c. 317; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

22 SECTION 54. 880.07 (1) (i) of the statutes is renumbered 54.34 (1) (i) and

23 amended to read:

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

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.07; 1973 c. 284; 1977 c. 394; 1979 c. 32, 110, 355; 1981 c. 317; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

****NOTE: I have amended this paragraph because its application otherwise seems to be limited—no one would have “care and custody” of the proposed ward unless he or she had been detained or committed under ch. 51, had been confined in jail or prison, was on parole, extended supervision, or probation, or was adjudicated under ch. 971 or 980, or for a minor, was under a CHIPS order under ch. 48 or a JIPS order under ch. 938. For an elderly person, however, a facility might well be providing care only to him or her.

Fix COMPONENT 4 →

SECTION 55. 880.07 (1) (j) of the statutes is amended to read:

is renumbered 54.34(1)(j) and

5 54.34 ~~880.07~~ (1) (j) The interest of the petitioner, and, if a public official or creditor
6 is the petitioner, ~~then the fact of indebtedness or continuing liability for maintenance~~
7 ~~or continuing breach of the public peace as well as~~ and the authority of the petitioner
8 to act.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.07; 1973 c. 284; 1977 c. 394; 1979 c. 32, 110, 355; 1981 c. 317; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

****NOTE: To me, this language seems to assume that you wish to include spendthrifts in this chapter, but that issue is unclear.

****NOTE: 880.07 (1m) (petition alleging person is not competent to refuse psychotropic medication) is totally left out of your proposal. What is your intent here?

9 SECTION 56. 880.07 (2) of the statutes is renumbered 54.34 (2) and amended
10 to read:

11 54.34 (2) A petition for guardianship may also include an application for
12 protective placement or protective services or both under ch. 55.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.07; 1973 c. 284; 1977 c. 394; 1979 c. 32, 110, 355; 1981 c. 317; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

13 SECTION 57. 880.07 (4) of the statutes is renumbered 54.34 (3) and amended
14 to read:

15 54.34 (3) If a petition for guardianship of the estate is filed, the fee prescribed
16 in s. 814.66 (1) (b) shall be paid by the petitioner at the time of filing of the inventory
17 or other documents setting forth the value of the estate.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.07; 1973 c. 284; 1977 c. 394; 1979 c. 32, 110, 355; 1981 c. 317; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

****NOTE: Who pays this fee? The petitioner? The ward's estate?

1 **SECTION 58.** 880.08 (intro.) of the statutes is renumbered 54.38 (2) (intro.) and
2 amended to read:

3 54.38 (2) ~~(title)~~ NOTICE OF HEARING FOR APPOINTMENTS AND REHEARINGS. (intro.)

4 Upon the filing of a petition for guardianship, ~~and the court being of the person or~~
5 ~~of the estate, including appointment or change of a guardian, if the court is satisfied~~
6 as to compliance with s. 880.07 ~~54.34~~, the court shall, ~~except as provided in sub. (3),~~
7 order delivery of notice by the petitioner of the time and place of the hearing as
8 follows: ✓

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.08; 1973 c. 284; Sup. Ct. Order, 67 Wis. 2d 585, 768 (1975); 1975 c. 218, 393, 421; 1977 c. 449 s. 497; 1981 c. 379; 1989 a. 141; 1993 a. 486; 1999 a. 85.

9 **SECTION 59.** 880.08 (1) (title) of the statutes is repealed.

10 **SECTION 60.** 880.08 (1) of the statutes is renumbered 54.38 (2) (a) and amended
11 to read:

12 54.38 (2) (a) ~~A petitioner shall have notice served of a petition for appointment~~
13 ~~or change of a guardian upon~~ On the proposed ~~incompetent ward~~ and existing
14 guardian, if any, by personal service at least 10 days before the time set for hearing.
15 If ~~such proposed incompetent~~ the proposed ward is in custody or confinement, a the
16 petitioner shall have notice served by registered or certified mail on the proposed
17 ~~incompetent's ward's~~ ward's custodian, who shall immediately serve it on the proposed
18 ~~incompetent ward~~. The custodian shall inform the proposed ~~incompetent ward~~ of the
19 complete contents of the notice ~~and certify thereon~~, certify on the notice that the
20 custodian served and informed the proposed ~~incompetent ward~~, and return and
21 ~~returned the certificate and notice to the circuit judge. The notice shall include the~~
22 ~~names of all persons who are petitioning for guardianship. A copy of the petition~~
23 ~~shall be attached to the notice. The court shall cause the proposed incompetent, if~~
24 ~~able to attend, to be produced at the hearing. The proposed incompetent is presumed~~

1 able to attend unless, after a personal interview, the guardian ad litem certifies in
 2 writing to the court the specific reasons why the person is unable to attend. If the
 3 person is unable to attend a hearing because of physical inaccessibility or lack of
 4 transportation, the court shall hold the hearing in a place where the person may
 5 attend if requested by the proposed ward, guardian ad litem, adversary counsel or
 6 other interested person. Such notice shall also be given personally or by mail at least
 7 10 days before the hearing to the proposed incompetent's counsel, if any, guardian
 8 ad litem, presumptive adult heirs or other persons who have legal or physical custody
 9 of the proposed incompetent whose names and addresses are known to the petitioner
 10 or can with reasonable diligence be ascertained, to any governmental or private
 11 agency, charity or foundation from which the proposed incompetent is receiving aid
 12 and to such other persons or entities as the court may require. The court shall then
 13 proceed under s. 880.33 court.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.08; 1973 c. 284; Sup. Ct. Order, 67 Wis. 2d 585, 768 (1975); 1975 c. 218, 393, 421; 1977 c. 449 s. 497; 1981 c. 379; 1989 a. 141; 1993 a. 486; 1999 a. 85.

***NOTE: Please note that I have changed the language of s. 880.08, considerably to make it more intelligible. The provisions are contained in s. 54.38 (1) and (2), either renumbered and amended or created, and in s. 54.44 (4). Please review.

stricken

38

(1)

(b)

54.44(4)

SECTION 61. 880.08 (3) (title) of the statutes is repealed.

SECTION 62. 880.08 (3) (am) (intro.) of the statutes is renumbered 54.38 (3) (intro.) and amended to read:

(c) Notice of hearing for appointment of guardian for a minor.

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

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.08; 1973 c. 284; Sup. Ct. Order, 67 Wis. 2d 585, 768 (1975); 1975 c. 218, 393, 421; 1977 c. 449 s. 497; 1981 c. 379; 1989 a. 141; 1993 a. 486; 1999 a. 85.

SECTION 63. 880.08 (3) (am) 1. of the statutes is renumbered 54.38 (3) (a) and

amended to read:

1 54.38 (3) (a) The proposed ward's spouse, if any.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.08; 1973 c. 284; Sup. Ct. Order, 67 Wis. 2d 585, 768 (1975); 1975 c. 218, 393, 421; 1977 c. 449 s. 497; 1981 c. 379; 1989 a. 141; 1993 a. 486; 1999 a. 85.

2 **SECTION 64.** 880.08 (3) (am) 2. of the statutes is renumbered 54.38 (3) (b) and
3 amended to read:

4 54.38 (3) (b) The proposed ward's ~~parents~~ parent, unless the parent's parental
5 rights have been judicially terminated.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.08; 1973 c. 284; Sup. Ct. Order, 67 Wis. 2d 585, 768 (1975); 1975 c. 218, 393, 421; 1977 c. 449 s. 497; 1981 c. 379; 1989 a. 141; 1993 a. 486; 1999 a. 85.

6 **SECTION 65.** 880.08 (3) (am) 3. of the statutes is renumbered 54.38 (3) (c) and
7 amended to read:

8 54.38 (3) (c) ~~A minor~~ The proposed ward, if the proposed ward is over 14 years
9 of age, unless the minor proposed ward appears at the hearing.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.08; 1973 c. 284; Sup. Ct. Order, 67 Wis. 2d 585, 768 (1975); 1975 c. 218, 393, 421; 1977 c. 449 s. 497; 1981 c. 379; 1989 a. 141; 1993 a. 486; 1999 a. 85.

****NOTE: I'm not sure that I understand what this provision means—The proposed ward, if a minor, receives notice unless he or she is under 15 or unless he or she appears at the hearing? How would the 15-year-old know where and when the hearing is? Does it still make sense to have s. 879.05, stats., instead of s. 880.08 (1) (renumbered s. 54.38 (2) (a)) apply? ✓

10 **SECTION 66.** 880.08 (3) (am) 4. of the statutes is renumbered 54.38 (3) (d) and
11 amended to read:

12 54.38 (3) (d) Any other person, ~~agency, institution, welfare department or other~~
13 ~~entity having that has~~ the legal or actual custody of the minor.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.08; 1973 c. 284; Sup. Ct. Order, 67 Wis. 2d 585, 768 (1975); 1975 c. 218, 393, 421; 1977 c. 449 s. 497; 1981 c. 379; 1989 a. 141; 1993 a. 486; 1999 a. 85.

✓ ****NOTE: How does "actual" custody in this provision differ from "physical" custody in s. 54.38 (2) (b) 6.? Shouldn't they be the same?

14 **SECTION 67.** 880.08 (3) (e) of the statutes is repealed.

15 **SECTION 68.** 880.08 (4) of the statutes is renumbered 54.38 (4) and amended
16 to read:

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

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.08; 1973 c. 284; Sup. Ct. Order, 67 Wis. 2d 585, 768 (1975); 1975 c. 218, 393, 421; 1977 c. 449 s. 497; 1981 c. 379; 1989 a. 141; 1993 a. 486; 1999 a. 85.

4 **SECTION 69.** 880.09 (intro.) of the statutes is renumbered 54.15 (intro.) and
5 amended to read:

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

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.09; 1973 c. 284; 1975 c. 393; 1977 c. 449; 1993 a. 486.

11 **SECTION 70.** 880.09 (1) of the statutes is repealed.

5) *****NOTE: Your proposed material did not address this subsection, which authorizes a minor over 14 years to nominate his or her own guardian and, if the minor is in the armed service permits the court to dispense with the right of nomination. Therefore, I repealed it. Is that what you want? ✓

12 **SECTION 71.** 880.09 (2) of the statutes is renumbered 54.15 (3) and amended
13 to read:

14 **54.15 (3) PREFERENCE PARENT OF A PROPOSED WARD.** If one or both of the parents
15 of a minor, ~~a developmentally disabled person~~ an individual with developmental
16 disability or a person with other like incapacity are suitable and willing, the court
17 shall appoint one or both of ~~them~~ ² as guardian unless the proposed ward objects. ~~The~~
18 ~~court shall appoint a corporate guardian under s. 880.35 only if no suitable~~
19 ~~individual guardian is available.~~ ✓

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.09; 1973 c. 284; 1975 c. 393; 1977 c. 449; 1993 a. 486.

*****NOTE: I deleted the last sentence from this subsection because I included this restriction in s. 880.35 (renumbered s. 54.15 (5)). ✓

20 **SECTION 72.** 880.09 (3) of the statutes is repealed.

****NOTE: Your proposed material did not address this subsection, which authorizes a court to appoint as guardian the nominee of a minor, if neither parent is suitable and willing. Therefore, I repealed it. Is that what you want? ✓

1 SECTION 73. 880.09 (4) of the statutes is repealed. ✓

2 SECTION 74. 880.09 (5) of the statutes is repealed. ✓

3 SECTION 75. 880.09 (6) of the statutes is renumbered 54.15 (4) and amended
4 to read:

5 54.15 (4) ~~TESTAMENTARY GUARDIANSHIP OF CERTAIN PERSONS NOMINATION BY~~
6 PROPOSED WARD'S PARENTS. Subject to the rights of a surviving parent, a parent may
7 by will nominate a guardian and successor guardian of the person or estate of for any
8 of his or her minor children who are is in need of guardianship. For a ~~person~~ an
9 individual who is over the age of 18 and is found to be in need of guardianship under
10 s. ~~880.33~~ 54.10 by reason of a developmental disability or other like incapacity, a parent
11 may by will nominate a testamentary guardian. The parent may waive the
12 requirement of a bond for such an estate that is derived through the will.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.09; 1973 c. 284; 1975 c. 393; 1977 c. 449; 1993 a. 486.

13 SECTION 76. 880.09 (7) of the statutes is renumbered 54.15 (2) and amended
14 to read:

15 54.15 (2) ~~ANTICIPATORY NOMINATION; PREFERENCE PERSON NOMINATED BY PROPOSED~~
16 WARD. Any ~~person~~ individual other than a minor may, ~~at such time as if~~ the person
17 individual has sufficient capacity to form an intelligent preference, execute a written
18 instrument, in the same manner as the execution of a will under s. 853.03,
19 nominating a ~~person~~ another to be appointed as guardian of his or her person or
20 property or both ~~in the event that if~~ a guardian is in the future appointed for the
21 individual. ~~Such nominee shall be appointed as guardian by the~~ The court shall
22 appoint this nominee as guardian unless the court finds that the appointment of such

*** NOTE: I do not understand the intended meaning of the last sentence, under your proposal and as drafted.

plain space

1 nominee is not in the best interests of the person for whom, or for whose property, the
2 guardian is to be appointed proposed ward.

3 History: 1971 c. 41 s. 8; Stats. 1971 s. 880.09; 1973 c. 284; 1975 c. 393; 1977 c. 449; 1993 a. 486.
4 SECTION 77. 880.10 of the statutes is renumbered 54.38 (5) and amended to
5 read:

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

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.10; 1993 a. 486.

****NOTE: This provision makes reference to the fact that, under s. 880.09 (1) and
(3), stats., a minor may nominate his or her own guardian. Your proposed material
includes it without change. However, neither s. 880.09 (1) or (3), stats., is addressed by
your proposed material (most of s. 880.09 is renumbered in this draft to be in s. 54.15),
so I repealed them (see ****NOTES under those provisions). Is that what you want with
respect to those provisions and in this one? If you want to keep all three, have I amended
this provision accurately? ✓ ✓

11 SECTION 78. 880.12 of the statutes is repealed.

****NOTE: I have assumed that s. 54.46 (3) was intended to replace this section,
although s. 54.46 (3) makes no mention of the language under s. 880.12 (2), stats.
Correct? ✓

12 SECTION 79. 880.125 of the statutes is repealed.

13 SECTION 80. 880.13 (title) of the statutes is renumbered 54.46 (5) (title).

14 SECTION 81. 880.13 (1) of the statutes is renumbered 54.46 (5) (a) and amended
15 to read:

16 54.46 (5) (a) (title) Form Amount and sufficiency of bond. Upon the
17 appointment of a guardian of the estate of a ward, except as provided under s. 880.60
18 (9), the court may require a bond given in accordance with ch. 878 and s. 895.345 The
19 order shall specify the amount of any bond required to be given by the guardian of

under sub. (3)

under any of the following circumstances:

1 the estate, conditioned upon the faithful performance of the duties of the guardian
2 of the estate. No bond may be required for the guardian of the person.

3 History: 1971 c. 35; 1971 c. 41 s. 8; 1971 c. 211 s. 114; Stats. 1971 s. 880.13; 1973 c. 284 s. 32; 1973 c. 336 s. 79; 1977 c. 74, 449; 1983 a. 369; 1991 a. 221.

3 SECTION 82. 880.13 (2) (title) of the statutes is renumbered 54.46 (5) (b) (title).

4 SECTION 83. 880.13 (2) (a) of the statutes is renumbered 54.46 (5) (b) (intro.)

5 and amended to read:

6 54.46 (5) (b) (intro.) Unless ~~required~~ ^{score} under s. 880.60 (9), the court may waive

7 the requirement of a bond ~~at as follows~~ ⁹ 1. At any time in its discretion or if ⁹ 2. If
8 so requested in a will ~~wherein~~ in which a nomination appears.

9 History: 1971 c. 35; 1971 c. 41 s. 8; 1971 c. 211 s. 114; Stats. 1971 s. 880.13; 1973 c. 284 s. 32; 1973 c. 336 s. 79; 1977 c. 74, 449; 1983 a. 369; 1991 a. 221.

9 SECTION 84. 880.13 (2) (b) of the statutes is renumbered 54.46 (5) (b) 3. and

10 amended to read:

11 54.46 (5) (b) 3. ~~Whenever~~ If a guardian has or will have possession of funds of
12 the ward with a total value of \$40,000 ~~\$100,000~~ or less, and the court may direct
13 directs deposit of the funds in an insured account of a bank, credit union, savings
14 bank, or savings and loan association in the name of the guardian and the ward and
15 payable only upon further order of the court. ~~In such event the court may waive the~~
16 ~~requirement of a bond.~~

17 History: 1971 c. 35; 1971 c. 41 s. 8; 1971 c. 211 s. 114; Stats. 1971 s. 880.13; 1973 c. 284 s. 32; 1973 c. 336 s. 79; 1977 c. 74, 449; 1983 a. 369; 1991 a. 221.

17 SECTION 85. 880.13 (3) of the statutes is renumbered 54.46 (5) (c) and amended

18 to read:

19 54.46 (5) (c) *Blanket bond for county employee guardian or conservator.* The
20 ~~ircuit court may designate one or more persons who are county institutional~~
21 ~~employees, whose duty it is to act as guardian of one or more estates of incompetent~~
22 ~~persons upon appointment by the court, or as conservator for the estates of persons~~
23 ~~making application therefor, who are residents of the county home, patients of the~~
24 ~~county hospitals or county mental hospitals. The appointments shall be made~~

1 subject to this chapter. ~~The person, before entering upon duties, shall take an official~~
 2 ~~oath. The~~ For a person who is appointed as a guardian of the estate or as conservator
 3 under sub. (3) (d), the court may waive the requirement of a bond or may require the
 4 person to give bond, with sufficient sureties, to the judge ~~of the court, in a sum an~~
 5 amount, approved by the court, that is not less than \$1,000 ~~subject to court approval.~~
 6 The bond shall cover the person so designated and appointed in all guardianships
 7 and conservatorships to which the person has been or shall be is appointed by the
 8 court. ~~Additional~~ The court may require additional bonds may be required from time
 9 to time. The expense of surety upon the bonds shall be paid by the county treasurer
 10 on the order of the circuit judge court. ~~The term of the person appointed shall~~
 11 ~~terminate upon resignation or removal and approval of the person's accounts by the~~
 12 court. ← plain

History: 1971 c. 35; 1971 c. 41 s. 8; 1971 c. 211 s. 114; Stats. 1971 s. 880.13; 1973 c. 284 s. 32; 1973 c. 336 s. 79; 1977 c. 74, 449; 1983 a. 369; 1991 a. 221.
 ****NOTE: Please see the ****Note under s. 54.46 (3) (d). ✓

13 **SECTION 86.** 880.14 of the statutes is renumbered 54.46 (6) and amended to
 14 read:

15 54.46 (6) ~~WHEN LETTERS TO BE ISSUED~~ LETTERS OF GUARDIANSHIP. When a
 16 guardian has given bond as required and the bond has been approved by the judge
 17 court, letters under the seal of the court shall be issued to the guardian. ✓

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.14; 1993 a. 486.

18 **SECTION 87.** 880.15 (title) of the statutes is renumbered 54.50 (1) (title).

19 **SECTION 88.** 880.15 (1) of the statutes is renumbered 54.50 (1) (b) and amended
 20 to read:

21 54.50 (1) (b) (title) APPOINTMENT Duration and extent of authority. If, after
 22 consideration of a petition for temporary guardianship, the court finds that the
 23 welfare of a minor, ~~spendthrift or an alleged incompetent~~ requires the immediate

****NOTE: Should there be letters for the guardian of the person? If so, such a guardian does not give bond; what would trigger issuance of the letters?

score

score instead of strike

1 appointment of a guardian of the person or of the estate, or of both, it The court may
 2 appoint a temporary guardian for a ward for a period not to exceed 60 days unless
 3 further extended for 60 days by order of the court. The court may extend the period
 4 only once. The court may impose no further temporary guardianship on the ward
 5 for at least 90 days after the expiration of the temporary guardianship and any
 6 extension, except that the court may extend this period for good cause shown for one
 7 additional 60-day period. The court's determination and order appointing the
 8 temporary guardian shall specify the authority of the temporary guardian and shall
 9 be limited to those acts that are reasonably related to the reasons for appointment
 10 that are specified in the petition for temporary guardianship. The authority of the
 11 temporary guardian shall be is limited to the performance of duties respecting
 12 specific property, or to the performance of particular those acts, as stated in the order
 13 of appointment. All provisions of the statutes concerning the powers and duties of
 14 guardians shall apply to temporary guardians except as limited by the order of
 15 appointment. The temporary guardian shall make the reports the court directs and
 16 shall account to the court upon termination of authority. The court assigned to
 17 exercise jurisdiction under chs. 48 and 938 has exclusive jurisdiction over the
 18 appointment of a temporary guardian of a minor for medical purposes but shall
 19 proceed in accordance with this section. Unless the court first specifically approves,
 20 the temporary guardian may not sell real estate or expend an amount in excess of
 21 \$2,000.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.15; 1977 c. 354, 418, 449; 1979 c. 175; 1981 c. 379; 1995 a. 77.

****NOTE: I have stricken the language limiting further temporary guardianships on the same ward, in accord with the memo. ✓

22 SECTION 89. 880.15 (1m) of the statutes is repealed.

23 SECTION 90. 880.15 (1s) of the statutes is repealed.

****NOTE: Please see the ****NOTE under s. 54.50 (1) (c) 3. ✓

1 SECTION 91. 880.15 (2) of the statutes is repealed.

****NOTE: Please see the ****NOTE under s. 54.50 (1) (c) 3. ✓

2 SECTION 92. 880.15 (3) of the statutes is repealed.

****NOTE: Please see the ****NOTE under s. 54.50 (1) (c) 5. ✓

3 SECTION 93. 880.17 of the statutes is renumbered 54.54.

4 SECTION 94. 880.173 (title) of the statutes is repealed.

5 SECTION 95. 880.173 (1) of the statutes is renumbered 54.20 (2) (g) and
6 amended to read:

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

History: 1983 a. 186; 1985 a. 37.

→ ****NOTE: Because a marital property agreement may be entered into before
→ marriage, shouldn't this also include the ward's intended spouse, if any?

→ ****NOTE: Your proposal does not address prohibiting a guardian from making,
→ amending, or revoking a will, so I repealed that part of the last sentence. Do you intend
that a guardian have that power?

16 SECTION 96. 880.173 (2) of the statutes is repealed. ✓

17 SECTION 97. 880.175 (title) of the statutes is repealed. ✓

18 SECTION 98. 880.175 of the statutes is renumbered 54.20 (2) (b) and amended
19 to read:

1 54.20 (2) (b) ~~Upon petition by the guardian, a parent, the spouse, any issue or~~
 2 ~~next of kin of any person, assets of the person may, in the discretion of the court and~~
 3 ~~upon its order, after such notice as the court may require, be transferred~~ Transfer
 4 assets of the ward to the trustee or trustees of an any existing revocable living trust
 5 ~~created by the person for the benefit of~~ that the ward has created for himself or
 6 ~~herself and those dependent upon the person for support~~ any dependents, or, if the
 7 ward is a minor, to the trustee or trustees of a any trust created for the exclusive
 8 benefit of the person, if a minor, which ward that distributes to him or her at age 18
 9 or 21, or, if the ward dies before age 18 or 21, to his or her estate, or as he or she
 10 appoints if he or she dies prior to age 18 or 21 the guardian appoints.

History: 1971 c. 41 s. 8; 1971 c. 171; 1971 c. 228 ss. 36, 37; Stats. 1971 s. 880.175; 1977 c. 409.

****NOTE: The words "or as he or she appoints" in s. 880.175 are extremely confusing, because it is unclear what the antecedent to "he or she" is. I finally concluded that the antecedent must be the guardian, although an argument might be made that, in fact, it should be the trustee; clearly, it is not the minor. Please review. I also changed "an existing revocable living trust" to "any existing revocable living trust" and make a like change to "a trust created for the exclusive benefit of the ward," because it is not certain that such a trust exists in all cases. made

11 **SECTION 99.** 880.18 (title) of the statutes is renumbered 54.60 (title).

12 **SECTION 100.** 880.18 of the statutes is renumbered 54.60 (1) and amended to
 13 read:

14 54.60 (1) When a ^{CS} The guardian of the estate has been appointed an inventory
 15 shall be made in the same manner and subject to the same requirements as are
 16 provided for the inventory of a decedent's estate. An appraisal of all or any part of
 17 the ward's estate shall be made when ordered by the court prepare an inventory that
 18 lists all of the ward's property and interests in property, including any marital
 19 property interest, regardless of how the asset is titled. ✓

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.18.

20 **SECTION 101.** 880.19 (title) of the statutes is repealed.

21 **SECTION 102.** 880.19 (1) (title) of the statutes is repealed.

1 **SECTION 103.** 880.19 (1) of the statutes is renumbered 54.19 (1) and amended
2 to read:

3 54.19 (1) ~~The guardian of the estate shall take~~ Take possession of all of the
4 ward's real and personal property, and of any rents, income, issues, and benefits
5 ~~therefrom, whether accruing before or after the guardian's appointment,~~ and of the ^{From the property}
6 any proceeds arising from the sale, mortgage, lease, or exchange thereof of the
7 property, and prepare an inventory of these. Subject to such this possession, the title
8 of all such the estate and to the increment and proceeds thereof shall be of the estate
9 is in the ward and not in the guardian. It is ~~the duty of the guardian of the estate~~
10 ~~to protect and preserve it, to retain, sell and invest it as hereinafter provided, to~~
11 ~~account for it faithfully, to perform all other duties required of the guardian by law~~
12 ~~and at the termination of the guardianship to deliver the assets of the ward to the~~
13 ~~persons entitled thereto.~~

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.19; 1973 c. 85; 1975 c. 94 s. 91 (9); 1979 c. 32 s. 92 (14); 1993 a. 486.

****NOTE: I did not add "or a specified portion of the ward's property", as in your
proposal, because s. 54.19 (intro.), which governs this paragraph, already requires that
the guardian act within the limitations of the court order, and it would be the court order,
I assume, that would specify any portion of the ward's property that the guardian would
be allowed to act upon. ✓

14 **SECTION 104.** 880.19 (2) (title) of the statutes is repealed.

15 **SECTION 105.** 880.19 (2) (a) of the statutes is renumbered 54.20 (1) and
16 amended to read: ^{CS} Standard.

17 54.20 (1) The In exercising the powers under this section, the guardian of the
18 estate ~~may, without the approval of the court, retain any real or personal property~~
19 ~~possessed by the ward at the time of appointment of the guardian or subsequently~~
20 ~~acquired by the ward by gift or inheritance without regard to ch. 881, so long as such~~
21 ~~retention constitutes the exercise of~~ shall use the judgment and care under the
22 ~~circumstances then prevailing, which~~ that persons of prudence, discretion, and

1 intelligence exercise in the management of their own affairs, ~~not in regard to~~
 2 ~~speculation but in regard to~~ including the permanent, rather than speculative,
 3 disposition of their funds, considering and consideration of the probable income as
 4 well as the probable and safety of their capital. ✓

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.19; 1973 c. 85; 1975 c. 94 s. 91 (9); 1979 c. 32 s. 92 (14); 1993 a. 486.

5 **SECTION 106.** 880.19 (2) (b) of the statutes is renumbered 54.20 (3) (f) and
 6 amended to read:

7 54.20 (3) (f) ~~The guardian of the estate may, with the approval of the court, after~~
 8 ~~such notice as the court directs, retain~~ Retain any real or personal property
 9 ~~possessed by that the ward at the time of the appointment of the~~ possesses when the
 10 guardian is appointed or that or subsequently acquired by the ward acquires by gift
 11 or inheritance ~~for such period of time as shall be designated in the order of the court~~
 12 ~~approving such retention, without regard to ch. 881~~ during the guardian's
 13 appointment.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.19; 1973 c. 85; 1975 c. 94 s. 91 (9); 1979 c. 32 s. 92 (14); 1993 a. 486.

****NOTE: Note that, as in your proposal, this provision appears to combine s.
 880.19 (2) (a) and (b), stats.; with respect to s. 880.19 (2) (b), stats., it changes current law,
 which requires court approval, to language that specifically provides for this action
 without court approval; is that your intent? In addition, language in current law under
 s. 880.19 (2) (a) and (b), stats., includes "without regard to ch. 881"; I deleted the language
 "without regard to ch. 881" in this paragraph because ch. 881 does not require that the
 ward's possessions be invested; rather, it sets forth standards and procedures for
 investing—therefore, it need not be referenced here, because it does not prohibit the
 guardian from exercising the power to retain the ward's assets. Note, however, that I
 retained this language for s. 54.20 (3) (g) renumbered from s. 880.19 (4) (a)).

14 **SECTION 107.** 880.19 (3) (title) of the statutes is repealed. (h) (k)

15 **SECTION 108.** 880.19 (3) of the statutes is renumbered 54.20 (2) (j) and amended
 16 to read: (k)

17 54.20 (2) (j) In all cases where in which the court ~~deems it~~ determines that it
 18 is advantageous to continue the business of a ward, ~~such business may be continued~~

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

3 History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.19; 1973 c. 85; 1975 c. 94 s. 91 (9); 1979 c. 32 s. 92 (14); 1993 a. 486.

3 SECTION 109. 880.19 (4) (title) of the statutes is repealed.

4 SECTION 110. 880.19 (4) (a) of the statutes is renumbered 54.20 (3) (g) and
5 amended to read:

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

9 History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.19; 1973 c. 85; 1975 c. 94 s. 91 (9); 1979 c. 32 s. 92 (14); 1993 a. 486.

9 SECTION 111. 880.19 (4) (b) of the statutes is renumbered 54.20 (2) (k) and

10 amended to read:

11 54.20 (2) (k) The guardian of the estate may, with the approval of the court,
12 after After such notice as the court directs and subject to ch. 786, invest the proceeds
13 of sale of any guardianship assets of the ward and any of the ward's other moneys
14 in the guardian's possession in such the real or personal property as the court
15 determines that is determined by the court to be in the best interests of the
16 guardianship estate, without regard to notwithstanding ch. 881.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.19; 1973 c. 85; 1975 c. 94 s. 91 (9); 1979 c. 32 s. 92 (14); 1993 a. 486.

NOTE: Please note my changes to the term "guardianship assets" and "moneys in the guardian's possession".

17 SECTION 112. 880.19 (4) (c) of the statutes is renumbered 54.18 (3) (a) and
18 amended to read:

19 54.18 (3) (a) No guardian shall lend guardianship Lend funds of the ward to
20 himself or herself.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.19; 1973 c. 85; 1975 c. 94 s. 91 (9); 1979 c. 32 s. 92 (14); 1993 a. 486.

NOTE: Please see the NOTE under s. 54.20 (2) (k) (renumbered from s. 880.19 (4) (b)).

21 SECTION 113. 880.19 (5) (title) of the statutes is repealed.

NOTE: Please see the NOTE under s. 54.20(3)(h) (renumbered from s. 880.19(4)(a)). Please also note my change to the term "guardianship estate."

(L)

1 SECTION 114. 880.19 (5) (a) of the statutes is renumbered 54.20 (3) (b) and
2 amended to read:

3 54.20 (3) (b) ~~The guardian of the estate may, without approval of the court, sell~~
4 Subject to ch. 786, sell any property of the guardianship estate acquired by the
5 guardian pursuant to sub. (4) under sub. (2) or par. (g). of the ward that is

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.19; 1973 c. 85; 1975 c. 94 s. 91 (9); 1979 c. 32 s. 92 (14); 1993 a. 486.

6 SECTION 115. 880.19 (5) (b) of the statutes is renumbered 54.22 and amended
7 to read:

(B) Petition for authority to sell, mortgage, pledge, lease or exchange ward's property.

8 54.22 The court, on the application petition of the guardian of the estate or of
9 any other person interested in the estate of any a ward, after such notice if any, as
10 any notice that the court directs, may authorize or require the guardian to sell,
11 mortgage, pledge, lease or exchange any property of the guardianship estate upon
12 such terms as the court may order, subject to ch. 786, for the purpose of paying the
13 ward's debts, providing for the ward's care, maintenance and education and the care,
14 maintenance and education of the ward's dependents, investing the proceeds or for
15 any other purpose which that is in the best interest of the ward.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.19; 1973 c. 85; 1975 c. 94 s. 91 (9); 1979 c. 32 s. 92 (14); 1993 a. 486.

****NOTE: This provision appears to be in direct conflict with s. 54.19 (2) and (4), each of which require the guardian to act with respect to the ward's property in ways that are redundant to this provision, but without requiring court approval. Which alternative do you prefer? Is the issue related to a dollar value on the property, i.e., property over a value of, say, \$100,000 would require court approval before the guardian may act? Or should either this provision or s. 54.19 (2) and (4) drop out?

16 SECTION 116. 880.19 (5) (c) of the statutes is renumbered 54.18 (3) (b) and
17 amended to read:

18 54.18 (3) (b) ~~No guardian shall purchase~~ Purchase property of the ward, unless
19 sold at public sale except at fair market value, subject to ch. 786, and with the

1 approval of the court, and then only if the guardian is a spouse, parent, child, brother
2 or sister of the ward or is a cotenant with the ward in the property.

3 History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.19; 1973 c. 85; 1975 c. 94 s. 91 (9); 1979 c. 32 s. 92 (14); 1993 a. 486.

SECTION 117. 880.19 (5) (d) of the statutes is repealed.

4 SECTION 118. 880.19 (6) of the statutes is renumbered 54.23 and amended to

5 read:

6 54.23 (title) Trust Banks and trust companies, ; exemption from
7 investment restraints. The limitations of this section ss. 54.18 (3) (a) and (b), 54.19
8 (1), (2), and (6), and 54.20 (1), (2) (a) and (b), and (3) (a), (b), (c), and (d) relating to
9 retention, sale, investment or reinvestment of any asset shall not be applicable to any
10 bank or trust company authorized to exercise trust powers.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.19; 1973 c. 85; 1975 c. 94 s. 91 (9); 1979 c. 32 s. 92 (14); 1993 a. 486.

*****NOTE: Please scrutinize this provision. It was included without change in your
proposal. I have amended it, so far as I can tell that it applies. The effect of this provision
in current law is to place no limitations on the sale, investment, etc. of any of a ward's
assets by a bank or trust company (this, I assume, is as opposed to the restrictions that
guardians must abide by, such as court approval, prudent disposition, court approval
etc.) Do you want to continue this lifting of all restrictions on these actions by banks and
trust companies?

11 SECTION 119. 880.191 (title) of the statutes is repealed.

12 SECTION 120. 880.191 (1) of the statutes is renumbered 54.60 (7) and amended

13 to read:

14 54.60 (7) VERIFICATION, EXAMINATION IN COURT. Every guardian shall verify by
15 the guardian's oath that every inventory required of the guardian and verification
16 shall be to the effect that the inventory is true of all property which that belongs to
17 his or her decedent's estate or his or her ward, which has come to the ward's estate,
18 in the guardian's possession or knowledge, and that upon diligent inquiry the
19 guardian has not been able unable to discover any property belonging to the estate
20 or ward which is not included therein that the inventory does not include. The court,
21 at the request of any party interested, or on its own motion, may examine the

of the ward

1 guardian on oath ~~in relation thereto, as to the inventory~~ or ~~in relation to~~ any
 2 supposed omission from the inventory *delete period*

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.191; 1977 c. 449; 1993 a. 486.

****NOTE: The language striking reference to the decedent's estate is in accord with the memo.

3 **SECTION 121.** 880.21 of the statutes is repealed.

****NOTE: I repealed this whole section, because the language is so much wordier than s. 54.20 (3) (a) and otherwise seems unnecessary.

4 **SECTION 122.** 880.22 (title) of the statutes is repealed.

5 **SECTION 123.** 880.22 (1) (title) of the statutes is repealed.

6 **SECTION 124.** 880.22 (1) of the statutes is renumbered 54.19 (7) (a) and
 7 amended to read:

8 54.19 (7) (a) ~~Every general guardian shall pay~~ Pay the just debts of the ward
 9 ~~out of from~~ the ward's personal estate and the income of the ward's real estate, if
 10 ~~sufficient, and if not, then out of the ward's real estate upon selling the same as~~
 11 ~~provided by law. But a temporary guardian shall pay the debts of his or her ward only~~
 12 ~~on order of the court.~~ ✓

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.22; 1977 c. 449; 1993 a. 486.

****NOTE: This language is in accord with the memo.

13 **SECTION 125.** 880.22 (2) (title) of the statutes is repealed.

14 **SECTION 126.** 880.22 (2) of the statutes is renumbered 54.19 (7) (b) and
 15 amended to read:

16 54.19 (7) (b) ~~The guardian or a creditor of any ward may apply~~ Apply to the
 17 court for adjustment of any claims against the ward incurred ~~prior to~~ before entry
 18 of the order appointing the guardian or the filing of a lis pendens as provided in s.
 19 880.215. The court shall by order fix the time and place it will adjust claims and the
 20 time within which all claims ~~must~~ shall be presented ~~or be barred.~~ Notice of the time
 21 ~~and place so fixed and limited~~ these times and the place shall be given by publication

1 as in estates of decedents; and all statutes relating to claims against and in favor of
2 estates of decedents provided in s. 879.05 (4), and ch. 859 generally shall apply. As
3 in the settlement of estates of deceased persons, after After the court has made the
4 order, no action or proceeding may be commenced or maintained in any court against
5 the ward upon any claim of over which the circuit court has jurisdiction.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.22; 1977 c. 449; 1993 a. 486.

→ *****NOTE: Your proposal placed this provision under the duties, rather than the powers, of the guardian, notwithstanding the fact that current law uses the term "may apply to the court". It seemed to me that this, indeed, should be a duty; therefore, I left it in s. 54.19 (which has the effect of changing "may" to "shall") and added "any" to "claims," because it is possible that no claims were incurred against the ward before entry of the order. Have I interpreted this correctly? Please review the reference to s. 879.05 (4) and ch. 859, stats. Also, the provision refers to s. 880.215, which is not touched by your proposal; how do you want me to deal with that provision?

6 SECTION 127. 880.23 (title) of the statutes is repealed.

7 SECTION 128. 880.23 of the statutes is renumbered 54.19 (8) and amended to
8 read: renumbered from s. 880.19(3)

9 54.19 (8) ~~The guardian shall settle~~ Settle all accounts of the ward and may
10 demand, sue for, collect and receive all debts and claims for damages due him or her,
11 or may, with the approval of the circuit court, compound and discharge the same, and
12 shall appear for and represent ~~his or her~~ the ward in all actions and proceedings
13 except where those for which another person is appointed for that purpose.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.23; 1977 c. 449.

*****NOTE: This provision is in part a duty and in part a power; accordingly, I have amended out the authority to demand, etc. Please look at s. 54.20 (2) ~~(*)~~ as created, and see if the language I have amended out of this provision should be placed there.

Stet;
leave as
typed

*****NOTE DAK. fix cite in **NOTE and make sure provision is created in s. 54.20.

14 SECTION 129. 880.24 (title) of the statutes is repealed.

15 SECTION 130. 880.24 (1) of the statutes is repealed.

16 SECTION 131. 880.24 (2) of the statutes is renumbered 54.42 (4) and amended
17 to read:

1 54.42 (4) (title) WARD'S RIGHT TO PAYMENT OF EXPENSES IN TO CONTEST
 2 PROCEEDINGS. When If a guardian is appointed the court may allow reasonable
 3 expenses incurred by the ward in contesting the appointment.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.24; 1993 a. 486; 1999 a. 183.

4 **SECTION 132.** 880.24 (3) of the statutes is renumbered 54.46 (4).

to 59 s. 880.24 (3) (a), but, because s. 880.24 (3) was last affected on June 2, 2000, by 1999
 Wisconsin Act 183, your proposed material may have been formulated before that
 language was enacted. Please review all of s. 880.24 (3), as renumbered in this bill, as
 compared to your proposed material, to see if I have done what you want. Note that,
 because the provision *requires* the court to award payment, it was necessary to renumber
 the provision s. 54.46 (4), rather than include it in s. 54.46 (3). Please also see the
 ***NOTE under s. 54.32 (renumbered from s. 880.33 (2) (a) 3.).

CS

5 **SECTION 133.** 880.245 of the statutes is renumbered 54.62 (6) and amended to
 6 read:

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

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.245; 1977 c. 449.

16 **SECTION 134.** 880.25 (title) of the statutes is repealed.

17 **SECTION 135.** 880.25 (1) of the statutes is renumbered 54.62 (1) and amended
 18 to read:

19 54.62 (1) ANNUAL REPORTS. Every Except as provided in sub. (3) or unless
 20 waived by a court, every guardian, except including a corporate guardian, shall, prior

1 to April 15 of each year, file an account under oath ~~specifying~~ that specifies the
2 amount of property received and held or invested by the guardian, the nature and
3 manner of the investment, and the guardian's receipts and expenditures during the
4 preceding calendar year. ~~When ordered by the court,~~ The court may order the
5 guardian ~~shall within 30 days~~ to render and file, within 30 days, a like account for
6 ~~any shorter term less than a year.~~ In lieu of the filing of these accounts before April
7 15 of each year, the court may, by appropriate order upon motion of the guardian,
8 direct the guardian of an estate to ~~thereafter~~ render and file the annual accountings
9 within 60 days after the anniversary date of the guardian's qualification as guardian,
10 with the accounting period from the anniversary date of qualification to the ensuing
11 annual anniversary date. ~~When any guardian of a minor has custody of the ward and~~
12 ~~the care of the ward's education,~~ the guardian's report shall state the time that the
13 ward attended school during the time for which the account is rendered and the name
14 of the school. The guardian shall also report any change in the status of the surety
15 upon the guardian's bond. If the court determines it to be in the ward's best interests,
16 the court may specify the persons to whom the guardian shall distribute copies of the
17 account. ✓

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.25; 1987 a. 220, 403; 1993 a. 486.

18 **SECTION 136.** 880.25 (2) of the statutes is renumbered 54.62 (2) and amended
19 to read:

20 54.62 (2) DISPLAY OF ASSETS. Upon rendering the account the guardian shall
21 produce for examination by the court, or ~~some~~ by a person satisfactory to the court,
22 all reported securities, evidences of deposit, and investments ~~reported~~, which shall
23 be described in the account in sufficient detail so that they may be readily identified.
24 ~~It shall be ascertained~~ The court or person satisfactory to the court shall ascertain

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1 whether the securities, evidences of deposit and investments correspond with the
2 account.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.25; 1987 a. 220, 403; 1993 a. 486.

3 **SECTION 137.** 880.25 (3) of the statutes is renumbered 54.66 (2) and amended
4 to read:

5 54.66 (2) SMALL ESTATES. ~~When the whole estate of a ward or of several wards~~
6 ~~jointly, under the same guardianship, does not exceed \$1,000 in value, the~~ The
7 ~~guardian shall be required to render of a ward with a small estate, as specified in s.~~
8 54.62 (3) (a), need not file a final account only upon the termination of the guardian's
9 guardianship, unless otherwise ordered by the court. The guardian shall instead
10 provide the court with a list of the ward's assets that remain at the time the
11 guardianship terminates, including at the death of the ward.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.25; 1987 a. 220, 403; 1993 a. 486.

12 **SECTION 138.** 880.25 (4) of the statutes is renumbered 54.62 (5) and amended
13 to read:

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

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.25; 1987 a. 220, 403; 1993 a. 486.

22 **SECTION 139.** 880.25 (5) of the statutes is renumbered 54.62 (7) and amended
23 to read:

1 54.62 (7) (title) NOTICE OF FINAL ACTION ON AN ACCOUNT. No action by the court
2 upon any on an account shall be is final unless it is upon the court first directs that
3 notice be provided to interested parties.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.25; 1987 a. 220, 403; 1993 a. 486.

****NOTE: It is not clear to whom notice under this subsection must be provided.
"Interested parties" is not defined; is it suitable here, or should it be "interested person"?
Should, instead, notice be provided to the guardian and the ward only? ✓

4 SECTION 140. 880.26 (title) of the statutes is repealed.

5 SECTION 141. 880.26 (1) (intro.) of the statutes is renumbered 54.64 (3) (intro.)
6 and amended to read:

7 54.64 (3) (title) GUARDIANSHIP TERMINATION OF GUARDIANSHIP OF THE PERSON.
8 (intro.) A guardianship of the person shall terminate ~~when~~ if any of the following ✓
9 occurs:

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.26; 1973 c. 284; 1983 a. 217; 1989 a. 307; 1993 a. 486; 1999 a. 85.

****NOTE: Your proposal does not include treatment of s. 880.26 (1) (a) and (b) (a
guardianship of the person must terminate when a minor ward who is not incompetent
attains majority or a minor ward marries). I have, however, not repealed these
provisions, because I thought perhaps that not including them was inadvertent. Please
review. ✓

10 SECTION 142. 880.26 (1) (c) of the statutes is renumbered 54.64 (3) (a) and
11 amended to read:

12 54.64 (3) (a) The court adjudicates a ~~former~~ ward who was formerly found
13 incompetent to be ~~competent~~. to be an no longer an incompetent ✓

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.26; 1973 c. 284; 1983 a. 217; 1989 a. 307; 1993 a. 486; 1999 a. 85.

14 SECTION 143. 880.26 (2) (intro.) of the statutes is renumbered 54.64 (4) (intro.)
15 and amended to read:

16 54.64 (4) (title) GUARDIANSHIP TERMINATION OF GUARDIANSHIP OF THE ESTATE.
17 (intro.) A guardianship of the estate shall terminate ~~when~~ if any of the following
18 occurs:

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.26; 1973 c. 284; 1983 a. 217; 1989 a. 307; 1993 a. 486; 1999 a. 85.

****NOTE: Your proposed material does not include treatment of s. 880.26 (2) (a) and
(b) (a guardianship of the estate must terminate when a minor ward who is not
incompetent attains majority or a minor ward marries and the court approves the an

termination). I have, however, not repealed these provisions, because I thought perhaps that not including them was inadvertent. Please review. ✓

1 **SECTION 144.** 880.26 (2) (c) of the statutes is renumbered 54.64 (4) (a) and
2 amended to read:

3 54.64 (4) (a) The court adjudicates a former incompetent ~~or a spendthrift~~ to be
4 ~~capable of handling his or her property~~ competent.

5 History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.26; 1973 c. 284; 1983 a. 217; 1989 a. 307; 1993 a. 486; 1999 a. 85.

5 **SECTION 145.** 880.26 (2) (d) of the statutes is repealed.

 ****NOTE: Your proposed material renumbered and amended s. 880.26 (2) (d) (a) ✓
guardianship of the estate must terminate when a ward dies, except when the estate is ✓
minimal). I have, instead, repealed that paragraph because (a) the termination upon ✓
death is redundant to s. 54.64 (1) (renumbered from s. 880.34 (1)); and (b) the exception ✓
seems to be in conflict with s. 54.66 (2) (renumbered from s. 880.25 (3)). ✓

6 **SECTION 146.** 880.26 (3) of the statutes is renumbered 54.64 (5) (intro.) and
7 amended to read:

8 54.64 (5) (intro.) ~~DEPLETED GUARDIANSHIPS~~ GUARDIANSHIP. ~~When the~~ If a court
9 determines that the estate of ~~the~~ a ward is below \$5,000 and reduced to a point where
10 it is to the advantage of the ward to dispense with the guardianship, the court may
11 ~~terminate~~ do one of the following: (a) Terminate the guardianship and ~~authorize~~ order
12 disposition of the remaining assets as provided by s. 880.04 54.12 (2). The court, as ✓
13 a part of the disposition, may ~~order a suitable amount paid to the county treasurer~~
14 ~~under order of the court or reserved in the guardianship to assure the ward a decent~~
15 ~~burial, a marker and care for the grave. In the case of an insolvent guardianship, the~~
16 ~~court may order an amount not exceeding \$400 reserved in the guardianship or paid~~
17 ~~to the county treasurer under order of the court to assure the ward a decent burial~~
18 the guardian to make appropriate financial arrangements for the burial or other
19 disposition of the remains of the ward.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.26; 1973 c. 284; 1983 a. 217; 1989 a. 307; 1993 a. 486; 1999 a. 85.

1 SECTION 147. 880.27 of the statutes is renumbered 54.66 (1) and amended to
2 read:

3 54.66 (1) ~~(title) SETTLEMENT OF ACCOUNTS~~ ^{score} RENDER FINAL ACCOUNT. Upon
4 ~~termination of~~ If a court terminates a guardianship, or ~~upon resignation, removal or~~
5 ~~death of a guardian, such~~ resigns, is removed, or dies, the guardian or the guardian's
6 personal representative shall ~~forthwith~~ promptly render ~~the guardian's~~ ^{strike} final ^a
7 account to the court and to the former ward, the successor guardian, or the deceased
8 ward's personal representative as ~~the case may be.~~ Upon approval of the account and
9 ~~filing proper receipts the guardian shall be discharged and the guardian's bond~~
10 ~~released,~~ as appropriate. If the ward dies and the guardian and the deceased ward's
11 personal representative are the same person, the deceased ward's personal
12 representative shall give notice of the termination and rendering of the final account
13 to all interested persons of the ward's estate. ✓

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.27; 1993 a. 486.

****NOTE: Does the last sentence capture the memo's intent?

14 SECTION 148. 880.28 of the statutes is renumbered 54.66 (4) and amended to
15 read:

16 54.66 (4) SUMMARY SETTLEMENT OF SMALL ESTATES. ~~When~~ If a ward dies leaving
17 an estate ~~which~~ that can be settled summarily under s. 867.01, the court may
18 approve ~~such~~ the settlement and distribution by the guardian, without the necessity
19 of appointing a personal representative. ✓

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.28; 1975 c. 200.

20 SECTION 149. 880.31 (title) of the statutes is renumbered 54.76 (title) and
21 amended to read:

22 **54.76 (title) ~~Voluntary proceedings; conservators~~ Conservator;**
23 **appointment; duties and powers; termination.** ^{repealed @}

Fix component

(B)
not (7)

1 SECTION 150. 880.31 (1) and (7) of the statutes are consolidated, renumbered
2 54.76 (1) and amended to read:

3 54.76 (1) Any adult resident who believes that he or she is unable properly to
4 manage his or her property or income may voluntarily apply to the circuit court of
5 the county of his or her residence for appointment of a conservator of the estate.
6 Upon receipt of the application, the court shall fix a time and place for hearing the
7 application and direct to whom and in what manner notice of the hearing shall be
8 given. ~~If an application for conservatorship is filed, the~~ The fee prescribed in s.
9 814.66 (1) (b) shall be paid at the time of the filing of the inventory or other documents
10 setting forth the value of the estate.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.31; 1975 c. 393, 421; 1977 c. 449; 1981 c. 317, 391; 1993 a. 486.
History: 1971 c. 41 s. 8; Stats. 1971 s. 880.31; 1975 c. 393, 421; 1977 c. 449; 1981 c. 317, 391; 1993 a. 486.

****NOTE: I consolidated these provisions because, otherwise, they seem out of place sequentially. ✓

11 SECTION 151. 880.31 (2) of the statutes is renumbered 54.76 (2) and amended
12 to read:

13 54.76 (2) At the time of such ~~the~~ hearing for appointment of a conservator, the
14 applicant shall be personally examined and if the court is satisfied that the applicant
15 desires a conservator and that the fiduciary nominated is suitable, the court may
16 appoint the nominee as conservator and issue letters of conservatorship to the
17 nominee upon the filing of a bond in the amount fixed by the court.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.31; 1975 c. 393, 421; 1977 c. 449; 1981 c. 317, 391; 1993 a. 486.

****NOTE: Do you want any specification as to who (a physician, ~~psychologist~~ psychologist?) should examine the applicant? ✓

18 SECTION 152. 880.31 (3) of the statutes is renumbered 54.76 (3) and amended
19 to read:

20 54.76 (3) A conservator shall have has all the powers and duties of a guardian
21 of the property estate of an incompetent person. ~~The conservator's powers shall~~

1 ~~cease upon being removed by the court or upon death of the person whose estate is~~
2 ~~being conserved~~ individual who is appointed a guardian under s. 54.10. ✓

3 History: 1971 c. 41 s. 8; Stats. 1971 s. 880.31; 1975 c. 393, 421; 1977 c. 449; 1981 c. 317, 391; 1993 a. 486.

3 **SECTION 153.** 880.31 (4) and (5) of the statutes are consolidated, renumbered
4 54.76 (4) and amended to read:

5 54.76 (4) Any person individual whose estate is under conservatorship may
6 apply to the court at any time for termination thereof of the conservatorship or for
7 appointment of a successor conservator. Upon such receipt of the application, the
8 court shall fix a time and place for hearing and direct that 10 days' notice by mail be
9 given to ~~the person's guardian, if any,~~ the conservator, and the presumptive heirs of
10 the applicant. ~~Upon such~~ At the hearing, the court shall, unless it is clearly shown
11 that the applicant is ^{an} incompetent, remove the conservator and order the property
12 restored to the applicant, ~~or if the applicant so desires and the nominee is suitable,~~
13 ~~the court may appoint a successor conservator.~~ ^{strike period} If the court shall upon such hearing
14 determine ~~determines~~ at the hearing that the person whose estate is administered
15 by a conservator may be incapable of handling his or her estate, the court shall order
16 the conservatorship continued, ~~or if the applicant so desires and the a nominee is~~
17 suitable, ~~the court may~~ appoint a successor conservator.

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.31; 1975 c. 393, 421; 1977 c. 449; 1981 c. 317, 391; 1993 a. 486.

****NOTE: Because of sub. (3) (renumbered from s. 880.31 (3)) and sub. (6) (created
as s. 54.76 (6)), the language about giving notice to the person's guardian makes no sense,
and I have therefore stricken it.

****NOTE: I have consolidated s. 880.31 (4) and (5), because, under current law, s.
880.31 (4) seems to internally conflict, and because both subsections address actions that
are the outcome of a hearing held for termination of a conservatorship. With respect to
the internal conflict in s. 880.31 (4), it seems to me that if the applicant is not shown to
be incompetent and has requested termination of the conservatorship that the court
would not then appoint a successor conservator—that appointment would, I believe,
occur only if the court has determined that the applicant continues to be incapable of
handling the estate. Please review my changes. ✓

18 **SECTION 154.** 880.31 (6) of the statutes is renumbered 54.76 (5) and amended
19 to read:

1 54.76 (5) Appointment of a conservator shall ~~not be~~ does not constitute
 2 evidence of the competency or incompetency of the person whose estate is being
 3 administered. ✓

History: 1971 c. 41 s. 8; Stats. 1971 s. 880.31; 1975 c. 393, 421; 1977 c. 449; 1981 c. 317, 391; 1993 a. 486.

4 **SECTION 155.** 880.33 (title) of the statutes is repealed.

5 **SECTION 156.** 880.33 (1) of the statutes is renumbered 54.36 and amended to
 6 read: Examination of proposed ward. (B)

7 **54.36** Whenever it is alleged proposed to appoint a guardian on the ground of a
 8 proposed ward's incompetency, ~~a licensed physician or licensed psychologist, or both,~~
 9 ~~shall furnish a written statement concerning the mental condition~~ the court shall
 10 direct that a comprehensive evaluation, based on personal examination, be made of
 11 the functional incapacity of the proposed ward, based upon examination and that a
 12 statement based on the evaluation be submitted to the court. The court may utilize
 13 available multidisciplinary resources in the community in determining the need for
 14 the guardianship. The privilege under s. 905.04 shall does not apply to this the
 15 statement based on the evaluation. A copy of the statement shall be provided to the
 16 proposed ward or his or her counsel, the guardian ad litem, and ^{the} petitioner's attorney. ✓
 17 Prior to the examination, ~~under this subsection, of a person alleged to be not~~
 18 ~~competent to refuse psychotropic medication under s. 880.07 (1m), the person the~~
 19 proposed ward shall be informed that his or her statements may be used as a basis
 20 for a finding of incompetency and an order for protective services, including
 21 psychotropic medication or protective placement. The person shall also be informed
 22 that he or she has a right to ~~remain silent~~ refuse to participate in the examination
 23 or speak to the examiner and that the examiner is required to report to the court even
 24 if the person ~~remains silent~~ does not speak to the examiner. The issuance of such a

1 warning to the person prior to each examination establishes a presumption that the
 2 person understands that he or she need not speak to the examiner. Nothing in this
 3 section prohibits the use of a report by a physician or ~~licensed~~ psychologist that is
 4 based on an examination of the proposed ward by the physician or psychologist before
 5 filing the petition for appointment of a guardian, but the court will consider the
 6 recency of the report in determining whether the report sufficiently describes the
 7 proposed ward's current state and in determining the weight to be given to the report. ✓

History: 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order, 151 Wis. 2d xxii, xxxiv; 1989 a. 200; Sup. Ct. Order, 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

****NOTE: Does "functional incapacity" differ from incapacity? (Please see definition of "incapacity" under s. 54.01 (5) and the NOTE that accompanies it.) ✓

****NOTE: Because the provisions concerning providing the ward with a copy of the statement and informing the ward are written in the passive voice, it is unclear who has the responsibility for performing these actions. If the person conducting the evaluation is the likely party, the sentences should be rewritten to give him or her that duty.

****NOTE: Please review this language to make sure I've captured the intent in accord with the memo.

8 **SECTION 157.** 880.33 (2) (a) 1. of the statutes is renumbered 54.42 (1) (a) (intro.)

9 and amended to read:

10 54.42 (1) (a) (intro.) The proposed ward has the right to counsel whether or not
 11 present at the hearing on determination of competency. The court shall in all cases
 12 require the appointment of an attorney as guardian ad litem in accordance with s.
 13 757.48 (1) and shall in addition require representation by full legal counsel whenever
 14 the petition contains the allegations under s. 880.07 (1m) or if, at least 72 hours
 15 before the hearing, the alleged incompetent requests; the guardian ad litem or any
 16 other person states that the alleged incompetent is opposed to the guardianship
 17 petition; or the court determines that the interests of justice require it. The proposed
 18 ward has the right to a trial by a jury if demanded by the proposed ward, attorney
 19 or guardian ad litem, except that if the petition contains the allegations under s.

*** NOTE: Should the statement copy be required to be provided to the petitioner's attorney? What if the petitioner has no attorney or is an attorney? ✓

1 880.07 (1m) and if notice of the time set for the hearing has previously been provided
 2 to the proposed ward and his or her counsel, a jury trial is deemed waived unless
 3 demanded at least 48 hours prior to the time set for the hearing. The number of
 4 jurors shall be determined under s. 756.06 (2) (b). The proposed ward, attorney or
 5 guardian ad litem shall have the right to present and cross-examine witnesses,
 6 including the physician or psychologist reporting to the court under sub. (1). The
 7 attorney or guardian ad litem for the proposed ward shall be provided with a copy
 8 of the report of the physician or psychologist at least 96 hours in advance of the
 9 hearing. Any final decision of the court is subject to the right of appeal. ^{if} any of the
 10 following occurs:

*formerly unconditioned
formerly unconditional*

History: 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order, 151 Wis. 2d xxii, xxxiv; 1989 a. 200; Sup. Ct. Order, 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

11 **SECTION 158.** 880.33 (2) (a) 2. of the statutes is renumbered 54.42 (1) (c) and
 12 amended to read: *under this amendment, the proposed ward's
right to counsel is now conditioned.*

13 54.42 (1) (c) If the person requests but is par. (a) 1., 2., or 3. applies but the
 14 proposed ward is unable to obtain legal counsel, the court shall appoint legal counsel.
 15 If the person is represented by counsel appointed under s. 977.08 in a proceeding for
 16 a protective placement under s. 55.06 or for the appointment of a guardian under s.
 17 880.07 (1m), the court shall order the counsel appointed under s. 977.08 to represent
 18 the person.

History: 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order, 151 Wis. 2d xxii, xxxiv; 1989 a. 200; Sup. Ct. Order, 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

19 **SECTION 159.** 880.33 (2) (a) 3. of the statutes is renumbered 54.32 and amended
 20 to read:

B *Liability for fees.*

21 **54.32** If the person proposed ward is an adult who is indigent, the county of
 22 legal settlement shall be in which venue lies for the guardianship proceeding is the
 23 county liable for any fees due the guardian ad litem and, if counsel was not appointed

removed; this issue should be revisited, depending on what you decide to do about psychotropic medication.

**** NOTE: The language of your proposal would strip the ward's right to counsel. It was unclear from the language of your proposal whether the 72-hour limitation was intended to apply to all instances of a right to counsel. I applied it only to s. 54.42 (1) (a) 1. Please review. Note that the reference to psychotropic medication is*

1 under s. 977.08, for any legal fees due the person's legal counsel. ~~If the person is a~~
2 ~~minor, the person's parents or the county of legal settlement shall be liable for any~~
3 ~~fees due the guardian ad litem as provided in s. 48.235 (8).~~

History: 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order. 151 Wis. 2d xxii, xxxiv; 1989 a. 200; Sup. Ct. Order. 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

****NOTE: I was unsure what to do here. Please review carefully your proposal and the language of s. 54.46 (4) (renumbered from s. 880.24 (3)). Not all of the expenses specified in your proposal are included in s. 54.46 (4). Is s. 54.46 (4) the "section position on petitioner's counsel attorney fees" to which your proposal refers? Should there just be a cross-reference in this provision, if the proposed ward is not indigent, to s. 54.46 (4)? ✓

4 SECTION 160. 880.33 (2) (b) of the statutes is renumbered 54.42 (3).

5 SECTION 161. 880.33 (2) (e) of the statutes is renumbered 54.44 (5) and
6 amended to read:

CS Privacy of hearing.

7 54.44 (5) Every hearing on a petition under s. 880.07 (1m) shall be ~~open~~ closed,
8 unless the proposed ward or his or her attorney acting with the proposed ward's
9 consent moves that it be ~~closed~~ open. If the hearing is closed, only ~~persons in interest~~
10 interested persons, including representatives of providers of service and their
11 attorneys and witnesses, may be present.

History: 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order. 151 Wis. 2d xxii, xxxiv; 1989 a. 200; Sup. Ct. Order. 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

****NOTE: The definition of "interested person" under s. 54.01 (9) does not include "representatives of providers of service and their attorneys and witnesses," so either that definition must be expanded or these individuals must be deleted from the statute. In the phrase, are the "witnesses" general witnesses or witnesses for the service providers?

12 SECTION 162. 880.33 (5) of the statutes is renumbered 54.15 (6) and amended
13 to read:

CS Opinions of proposed ward and family.

14 54.15 (6) In ~~appointing a guardian, the~~ The court shall take into consideration
15 the opinions of the ~~alleged incompetent proposed ward~~ and of the members of the his
16 or her family as to what is in the best interests of the proposed incompetent ward.
17 However, the best interests of the proposed incompetent ward shall control in
18 making the determination when the opinions of the family are in conflict with the

*** NOTE: Please see the *** NOTE about psychotropic medication under s. 54.42 (1) (a) (intro.) (renumbered from s. 880.33 (2) (a) 1.). ✓ ✓

1 ~~clearly appropriate decision~~ those best interests. The court shall also consider
 2 potential conflicts of interest resulting from the prospective guardian's employment
 3 or other potential conflicts of interest. If the proposed ~~incompetent ward~~ has
 4 executed a power of attorney for health care under ch. 155, the court shall give
 5 ~~consideration to the appointment of the health care agent for the individual~~ consider
 6 appointing the agent under that power of attorney as the individual's guardian.

History: 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order, 151 Wis. 2d xxii, xxxiv; 1989 a. 200; Sup. Ct. Order, 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

****NOTE: Language in your proposal for this subsection states "If the proposed incompetent has executed a durable financial power of attorney under ch. 243, the court shall give consideration to the appointment of the agent or the person nominated as guardian in the document, if different, for the individual as the individual's guardian of the estate." This statement is in direct conflict with language you have proposed under Subch. 3, Section One (1) (a), which I have drafted as s. 54.15 (1), and which REQUIRES appointment of the agent unless the appointment is not in the proposed ward's best interests. Which is your preference? If it is the latter, do you want the agent of a health care power of attorney also to be required to be appointed? ✓

****NOTE: Please note that I have amended current law that refers to "proposed incompetent" to instead refer to "proposed ward", and have tried to make that change consistent in this draft. Is this drafting decision acceptable?

7 **SECTION 163.** 880.33 (5m) of the statutes is renumbered 54.15 (8) and amended
 8 to read:

9 54.15 (8) CS Limitation on number of wards of guardian. No person one, except a nonprofit corporation approved by the

10 department of health and family services under s. 880.35 54.15 (5), who has

11 guardianship of the person of 5 or more adult wards who are unrelated to the person

12 him or her may accept appointment as guardian of the person of another unrelated

13 adult ward ~~unrelated to the person~~, unless approved by the department court. No

14 such person individual may accept appointment as guardian of more than 10 such

15 adult wards who are unrelated to the person him or her, and no approved nonprofit

16 corporation may accept appointment as guardian of more than 10 adult wards.

History: 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order, 151 Wis. 2d xxii, xxxiv; 1989 a. 200; Sup. Ct. Order, 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

****NOTE: This subsection is extremely confusing. Most of the confusion exists in current law. First, the word "person" is used in this subsection in three different ways:

as an individual, as an entity under the definition of "person" in s. 990.01 (26), stats. (which, for all the statutes, defines "person" to include all partnerships, associations, and bodies corporate and politic) and as "guardian of the person". I think that the "person" referred to in the second sentence was intended to mean the corporation and have tried to clarify that in amending the subsection. However, that interpretation means that a nonprofit corporation is authorized to be guardian to more than 10 adult wards—is that correct? Second, your proposed change to this subsection is from "department" to "court" in the first sentence. When that change is made, I'm not exactly sure that the sentence has real meaning: it seems to say that the court may not appoint someone guardian of more than 5 adult wards unless the court wants to. Third, to add to the confusion, I don't understand what "or more" means in the first sentence—where is the line being drawn? Fourth, under s. 54.15 (5) (renumbered from s. 880.35) in this draft, DHFS may approve not just nonprofit corporations but also nonprofit and for profit entities—shouldn't they be added to the first sentence? Lastly, the subsection is written to prohibit a person (whatever that may be) from accepting appointment as a guardian if certain conditions exist—but isn't this actually a prohibition on a court from appointing such a guardian?

1 SECTION 164. 880.33 (7) of the statutes is renumbered 54.48 and amended to
2 read:

B Protective placement and protective services.

strike period

3 54.48 A finding of incompetency and appointment of a guardian under this
4 subchapter chapter is not grounds for involuntary protective placement or the
5 provision of protective services. Such Protective placement and the provision of
6 protective services may be made only in accordance with s. ~~55.06~~ ch. 55.

History: 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order, 151 Wis. 2d xxii, xxxiv; 1989 a. 200; Sup. Ct. Order, 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

7 SECTION 165. 880.33 (8) (b) of the statutes is renumbered 54.46 (3) (b) and
8 amended to read: 54.46 (3)

I

9 54.46 (3) (b) Power of attorney for health care. If the proposed incompetent
10 ward has executed a power of attorney for health care under ch. 155, ~~find that the~~
11 ~~power of attorney for health care instrument should remain in effect.~~ If the court so
12 ~~finds, the court shall so order and shall~~ the court may, for good cause shown, revoke
13 the power of attorney for health care or limit the power of the guardian to make those
14 ~~health care decisions for the ward that are not to be made by the health care authority~~
15 of the agent under the terms of the power of attorney for health care instrument,

1 ~~unless the guardian is the health care agent under those terms .~~ The ward's power
2 of attorney for health care remains in effect unless so revoked or limited.

History: 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order, 151 Wis. 2d xxii, xxxiv; 1989 a. 200; Sup. Ct. Order, 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

****NOTE: This provision may require amending the health care power of attorney chapter, which will, if necessary, be done in a subsequent version.

3 SECTION 166. 880.331 (title) of the statutes is renumbered 54.40 (title) and
4 amended to read:

5 54.40 (title) Guardian ad litem in incompetency cases; appointment;
6 duties; termination.

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

7 SECTION 167. 880.331 (1) of the statutes is renumbered 54.40 (1) and amended
8 to read: ~~Guardian ad litem in incompetency cases; appointment; duties; termination~~

9 54.40 (1) APPOINTMENT. The court shall appoint a guardian ad litem whenever
10 it is proposed that the court appoint a guardian on the ground of incompetency under
11 s. ~~880.33~~ 54.15, protectively place a person or order protective services under s. 55.06,
12 review any protective placement or protective service order under s. 55.06, or
13 terminate a protective placement under s. 55.06, or at any other time that the court
14 determines it is necessary.

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

****NOTE: Wouldn't it be more accurate to say "when a petition is brought under s. 54.34," rather than "whenever it is proposed that the court appoint a guardian on the ground of incompetency under s. 54.15"?

****NOTE: The option for the court to appoint at any other time is in accord with the memo.

15 SECTION 168. 880.331 (2) of the statutes is renumbered 54.40 (2) and amended
16 to read:

17 54.40 (2) QUALIFICATIONS. The guardian ad litem shall be an attorney admitted
18 to practice in this state and shall meet the requirement under s. 757.48 (1) (a). No
19 person who is an interested party in a proceeding, appears as counsel in a proceeding

1 on behalf of any party, or is a relative or representative of an interested party may
2 be appointed guardian ad litem in that proceeding.

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

****NOTE: I added the requirement that the GAL have completed 3 hours of CLE under ch. 767 to this provision, rather than s. 880.331 (4) (intro.), as proposed, because it seemed to fit better here.

3 SECTION 169. 880.331 (3) of the statutes is renumbered 54.40 (3) and amended
4 to read:

5 54.40 (3) RESPONSIBILITIES. The guardian ad litem shall be an advocate for the
6 best interests of the proposed ward ~~or alleged incompetent~~ as to guardianship,
7 protective placement, and protective services. The guardian ad litem shall function
8 independently, in the same manner as an attorney for a party to the action, and shall
9 consider, but ~~shall not be~~ is not bound by, the wishes of the proposed ward ~~or alleged~~
10 ~~incompetent~~ or the positions of others as to the best interests of the proposed ward
11 ~~or alleged incompetent~~. The guardian ad litem has none of the rights or duties of a
12 general guardian. ✓

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

****NOTE: The term "alleged incompetent" appears in this section, but in very few other places in ch. 880. I have repealed it, because it does not seem to be necessary. Please let me know if this drafting decision is not correct. ✓

13 SECTION 170. 880.331 (4) (title) and (intro.) of the statutes are renumbered
14 54.40 (4) (title) and (intro.).

15 SECTION 171. 880.331 (4) (a) of the statutes is renumbered 54.40 (4) (a) and
16 amended to read:

17 54.40 (4) (a) Interview the proposed ward ~~or alleged incompetent~~ and explain
18 the contents of the petition, the applicable hearing procedure, the right to counsel,
19 and the right to request or continue a limited guardianship.

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

1 SECTION 172. 880.331 (4) (b) of the statutes is renumbered 54.40 (4) (c) and
2 amended to read:

3 54.40 (4) (c) Advise the proposed ward ~~or alleged incompetent~~, both orally and
4 in writing, of that person's rights to be present at the hearing, to a jury trial, to an
5 appeal, to counsel, and to an independent medical or psychological examination on
6 the issue of competency, at county expense if the person is indigent.

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

****NOTE: I did not make the change in your proposal for this paragraph, from "that person's" to "the ward's," because the proposed ward is not yet a ward.

****NOTE: The addition of the right to be present at the hearing is in accord with the memo.

7 SECTION 173. 880.331 (4) (c) of the statutes is renumbered 54.40 (4) (d) and
8 amended to read:

9 54.40 (4) (d) Request that the court order additional medical, psychological, or
10 other evaluation, if necessary.

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

11 SECTION 174. 880.331 (4) (d) of the statutes is renumbered 54.40 (4) (e) and
12 amended to read:

13 54.40 (4) (e) If applicable, inform the court and petitioner's attorney that the
14 proposed ward ~~or alleged incompetent~~ objects to a finding of incompetency, the
15 present or proposed placement, or the recommendation of the guardian ad litem as
16 to the proposed ward's ~~or alleged incompetent's~~ best interests or that the proposed
17 ward's ~~or alleged incompetent's~~ position on these matters is ambiguous. If the
18 guardian ad litem recommends that the hearing be held in a place other than a
19 courtroom, the guardian ad litem shall provide the information under this paragraph
20 as soon as possible.

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

**** NOTE: Shouldn't this reference to "petitioner's attorney" be, instead, to "petitioner"? Please see the ****
~~What if the petitioner has no attorney or is an attorney?~~

1 **SECTION 175.** 880.331 (4) (e) of the statutes is renumbered 54.40 (4) (h) and
2 amended to read:

3 **54.40 (4) (h)** Present evidence concerning the best interests of the proposed
4 ward ~~or alleged incompetent~~, if necessary.

5 History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

6 **SECTION 176.** 880.331 (4) (f) of the statutes is renumbered 54.40 (4) (i) and
7 amended to read:

8 **54.40 (4) (i)** Report to the court on any ~~other relevant~~ matter that the court
9 requests.

10 History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

11 **SECTION 177.** 880.331 (5) (intro.) of the statutes is renumbered 54.70 (intro.)
12 and amended to read:

13 **54.70 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, the guardian ad litem shall do all of the following:

16 History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

17 **SECTION 178.** 880.331 (5) (a) of the statutes is renumbered 54.70 (1) and
18 amended to read:

19 **54.70 (1)** Interview the ward to explain the review procedure, the right to an
20 independent evaluation, and the right to counsel ~~and the right to a hearing~~.

21 History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

22 ****NOTE: I have amended this provision in light of the memo; if *Goldie H.* requires
that a *Watts* review include a hearing, that would be subsumed under “review procedure”
and it’s superfluous for the GAL to explain that the ward has the right to a hearing.

23 **SECTION 179.** 880.331 (5) (b) of the statutes is renumbered 54.70 (2) and
24 amended to read:

25 **54.70 (2)** Provide the information under ~~par. (a)~~ sub. (1) to the ward in writing.

26 History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

27 **SECTION 180.** 880.331 (5) (c) of the statutes is renumbered 54.70 (3) and
28 amended to read:

1 **54.70 (3)** Secure Request that the court order an additional medical,
2 psychological, or other evaluation of the ward, if necessary.

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

****NOTE: This language comports with the memo. ✓

3 **SECTION 181.** 880.331 (5) (d) of the statutes is renumbered 54.70 (4).

4 **SECTION 182.** 880.331 (5) (e) of the statutes is renumbered 54.70 (5) and
5 amended to read:

6 **54.70 (5)** Review the ward's condition, placement, and rights with the
7 guardian. ✓

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

8 **SECTION 183.** 880.331 (5) (f) of the statutes is renumbered 54.70 (6) and
9 amended to read:

10 **54.70 (6)** If relevant, report to the court that the ward objects to the finding of
11 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. ✓

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

14 **SECTION 184.** 880.331 (5) (g) of the statutes is renumbered 54.70 (7) and
15 amended to read:

16 **54.70 (7)** If relevant, report to the court that the ward requests the
17 appointment of counsel ~~or an adversary hearing~~. ✓

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

****NOTE: I have amended this provision in light of the memo. If *Goldie H.* requires
a hearing in every *Watts* review, it is unnecessary for the GAL to report to the court that
the ward requests an adversary hearing. Would a hearing under *Goldie H.* require
appointment of counsel? ✓

18 **SECTION 185.** 880.331 (6) of the statutes is renumbered 54.40 (5) and amended
19 to read:

1 54.40 (5) COMMUNICATION TO A JURY. In jury trials under ch. 55 or 880, the court
2 or guardian ad litem may tell the jury that the guardian ad litem represents the
3 interests of the proposed ward ~~or alleged incompetent.~~

4 History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

4 **SECTION 186.** 880.331 (7) of the statutes is renumbered 54.40 (6) and amended
5 to read:

6 54.40 (6) TERMINATION AND EXTENSION OF APPOINTMENT. The appointment of a
7 guardian ad litem under sub. (1) terminates upon the entry of the court's final order
8 or upon the termination of any appeal in which the guardian ad litem participates,
9 even if counsel has been appointed for the proposed ward ~~or alleged incompetent.~~
10 The court may extend that appointment, or reappoint a guardian ad litem whose
11 appointment under this section has terminated, by an order specifying the scope of
12 responsibilities of the guardian ad litem. At any time, the guardian ad litem, any
13 party, or the ~~person~~ individual for whom the appointment is made may request that
14 the court terminate any extension or reappointment. The guardian ad litem may
15 appeal, or may participate in an appeal ~~or may do neither.~~ If an appeal is taken by
16 any party and the guardian ad litem chooses not to participate in that appeal, he or
17 she shall file with the appellate court a statement of reasons for not participating.
18 Irrespective of the guardian ad litem's decision not to participate in an appeal, the
19 appellate court may order the guardian ad litem to participate in the appeal.

20 History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

20 **SECTION 187.** 880.331 (8) of the statutes is renumbered 54.74 and amended to
21 read:

22 54.74 ~~(title)~~ Compensation of guardian ad litem. On order of the court,
23 the guardian ad litem appointed under this chapter shall be allowed reasonable
24 compensation to be paid by the county of venue, unless Unless the court otherwise

1 directs, the court shall order reasonable compensation to be paid by the county of
 2 venue to a guardian ad litem appointed under s. ⁵ or unless the guardian ad litem is
 3 appointed for a minor, in which case the compensation of the guardian ad litem shall
 4 be paid by the minor's parents or the county of venue as provided in s. 48.235 (8).
 5 If the court orders a county to pay the compensation of the guardian ad litem, the
 6 amount ordered may not exceed the compensation paid to private attorneys under
 7 s. 977.08 (4m) (b).

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

8 **SECTION 188.** 880.331 (8) of the statutes is renumbered 54.74 and amended to
 9 read:

54.40(1) ✓

10 **54.74 Compensation of guardian ad litem.** ~~On order of the court, the~~
 11 ~~guardian ad litem appointed under this chapter shall be allowed reasonable~~
 12 ~~compensation to be paid by the county of venue, unless Unless the court otherwise~~
 13 ~~directs or unless the guardian ad litem is appointed for a minor, in which case the~~
 14 ~~compensation of the guardian ad litem shall be paid by the minor's parents or the~~
 15 ~~county of venue as provided in s. 48.235 (8) , the court shall order reasonable~~
 16 ~~compensation to be paid by the county of venue to a guardian ad litem appointed~~
 17 ~~under s. ~~48.235~~~~. If the court orders a county to pay the compensation of the guardian
 18 ad litem, the amount ordered may not exceed the compensation paid to a private
 19 attorneys attorney under s. 977.08 (4m) (b). The guardian ad litem shall receive
 20 compensation for performing all duties required under s. 54.40 (4) and for any other
 21 acts that are approved by the court and are reasonably necessary to promote the
 22 ward's best interests.

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1993 a. 16; 1995 a. 27; 1997 a. 237.

23 **SECTION 189.** 880.34 (title) of the statutes is renumbered 54.64 (title) and
 24 amended to read:

1 **54.64 (title) Duration Review and termination of guardianship; review.**

History: 1973 c. 284; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

2 **SECTION 190.** 880.34 (1) of the statutes is renumbered 54.64 (1) and amended
3 to read:

cs Duration

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

History: 1973 c. 284; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

11 **SECTION 191.** 880.34 (4) of the statutes is renumbered 54.64 (2) (a) (intro.) and
12 amended to read:

Upon such *strike thru*

13 **54.64 (2) (a) (intro.)** A ward who is 18 years of age or older, any interested
14 person acting on the ward's behalf, or the ward's guardian may petition for a review
15 of incompetency ^{*delete extra space*} at any time after 180 days after any previous hearing under s. 54.44
16 , or at any time if the court determines that exigent circumstance, including
17 presentation of new evidence, requires a review. Upon such If a petition for review
18 is filed, the court shall ^{*score period*} ~~conduct~~ do all of the following: 4. Conduct a hearing at which
19 the ward shall be ^{*remove scoring & strike instead*} is present and shall have has the right to a jury trial, if demanded.
20 ~~The ward shall also have the right to counsel and the court shall appoint counsel if~~
21 ~~the ward is unable to obtain counsel. If the ward is indigent, counsel shall be~~
22 ~~provided at the expense of the ward's county of legal settlement.~~

History: 1973 c. 284; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

****NOTE: Please review to see if the language limiting review to after ^{*six*} 6 months after the previous hearing or at any time under special circumstances adequately meets the memo's intent.

1 **SECTION 192.** 880.34 (5) of the statutes is renumbered 54.64 (2) (c) and
2 amended to read:

3 54.64 (2) (c) After a hearing under sub. (4) par. (a) or on its own motion, a court
4 may terminate or modify a the guardianship of an incompetent.

History: 1973 c. 284; 1987 a. 366; 1989 a. 56; 1993 a. 316, 486.

5 **SECTION 193.** 880.35 of the statutes is renumbered 54.15 (5) and amended to
6 read:

7 54.15 (5) (title) ~~NONPROFIT CORPORATION AS GUARDIAN PRIVATE NONPROFIT~~
8 CORPORATION OR OTHER ENTITY. A private nonprofit corporation organized under ch.
9 181, 187, or 188 is qualified to act or any other nonprofit or for profit entity that is
10 approved by the court may be appointed as guardian of the person or of the property
11 or both, of an individual found to be in need of guardianship under s. 880.33, if a
12 proposed ward, if no suitable individual is available as guardian and the department
13 of health and family services, under rules established under ch. 55, finds the
14 corporation or entity to be a suitable agency to perform such duties.

History: 1973 c. 284; 1975 c. 393; 1981 c. 379; 1995 a. 27 s. 9126 (19).

****NOTE: What would be an example of a nonprofit entity that is not organized
under ch. 181, 187, or 188? In addition, please note that I did not draft proposed
Subchapter 3 Section One (1) (e) and (f), paragraphs that were identical and are
redundant to the language in this subsection "if no suitable individual is available as
guardian".

15 **SECTION 194.** 880.36 (title) of the statutes is renumbered 54.52 (title).

16 **SECTION 195.** 880.36 (1) of the statutes is renumbered 54.52 (1) and amended
17 to read:

18 54.52 (1) A person may at any time bring a petition for the appointment of a
19 standby guardian of the person or property or both estate of a minor or person found
20 incompetent under s. 880.08 to assume the duty and authority of guardianship on
21 the death, incapacity or resignation of the initially appointed guardian may be

1 ~~brought under this chapter at any time. A petition for the appointment of a standby~~
 2 ~~guardian of the person or property or both of a minor to assume the duty and~~
 3 ~~authority of guardianship on the incapacity, death, or debilitation and consent, of the~~
 4 ~~minor's parent shall be brought under s. 48.978 an individual who is determined to~~
 5 ~~be ^{an} incompetent under s. 54.10 or a minor.~~

History: 1973 c. 284; 1993 a. 486; 1997 a. 334

6 **SECTION 196.** 880.36 (2) of the statutes is renumbered 54.52 (2) and amended
 7 to read:

8 54.52 (2) At any hearing conducted under this section the court may designate
 9 one or more standby guardians of the person or property estate whose appointment
 10 shall become effective immediately upon the death, incapacity, or resignation of the
 11 initially appointed guardian or during a period, as determined by the initially
 12 appointed guardian, when the initially appointed guardian is temporarily unable to
 13 fulfill his or her duties, including during an extended vacation or illness. The powers
 14 and duties of the standby guardian shall be the same as those of the initially
 15 appointed guardian. The standby guardian shall receive a copy of the court order
 16 establishing or modifying the initial guardianship, and the order designating the
 17 standby guardian. Upon assuming office, the standby guardian shall so notify the
 18 court.

History: 1973 c. 284; 1993 a. 486; 1997 a. 334.

****NOTE: Does the language "during a period, as determined by the initially appointed guardian" meet the intent of the memo?

****NOTE: Your proposal contains ^{two} provisions concerning standby guardians for minors. 1997 Wisconsin Act 334 created s. 48.978 (appointment or designation of standby guardian of a child). Because these provisions exist in current law, I have not drafted the provisions in your proposal at this time. Please review. ✓

19 **SECTION 197.** 880.38 (title) of the statutes is renumbered 54.25 (title) and
 20 amended to read:

1 **54.25 (title) Guardian Duties and powers of guardian of the person of**
 2 **incompetent.**

3 History: 1973 c. 284; 1975 c. 393, 421; 1975 c. 430 s. 80; 1981 c. 379; 1983 a. 36; 1985 a. 176.

3 **SECTION 198.** 880.38 (1) of the statutes is renumbered 54.25 (1) (c) and
 4 amended to read:

5 54.25 (1) (c) A guardian of the person of an incompetent, upon order of the court,
 6 may have custody of the person, may receive all notices on behalf of the person, and
 7 may act in all proceedings as an advocate of the person, but may not have the power
 8 to bind the ward or the ward's property, or to represent the ward in any legal
 9 proceedings pertaining to the property, unless the guardian of the person is also the
 10 guardian of the property. A guardian of the person of an incompetent or a temporary
 11 guardian of the person of an incompetent may not make a permanent protective
 12 placement of the ward unless ordered by a court under s. 55.06 but may admit a ward
 13 to certain residential facilities under s. 55.05 (5) or make an emergency protective
 14 placement under s. 55.06 (11). The guardian of the person has the power to apply for
 15 placement under s. 55.06 and for commitment under s. 51.20 or 51.45 (13).

History: 1973 c. 284; 1975 c. 393, 421; 1975 c. 430 s. 80; 1981 c. 379; 1983 a. 36; 1985 a. 176.

****NOTE: I was confused about how to treat this provision; it does not appear in
 your proposal. Because I didn't know what else to do with it, I renumbered it s. 54.25 (1)
 (c), but I don't know what disposition you intend to make of it. It appears to be a hybrid
 of powers and limitations on powers of the guardian of the person. Also, it has parts that
 are redundant to other provisions. Did you intend that it be repealed?

16 **SECTION 199.** 880.38 (2) of the statutes is renumbered 54.25 (1) (b) (intro) and
 17 amended to read: ^{any}

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

History: 1973 c. 284; 1975 c. 393, 421; 1975 c. 430 s. 80; 1981 c. 379; 1983 a. 36; 1985 a. 176.

⊙ ← struck period

⊙ period

1 **SECTION 200.** 880.38 (3) of the statutes is renumbered 54.25 (1) (a) and
2 amended to read:

3 54.25 (1) (a) ~~A guardian of the person of an incompetent appointed under s.~~
4 ~~880.33 shall make~~ Make an annual report on the condition of the ward to the court
5 that ordered the guardianship and to the county department designated under s.
6 55.02. ~~That county department~~ The county shall develop reporting requirements for
7 the guardian of the person. The report shall include, ~~but not be limited to,~~ the
8 location of the ward, the health condition of the ward, any recommendations
9 regarding the ward, and a statement of as to whether or not the ward is living in the
10 least restrictive environment consistent with the needs of the ward. The guardian
11 ~~may fulfill the requirement under this subsection by submitting the report required~~
12 ~~under s. 55.06 (10).~~

History: 1973 c. 284; 1975 c. 393, 421; 1975 c. 430 s. 80; 1981 c. 379; 1983 a. 36; 1985 a. 176.

****NOTE: "That county department" is changed to "The county" in accord with the
memo. I'm not sure I understand this change. Who or what in the county will develop
the reporting requirements?

13 **SECTION 201.** 880.39 (title) of the statutes is repealed.

14 **SECTION 202.** 880.39 of the statutes is renumbered 54.18 (4) and amended to
15 read:

16 54.18 (4) ~~Any~~ A guardian of the person or of the estate is immune from civil
17 liability for his or her acts or omissions in performing the duties of the guardianship
18 if he or she performs the duties in good faith, in the best interests of the ward, and
19 with the degree of diligence and prudence that an ordinarily prudent person
20 exercises in his or her own affairs.

History: 1987 a. 366.

21

(END)

D-NOTE

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

****NOTE: I'm not sure that I understand what this provision means—The proposed ward, if a minor, receives notice unless he or she is under 15 or unless he or she appears at the hearing? How would the 15-year-old know where and when the hearing is? Does it still make sense to have s. 879.05, stats., instead of s. 880.08 (1) (renumbered s. 54.38 (2) (a)) apply?

SECTION 62. 880.08 (3) (am) 4. of the statutes is renumbered 54.38 (3) (d) and amended to read:

54.38 (3) (d) Any other person, ~~agency, institution, welfare department or other entity having that has the legal or actual custody of the minor.~~ *Additional changes to rough*

****NOTE: How does "actual" custody in this provision differ from "physical" custody in s. 54.38 (2) (b) 6.? Shouldn't they be the same?

SECTION 63. 880.08 (3) (e) of the statutes is repealed.

SECTION 64. 880.08 (4) of the statutes is renumbered 54.38 (4) and amended to read:

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

SECTION 65. 880.09 (intro.) of the statutes is renumbered 54.15 (intro.) and amended to read:

54.15 ~~Nomination; selection of guardians~~ Selection of guardian; nominations; preferences; other criteria. *plain period ↓ Does A period need to be struck?* (intro.) The court shall do one of all of the following and shall consider all of the following nominations made by any interested person and, in its discretion, shall appoint a proper guardian, having due regard for the following applicable preferences, and criteria in determining who is appointed as guardian:

SECTION 66. 880.09 (1) of the statutes is repealed.

retardation, developmental disability, mental illness, alcoholism, or drug dependency and of aging individuals.

****NOTE: "Mental retardation" is a disfavored term; is it necessary to retain it in this definition? Is "mental deficiency" a possibility? Is either term necessary if "developmental disability" is used? In addition, "developmentally disabled person" is also a disfavored term, because it seems to describe the totality of the person as such; therefore, I have amended the definition under s. 54.01 (7) to refer to "individual with a developmental disability"; okay?

SECTION 22. 880.01 (2) of the statutes is renumbered 54.01 (7) and amended to read:

54.01 (7) "~~Developmentally disabled person~~ Individual with developmental disability" means any individual having a disability attributable to mental retardation, cerebral palsy, epilepsy, autism or another neurological condition closely related to mental retardation or requiring treatment similar to that required for mentally retarded individuals, which has continued or can be expected to continue indefinitely, substantially impairs the individual from adequately providing for his or her own care or custody, and constitutes a substantial handicap to the afflicted individual. The term does not include ~~a person~~ an individual affected by senility which is primarily caused by the process of aging or the infirmities of aging.

****NOTE: Please see the ****NOTE under s. 880.01 (1) (renumbered s. 54.01 (2)). Also, this definition uses the term "infirmities of aging"; your proposal does not include the definition for that term (s. 880.01 (5), stats.), but because you use the term in this definition, I have retained the definition of s. 880.01 (5) (renumbered s. 54.01 (8)); had you wanted some other language for the term?

SECTION 23. 880.01 (3) of the statutes is renumbered 54.01 (4) and amended to read:

54.01 (4) "Guardian" means ~~one~~ a person appointed by a court to ~~have care, custody, and control of the person~~ act on behalf of a minor or an incompetent or the

No comma
in
felix

parent may by will nominate a testamentary guardian. The parent may waive the requirement of a bond for such an estate that is derived through the will.

****NOTE: I do not understand the intended meaning of the last sentence, under your proposal and as drafted.

SECTION 72. 880.09 (7) of the statutes is renumbered 54.15 (2) and amended to read:

54.15 (2) ~~ANTICIPATORY NOMINATION; PREFERENCE~~ PERSON NOMINATED BY PROPOSED WARD. Any ~~person~~ individual other than a minor may, ~~at such time as if the person individual~~ has sufficient capacity to form an intelligent preference, execute a written instrument, in the same manner as the execution of a will under s. 853.03, nominating a ~~person~~ another to be appointed as guardian of his or her person or property or both ~~in the event that if a guardian is in the future appointed for the individual.~~ Such nominee shall be appointed as guardian by the ~~The court shall appoint this nominee as guardian unless the court finds that the appointment of such nominee is not in the best interests of the person for whom, or for whose property, the guardian is to be appointed proposed ward.~~

Needs to be scored. Yes

score period

score

strike period

score

SECTION 73. 880.10 of the statutes is renumbered 54.38 (5) and amended to read:

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

****NOTE: This provision makes reference to the fact that, under s. 880.09 (1) and (3), stats., a minor may nominate his or her own guardian. Your proposed material includes it without change. However, neither s. 880.09 (1) or (3), stats., is addressed by

****NOTE: Please see the ****NOTE under s. 54.46 (3) (d).

SECTION 82. 880.14 of the statutes is renumbered 54.46 (6) and amended to read:

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

****NOTE: Should there be letters for the guardian of the person? If so, such a guardian does not give bond; what would trigger issuance of the letters?

SECTION 83. 880.15 (title) of the statutes is renumbered 54.50 (1) (title).

SECTION 84. 880.15 (1) of the statutes is renumbered 54.50 (1) (b) and amended to read:

54.50 (1) (b) Appointment Duration and extent of authority. If, after consideration of a petition for temporary guardianship, the court finds that the welfare of a minor, spendthrift or an alleged incompetent requires the immediate appointment of a guardian of the person or of the estate, or of both, it The court may appoint a temporary guardian for a ward for a period not to exceed 60 days unless further extended for 60 days by order of the court. The court may extend the period only once. The court may impose no further temporary guardianship on the ward for at least 90 days after the expiration of the temporary guardianship and any extension, except that the court may extend this period for good cause shown for one additional 60-day period. The court's determination and order appointing the temporary guardian shall specify the authority of the temporary guardian and shall be limited to those acts that are reasonably related to the reasons for appointment that are specified in the petition for temporary guardianship. The authority of the temporary guardian shall be is limited to the performance of duties respecting specific property, or to the performance of particular those acts, as stated in the order

Needs to be scored

NOT in FOI/20

score

Score this instead of striking

comma stays here

☺ ← scored period

B

~~of the guardian by law and at the termination of the guardianship to deliver the assets of the ward to the persons entitled thereto.~~

***NOTE: I did not add "or a specified portion of the ward's property," as in your proposal, because s. 54.19 (intro.), which governs this paragraph, already requires that the guardian act within the limitations of the court order, and it would be the court order, I assume, that would specify any portion of the ward's property that the guardian would be allowed to act upon.

SECTION 100. 880.19 (2) (title) of the statutes is repealed.

SECTION 101. 880.19 (2) (a) of the statutes is renumbered 54.20 (1) and amended to read:

54.20 (1) STANDARD. The In exercising the powers under this section, the guardian of the estate may, without the approval of the court, retain any real or personal property possessed by the ward at the time of appointment of the guardian or subsequently acquired by the ward by gift or inheritance without regard to ch. 881, so long as such retention constitutes the exercise of shall use the judgment and care under the circumstances then prevailing, which that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to including the permanent, rather than speculative, disposition of their funds, considering and consideration of the probable income as well as the probable and safety of their capital.

SECTION 102. 880.19 (2) (b) of the statutes is renumbered 54.20 (3) (g) and amended to read:

54.20 (3) (g) ~~The guardian of the estate may, with the approval of the court, after such notice as the court directs, retain Retain any real or personal property possessed by that the ward at the time of the appointment of the possesses when the guardian~~ is appointed or that ~~or subsequently acquired by~~ the ward acquires by gift or inheritance for such period of time as shall be designated in the order of the court

Needs to be scored - not in folio

score

Needs to be secured

stays plain

↓

~~order thereon~~ order action as justice requires. ~~Notice to~~ and shall direct that notice be provided to the guardian ~~may be served~~ personally or by certified mail as ~~the court~~ directs. ~~When the examination of a guardian's account is upon notice .~~ If notice is provided to the guardian under this subsection, the court may appoint a guardian ad litem of for the ward ~~may be appointed.~~

SECTION 135. 880.25 (5) of the statutes is renumbered 54.62 (7) and amended to read:

54.62 (7) NOTICE OF FINAL ACTION ON AN ACCOUNT. No action by the court upon any on an account shall be is final unless it is upon the court first directs that notice be provided to interested parties.

****NOTE: It is not clear to whom notice under this subsection must be provided. "Interested parties" is not defined; is it suitable here, or should it be "interested person"? Should, instead, notice be provided to the guardian and the ward only?

SECTION 136. 880.26 (title) of the statutes is repealed.

SECTION 137. 880.26 (1) (intro.) of the statutes is renumbered 54.64 (3) (intro.) and amended to read:

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

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

****NOTE: Your proposal does not include treatment of s. 880.26 (1) (a) and (b) (a guardianship of the person must terminate when a minor ward who is not an incompetent attains majority or a minor ward marries). I have, however, not repealed these provisions, because I thought perhaps that not including them was inadvertent. Please review.

SECTION 138. 880.26 (1) (c) of the statutes is renumbered 54.64 (3) (a) and amended to read:

54.64 (3) (a) The court adjudicates a ~~former~~ ward who was formerly found to be an incompetent to be competent no longer an incompetent.

proposed ~~incompetent ward~~ shall control in making the determination when the opinions of the family are in conflict with ~~the clearly appropriate decision~~ those best interests. The court shall also consider potential conflicts of interest resulting from the prospective guardian's employment or other potential conflicts of interest. If the proposed ~~incompetent ward~~ has executed a power of attorney for health care under ch. 155, the court shall ~~give consideration to the appointment of the health care agent for the individual~~ consider appointing the agent under that power of attorney as the individual's guardian.

****NOTE: Language in your proposal for this subsection states "If the proposed incompetent has executed a durable financial power of attorney under ch. 243, the court shall give consideration to the appointment of the agent or the person nominated as guardian in the document, if different, for the individual as the individual's guardian of the estate." This statement is in direct conflict with language you have proposed under Subch. 3, Section One (1) (a), which I have drafted as s. 54.15 (1), and which REQUIRES appointment of the agent unless the appointment is not in the proposed ward's best interests. Which is your preference? If it is the latter, do you want the agent of a health care power of attorney also to be required to be appointed?

****NOTE: Please note that I have amended current law that refers to "proposed incompetent" to instead refer to "proposed ward," and have tried to make that change consistent in this draft. Is this drafting decision acceptable?

SECTION 159. 880.33 (5m) of the statutes is renumbered 54.15 (8) and amended to read:

54.15 (8) LIMITATION ON NUMBER OF WARDS OF GUARDIAN. No ~~person one~~, except a nonprofit corporation approved by the department of health and family services under s. ~~880.35~~ 54.15 (5), who has guardianship of the person of 5 or more adult wards who are unrelated to the person ~~him or her~~ may accept appointment as guardian of the person of another unrelated adult ward ~~unrelated to the person~~, unless approved by the ~~department~~ court. No such ~~person individual~~ may accept appointment as guardian of more than 10 such adult wards who are unrelated to the person ~~him or her~~, and no approved nonprofit corporation may accept appointment as guardian of more than 10 adult wards.

score
yes.

other acts that are approved by the court and are reasonably necessary to promote the ward's best interests.

SECTION 184. 880.34 (title) of the statutes is renumbered 54.64 (title) and amended to read:

54.64 (title) Duration Review and termination of guardianship; review.

SECTION 185. 880.34 (1) of the statutes is renumbered 54.64 (1) and amended to read:

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

SECTION 186. 880.34 (4) of the statutes is renumbered 54.64 (2) (a) (intro.) and amended to read:

54.64 (2) (a) (intro.) A ward who is 18 years of age or older, any interested person acting on the ward's behalf, or the ward's guardian may petition for a review of incompetency. Upon such at any time after 180 days after any previous hearing under s. 54.44, or at any time if the court determines that exigent circumstance, including presentation of new evidence, requires a review. If a petition for review is filed, the court shall ~~conduct~~ do all of the following:

4. Conduct a hearing at which the ward shall be is present and shall have has the right to a jury trial, if demanded. ~~The ward shall also have the right to counsel~~

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0183/P1dn

DAK:.....

95

1. The proposal dated October 26, 1998, and entitled "Proposed Guardian Statute Revision" and the agreed-upon provisions of Betsy Abramson's November 16, 2001 memo to the State Bar, Elder Law Section Board, together with annotations to the statutes by Ann Flynn, are the documents that I have used as the basis for this request. The draft is interspersed throughout with *****NOTES; in these *****NOTES, I use the term "your proposal" to refer to the October 26, 1998, proposal and the term "the memo" to refer to the November 16, 2001 memo.

2. I have understood from Betsy Abramson and Ann Flynn that what generally is desired for this material is the creation of a new chapter that is positioned more closely to chs. 51 and 55, stats., than is ch. 880, stats. Accordingly, I have created ch. 54. In order not to lose the legislative history of the provisions in ch. 880, stats., and to make sure that there are as few inadvertent omissions as possible, however, I have renumbered the provisions in that chapter that correspond to your proposal and have created new provisions in ch. 54 for the material proposed that does not currently exist. This makes the draft very hard to read. In order to make this task somewhat easier, I am accompanying this draft with a "Table of Contents", with a copy of your proposal that Ann Flynn originally annotated and that I have also annotated, and with a copy of ch. 880, stats., that is annotated. ✓

3. Numerous statutes in ch. 880, stats., were not addressed in either the proposal or the memo; if I treated any of these in the draft, I indicated in the *****NOTE following each that it had not been otherwise addressed. Some of these are redundant to other changes in the proposal or memo, but I am unsure what are the reasons for the omission of others. Please review all of the following carefully to see if their omission was inadvertent, because if the omission was intentional, they should be repealed: ss. 880.07 (1m) and (3), 880.075, 880.08 (2), 880.09 (1) and (3), 880.12, 880.15 (1s), (2), and (3), 880.155, 880.157, 880.16, 880.191 (2), 880.192, 880.195, 880.215, 880.251, 880.252, 880.253, 880.26 (1) (a) and (b), (2) (a) and (b), 880.29, 880.295, 880.32, 880.33 (2) (d), 80.33 (3), (4), (4m), (4r), (6), (8) (intro.) and (a), and (9), 880.34 (2), (3), and (7), 880.37, 880.38 (1), and Subchs. II to IV. ✓

or otherwise addressed

4. This draft, in general, does not contain cross-reference changes to statutes outside ch. 880, because the draft is in such a preliminary stage that subsequent changes might ✓

6

make the cross-reference changes inaccurate and lead to error. However, I did renumber into ch. 54 all the provisions of s. 50.06, stats., as I understand that that is what you want.

I will be happy at any time to meet with you and discuss this draft.

Debora A. Kennedy
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0039/P1dn
DAK:cjs:pg

September 18, 2002

1. The proposal dated October 26, 1998, and entitled "Proposed Guardian Statute Revision" and the agreed-upon provisions of Betsy Abramson's November 16, 2001 memo to the State Bar, Elder Law Section Board, together with annotations to the statutes by Ann Flynn, are the documents that I have used as the basis for this request. The draft is interspersed throughout with *****NOTES; in these *****NOTES, I use the term "your proposal" to refer to the October 26, 1998, proposal and the term "the memo" to refer to the November 16, 2001, memo.
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4. This draft, in general, does not contain cross-reference changes to statutes outside ch. 880, because the draft is in such a preliminary stage that subsequent changes might make the cross-reference changes inaccurate and lead to error. However, I did renumber into ch. 54 all the provisions of s. 50.06, stats., as I understand that that is what you want.

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Barman, Mike

From: Barman, Mike
Sent: Wednesday, November 06, 2002, 10:36 AM
To: 'jboese@wisbar.org'
Subject: LRB-0039/P1 (attached) (from DAK)



03-0039/P1



03-0039/P1dn

Mike Barman

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State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
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...n, Mike

From: Barman, Mike
Sent: Friday, November 22, 2002 10:37 AM
To: 'jboese@wisbar.org'
Cc: Kennedy, Debora
Subject: DAKwithnotes0039/P1 (attached) (from DAK)



DAKwithnotes0039/
P1

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