

(1r) (a) 2.

1 55.043 (2m) If an agent or employee of a county department required to  
 2 respond under this subsection is the subject of a report, or if the county department  
 3 or an agency under contract with the county department determines that the  
 4 relationship between the county department and the agency under contract with the  
 5 county department would not allow for an unbiased response, the county department  
 6 shall, after taking any action necessary to protect the elder person, notify the  
 7 department. Upon receipt of the notice, the department or a county department  
 8 designated by the department shall conduct an independent investigation. If the  
 9 department designates a county department under s. 46.215, 46.22, 51.42, or 51.437,  
 10 that county department shall conduct the independent investigation. The powers  
 11 and duties of the county department making an independent investigation are those  
 12 given to county departments under pars. (b) to (g) and sub. (6).

MOVE TO P.

13 SECTION 81. 55.043 (3) (a) (intro.) of the statutes is repealed and recreated to  
 14 read:

15 55.043 (3) (a) (intro.) Except as otherwise provided, if an adult-at-risk agency  
 16 has reason to believe that an adult-at-risk has been the subject of abuse, financial  
 17 exploitation, neglect or self-neglect, the adult-at-risk agency may respond to  
 18 determine whether the adult-at-risk in question is in need of protective services.  
 19 If an adult-at-risk agency has reason to believe that there is abuse, financial  
 20 exploitation, neglect or self-neglect of an adult-at-risk who is a client of an entity,  
 21 as defined in s. 50.065, and the person suspected of the abuse is a caregiver or  
 22 nonclient resident of the entity, the adult-at-risk agency shall refer the report to the  
 23 department within 24 hours after the report is received. The department shall  
 24 coordinate its investigatory efforts with other investigatory authorities or agencies  
 25 as appropriate. An adult-at-risk agency's response to or investigation of a report of

1 abuse, financial exploitation, neglect or self-neglect shall be commenced within 24  
2 hours after a report is received, excluding Saturdays, Sundays, and legal holidays.

3 The response or investigation may include one or more of the following:

4 SECTION 82. 55.043 (3) (a) 1., (b), (4), (5), (6) (intro.), and (a) to (f) of the statutes  
5 are amended to read: (1)

6 55.043 (3) (a) 1. Observation of or an interview with the vulnerable adult  
7 adult-at-risk, in private to the extent practicable, and with or without consent of his  
8 or her guardian, or agent under an activated power of attorney for health care, if any.

9 1m. An interview with the adult-at-risk, in private to the extent practicable,  
10 and with or without consent of his or her guardian or agent under an activated power  
11 of attorney for health care, if any.

12 2. A visit to the residence of the vulnerable adult adult-at-risk.

13 3. An interview with the guardian, if any, and with the caretaker caregiver, if  
14 any, of the vulnerable adult adult-at-risk.

15 4. A review of the treatment and patient health care records of the vulnerable  
16 adult adult-at-risk.

17 5. A review of those financial records, if any, of the vulnerable adult  
18 adult-at-risk that are maintained by a financial institution, an entity, as defined in  
19 s. 50.065, or the caretaker or landlord of the vulnerable adult adult-at-risk or by a  
20 member of the immediate family of the vulnerable adult adult-at-risk, or the  
21 caretaker or the landlord caregiver. Such records shall be released without informed  
22 consent in either of the following circumstances:

23 a. To an adult-at-risk agency under s. 55.02. The financial record holder may  
24 release financial record information by initiating contact with the adult-at-risk

1 agency without first receiving a request for release of information from the  
2 adult-at-risk agency.

3 b. Under a lawful order of a court of record.

4 (b) The ~~county protective services~~ adult-at-risk agency may transport the  
5 ~~vulnerable adult~~ adult-at-risk for performance of a medical examination by a  
6 physician if any of the following applies:

7 1. The ~~vulnerable adult~~ adult-at-risk or his or her guardian or agent under an  
8 activated power of attorney for health care, if any, consents to the examination.

9 2. The ~~vulnerable adult~~ adult-at-risk is incapable of consenting to the  
10 examination and one of the following applies:

11 a. The ~~vulnerable adult~~ adult-at-risk has no guardian or agent under an  
12 activated power of attorney for health care.

13 b. The elder adult-at-risk has a guardian or agent under an activated power  
14 of attorney for health care, but that guardian or agent is the person suspected of  
15 abusing, neglecting, or financially exploiting the elder adult-at-risk.

16 bc. The vulnerable adult's guardian refuses to consent to the examination, but  
17 the examination is authorized by order of a court.

SECTION RA; 55.043 (2); 55.043 (2) (a)

18 (4) LOCAL ENFORCEMENT ASSISTANCE. The ~~county protective services~~  
19 ~~adult-at-risk~~ agency may request a sheriff or police officer to accompany the  
20 ~~adult-at-risk worker or~~ agency investigator <sup>or worker</sup> during visits to the residence of the  
21 ~~vulnerable adult~~ adult-at-risk or request other assistance as needed. If the request  
22 is made, a sheriff or police officer shall accompany the ~~adult-at-risk worker or~~  
23 ~~agency investigator of the county protective services~~ adult-at-risk agency to the  
24 residence of the ~~vulnerable adult~~ adult-at-risk and shall provide other assistance  
25 as requested or necessary.

INSERT 32-25

or worker

55.043 (3)   
 SECTION . AM; 55.043 (3)

investigator or worker   
 RESTORE TO PLAIN TEXT   
 (1r)

1 (5) RESTRAINING ORDER; INJUNCTION. If a person other than the vulnerable adult  
2 interferes with the response or investigation under sub. (1) or interferes with the  
3 delivery of protective services to the vulnerable adult ~~adult at risk~~, the county  
4 protective services adult-at-risk agency may obtain a restraining order or  
5 injunction under s. 813.123 against the person.

INSERT 33-5

55.043 (A)(b)

6 (6) ~~OFFER OF SERVICES AND REFERRAL OF CASES~~ (intro.) If upon investigation,  
7 after responding, the county protective services adult-at-risk agency finds  
8 misappropriation of property has reason to believe that the adult at risk has been  
9 the subject of financial exploitation, or neglect, self-neglect or abuse of a vulnerable  
10 adult, the county protective services adult-at-risk agency may do one or more of the  
11 following:

INSERT 33-11

55.043 (4)

12 (a) Offer services, including protective services under s. 55.05, a protective  
13 placement under s. 55.06, relocation assistance or other services. Request  
14 immediate assistance in either initiating a protective services action or contacting  
15 law enforcement or another public agency as appropriate.

INSERT 33-15

16 (b) Take appropriate emergency action, including emergency protective  
17 placement under s. 55.06, if the county protective services adult-at-risk agency  
18 considers that the emergency action is in the vulnerable adult's adult-at-risk's best  
19 interests and the emergency action is the least restrictive appropriate intervention.

INSERT 33-19

20 (c) Refer the case to local law enforcement officials under sub. (2) for further  
21 investigation or to the district attorney, if the county protective services  
22 adult-at-risk agency has reason to believe that a violation of chs. 939 to 951 has  
23 occurred crime has been committed.

55.043 (4)

as specified in

*permitted, registration*

RESTORE TO PLAIN TEXT

INSERT 34-1

1 <sup>55.043 (4)(b)4.</sup> (d) Refer the case to the licensing or certification authorities of the department  
 2 or to other regulatory bodies if the residence, facility or program for the vulnerable  
 3 ~~adult~~ ~~adult-at-risk~~ is or should be licensed, or certified or is otherwise regulated.

INSERT 34-2

4 (e) Refer the case to the department of regulation and licensing if the  
 5 ~~misappropriation of property or~~ <sup>55.043 (4)(b)5.</sup> financial exploitation, neglect or self-neglect, or  
 6 abuse involves an individual who is required to hold a credential, as defined in s.  
 7 440.01 (2) (a), under chs. 440 to 460.

INSERT 34-7

8 (f) Bring or refer for a petition for a guardianship and protective service or  
 9 protective placement, if necessary to prevent ~~misappropriation of property or~~  
 10 financial exploitation, neglect, self-neglect or abuse and if the vulnerable ~~adult~~  
 11 ~~adult-at-risk~~ would otherwise be at risk of serious harm because of an inability to  
 12 arrange for necessary food, clothing, shelter and or services or a review of an existing  
 13 guardianship.

INSERT 34-13

SECTION 83. 55.043 (3) (c) of the statutes is created to read:

15 55.043 (3) (c) No person may be held civilly or criminally liable or be found  
 16 guilty of unprofessional conduct for responding to a report or participating in or  
 17 conducting an investigation under this subsection, including the taking of  
 18 photographs or conducting of a medical examination, if the investigation, taking of  
 19 photographs, or conducting of a medical examination was performed in good faith.

SECTION 84. <sup>1m</sup> 55.043 (3m) of the statutes is created to read:

21 55.043 (3m) (a) ~~Reports~~ <sup>REPORTING.</sup> The following persons shall file reports as specified  
 22 in par. (b):

23 1. An employee of any entity that is licensed, certified, or approved by or  
 24 registered with the department.

25 2. An employee of a financial institution, as defined in s. 705.01 (3).

MOVE TO p. 29, after l. 23

1 3. A health care provider, as defined in s. 155.01 (7).

2 4. A social worker, professional counselor, or marriage and family therapist  
3 certified under ch. 457.

4 (b) Except as provided in par. (be), a person specified in par. (a), who has seen  
5 an ~~elder adult at risk~~ in the course of the person's professional duties, shall file a  
6 report with the county department, the adult-at-risk agency, a state or local law  
7 enforcement agency, the department, or the board on aging and long term care if ~~an~~ <sup>the</sup>  
8 adult at risk has requested the person to make the report, or if the person has  
9 reasonable cause to believe that any of the following situations exist:

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l.  
23

10 1. The adult at risk is at imminent risk of serious bodily harm, death, or  
11 significant property loss, and is unable to make an informed judgment about  
12 whether to report the risk.

13 2. ~~Other adults at risk including adults at risk~~ <sup>(is)</sup> other than the subject of the  
14 report ~~are~~ <sup>(a)</sup> at risk of serious bodily harm, death, sexual assault, or significant  
15 property loss inflicted by ~~the~~ <sup>(a)</sup> suspected perpetrator.

An adult at risk

INSERT  
35-15

16 (be) A person specified in par. (a) is not required to file a report as provided in  
17 par. (b) if the person believes that filing a report would not be in the best interest of  
18 the adult at risk. If the person so believes, the person shall document the reasons  
19 for this belief in the case file <sup>that the person maintains</sup> of the adult at risk. <sup>on</sup>

INSERT 35-19

financial exploitation,

20 (br) ~~4.~~ Any person, including an attorney or a person working under the  
21 supervision of an attorney, may report to the county department, adult-at-risk  
22 agency, a state or local law enforcement agency, the department, or the board on  
23 aging and long term care that he or she believes that abuse, neglect, <sup>(or)</sup> self-neglect, ~~or~~  
24 ~~financial exploitation~~ has occurred if the person is aware of facts or circumstances  
25 that would lead a reasonable person to believe or suspect that abuse, neglect, or

of an adult at risk

*self-neglect of an adult at risk*

1 ~~financial exploitation~~ has occurred. The person shall indicate the facts and  
2 circumstances of the situation as part of the report.

INSERT 36-2

3 (c) 1. a. No person may discharge or otherwise retaliate or discriminate against  
4 any person for reporting in good faith under this subsection.

5 b. No person may discharge or otherwise retaliate or discriminate against any  
6 ~~person~~ on whose behalf another person has reported in good faith under this  
7 subsection. *individual*

8 c. Any person who violates this subdivision may be fined not more than \$10,000  
9 or imprisoned for not more than 6 months, or both.

10 d. Any discharge of a person, or act of retaliation or discrimination that is taken  
11 against a person who makes a report under this subsection within 120 days after the  
12 report is made establishes a rebuttable presumption that the discharge or act is  
13 made in response to the report. This presumption may be rebutted by a  
14 preponderance of evidence that the discharge or act was not made in response to the  
15 report.

16 2. a. Any employee of a state agency who is discharged or otherwise  
17 discriminated against may file a complaint with the personnel commission under s.  
18 230.45 (1) (j). In this subd. 2. a., "agency" has the meaning provided under s. 111.32  
19 (6) (a).

20 2. b. Any employee of an employer ~~not described in subd. 2. a.~~ who is discharged  
21 or otherwise discriminated against may file a complaint with the department of  
22 workforce development under s. 106.54 (5).

INSERT 36-22

23 c. Any person not described in this subd. 2. a. ~~or b.~~ who is retaliated or  
24 discriminated against in violation of subd. 1 may commence an action in circuit court  
25 for damages incurred as a result of the violation.

*2. sub.*

MOVE TO P 29, after line 23

MOVE TO P. 29, after l. 23

1 (d) No person may be held civilly or criminally liable or be found guilty of  
 2 unprofessional conduct for reporting in good faith under this subsection, responding  
 3 to a report, or participating in or conducting an investigation under this subsection,  
 4 including the taking of photographs or the conducting of a medical examination, if  
 5 the response, investigation, taking of photographs, or conducting of a medical  
 6 examination was performed in good faith and under lawful authority. No person may  
 7 be held civilly or criminally liable or be found guilty of unprofessional conduct for  
 8 filing a report with an agency not listed in par. (a) (intro) or (a) 1 if the person had  
 9 a good faith belief that the report was filed correctly with one of the listed agencies.

INSERT 37-9

10 (e) If a report under par. (b) or (br) is made to a state official <sup>appropriate</sup> other than the  
 11 ~~adult-at-risk~~ agency, the state official shall refer the report to the ~~adult-at-risk~~  
 12 agency.

INSERT 37-12

13 (f) Any person making a report, ~~responding to a report, or participating in or~~  
 14 ~~conducting an investigation~~ under this subsection is presumed to have acted in good  
 15 faith.

INSERT 37-15

© (9m) PENALTIES. (a)

(9m)

sub. (b) is

reported

MOVE TO P. 44, after line 22

16 SECTION 85. 55.043 (5) (f) of the statutes is created to read:  
 17 55.043 (5) (f) 1. Any person, including the state or any political subdivision of  
 18 the state, violating this subsection shall be liable to any person damaged as a result  
 19 of the violation for such damages as may be proved, together with exemplary  
 20 damages of not less than \$100 nor more than \$500 for each violation and such costs  
 21 and reasonable actual attorney fees as may be <sup>that are</sup> incurred by the person damaged. A  
 22 custodian of records or reports incurs no civil or criminal liability under this  
 23 subdivision for the release or nonrelease of records or reports in accordance with this  
 24 subsection while acting in good faith. For purposes of any proceeding, civil or

1 criminal, the good faith of a person releasing or refusing to release the records or  
2 reports in accordance with this subsection shall be presumed.

par. (a)

3 (b) In any action brought under subd. 1, in which the court determines that the  
4 violator acted in a manner that was knowing and willful, the violator shall be liable  
5 for such damages as may be proved together with exemplary damages of not less than  
6 \$500 nor more than \$1,000 for each violation, together with costs and reasonable  
7 actual attorney fees as may be incurred. It is not a prerequisite to an action under  
8 this paragraph that the plaintiff suffer or be threatened with actual damages.

par. (a)

sub. (b)

9 (c) An individual may bring an action to enjoin any violation of this subsection  
10 or to compel compliance with this subsection, and may in the same action seek  
11 damages as provided in this paragraph. The individual may recover costs and  
12 reasonable actual attorney fees as may be incurred in the action, if he or she prevails.

MOVE TO p. 44, after line 22

IN SECT 38-12

13 SECTION 86. 55.043 (7) of the statutes is created to read:

5g

subsection

14 55.043 (7) An adult-at-risk may refuse to accept services unless a guardian  
15 authorizes the services. The adult-at-risk agency or other provider agency shall  
16 notify the adult-at-risk of this right to refuse before providing services.

REFUSAL OF SERVICES.

17 SECTION 87. 55.043 (8) of the statutes is created to read:

18 55.043 (8) RECORDS; CONFIDENTIALITY. (a) Definitions. In this section:

19 1. "Record" includes any document relating to the response, investigation,  
20 assessment, and disposition of a report under this section.

Departmental

made

sub. (1r)

or investigation

21 2. "Report" includes documentation of an agency's response to a report and the  
22 investigation of reported suspected abuse, financial exploitation, neglect, or  
23 self-neglect that provides a summary of the case, including the report form  
24 submitted to the state with all client identifying information removed.

form

adult-at-risk

made under sub. (1r)

department

is the information required to be

neglect, or self-neglect

departmental

form

under sub. (1v)

1 (am) The adult-at-risk agency shall prepare a report on its response to a report  
 2 of suspected abuse, neglect, or financial exploitation. If the adult-at-risk agency  
 3 refers the report to an investigating agency, the investigating agency shall advise the  
 4 adult-at-risk agency in writing of its response to the report. The adult-at-risk  
 5 agency shall maintain reports of suspected abuse, financial exploitation, neglect, or  
 6 self-neglect.

Departmental report forms

records

investigative

7 (b) Reports of abuse, financial exploitation, neglect, or self-neglect and  
 8 investigation reports under this section are confidential and may not be released by  
 9 the adult-at-risk agency or investigating agency, except under the following  
 10 circumstances they may be released:

other

departmental

form

11 1. To the adult-at-risk and any person named in a report who is suspected of  
 12 abusing or neglecting or financially exploiting an adult-at-risk, and the suspect's  
 13 attorney. These persons may inspect the report, except that information identifying  
 14 the person who initially reported the suspected abuse, financial exploitation,  
 15 neglect, or self-neglect, or any other person whose safety might be endangered  
 16 through disclosure, may not be released.

or other entity contacted

17 2. To the adult-at-risk agency under sub. (1). Information obtained under this  
 18 subdivision shall remain confidential.

(2)(b)

19 3. To an individual, organization, or agency designated by the department or  
 20 as required by law for the purposes of management audits or program monitoring  
 21 and evaluation. Information obtained under this subdivision shall remain  
 22 confidential and shall not be used in any way that discloses the names or other  
 23 identifying information about the individuals involved.

may

of

24 4. For purposes of research if the research project has been approved by the  
 25 department or the adult-at-risk agency and the researcher has provided assurances

SECTION 87

The

1 that the information will be used only for the purposes for which it was provided to  
 2 the researcher, the information will not be released to a person not connected with  
 3 the study under consideration, and the final product of the research will not reveal  
 4 information that may serve to identify the individuals involved. Such information  
 5 shall remain confidential. In approving research projects under this subdivision, the  
 6 department shall impose any additional safeguards needed to prevent unwarranted  
 7 disclosure of information.

INSERT 40-7

under a

The use of information

8 5. Pursuant to lawful order of a court of record.

9 6. To any agency or individual that provides direct services under sub. (6),  
 10 including an attending physician for purposes of diagnosis, examination, and  
 11 treatment, and within the department to coordinate treatment for mental illness,  
 12 developmental disabilities, alcoholism, or drug abuse of individuals committed to or  
 13 under the supervision of the department. Information obtained under this  
 14 subdivision shall remain confidential.

4

departmental

form

15 7. To the guardian of the adult at risk or the guardian of any person named  
 16 in a report who is suspected of abusing or neglecting or financially exploiting an  
 17 adult at risk. These persons may inspect the report, except that information  
 18 identifying the person who initially reported the suspected abuse, financial  
 19 exploitation, neglect, or self-neglect, or any other person whose safety might be  
 20 endangered through disclosure, may not be released.

the policy developed

21 8. To law enforcement officials in accordance with assisting in an investigation  
 22 under sub. (2). (1g)(a)

departmental

23 9. To a federal agency, agency of this state or any other state, or local unit of  
 24 government in this state or any other state that has a need for a report or record in

form

INSERT 40-22

financial exploitation,

1 order to carry out its responsibility to protect adults~~at~~ risk from abuse, neglect, <sup>or</sup>  
2 self-neglect, ~~or financial exploitation.~~

3 10. To <sup>the</sup> a reporter who made <sup>a</sup> the report in his or her professional capacity,  
4 regarding action taken to protect or provide services to the alleged victim of abuse,  
5 ~~neglect~~, financial exploitation, or self-neglect. <sup>neglect,</sup> <sup>specified</sup>

6 (bd) If a person requesting a report is not one of the persons or entities in par.  
7 (b), the adult-at-risk agency may release information indicating only <sup>that</sup> a report  
8 was received and <sup>departmental</sup> statutory responsibility was fulfilled. <sup>form</sup> <sup>whether or not</sup>

9 (br) Notwithstanding par. (b) 1. to 10., an adult-at-risk agency or an  
10 <sup>departmental</sup> investigative agency may not release <sup>form</sup> reports ~~of suspected abuse, financial~~  
11 ~~exploitation, neglect or self-neglect~~, and reports under this section, if any of the  
12 following apply:

13 1. The agency determines that release would be contrary to the best interests  
14 of the adult~~at~~ risk who is the subject of the report, <sup>of</sup> or a minor residing with the  
15 subject of the report, or the release is likely to cause mental, emotional, or physical  
16 harm to the subject of the report, or to any other individual, including an elder  
17 ~~adult-at-risk.~~ <sup>adult-at-risk</sup> <sup>departmental</sup> <sup>form</sup>

18 2. The district attorney determines that disclosure of the information would  
19 jeopardize any ongoing or future criminal investigation or prosecution or would  
20 jeopardize a defendant's right to a fair trial. <sup>adult-at-risk</sup>

21 3. The agency determines that disclosure would jeopardize ongoing or future  
22 civil investigations or proceedings or would jeopardize the fairness of such a legal  
23 proceeding. <sup>bt</sup> <sup>Subject to</sup> <sup>other investigative</sup>

24 (e) Records under this subsection are confidential and may not be released by  
25 the adult-at-risk agency or ~~investigating~~ agency, except under the following

circumstances ~~they may be released to the following entities~~ upon request of the entity:

1. The adult ~~at risk~~ who is the <sup>alleged</sup> victim named in the record.

2. The legal guardian, conservator, or other legal representative of the adult ~~at risk~~ who is the victim named in the record, <sup>if</sup> provided that the legal guardian, conservator, or other legal representative of the victim is not the alleged perpetrator of the abuse, financial exploitation, or neglect.

3. Law enforcement officials and agencies in accordance with investigations conducted under sub. (2), or a district attorney, for purposes of investigation or prosecution.

4. The department, under s. 51.03 (2), a sheriff, police department, or district attorney for death investigations under s. 51.64 (2) (a), <sup>or for death investigations under s. 50.04 (2t) or 50.035 (5); or to</sup> or to the department for death investigations under s. 50.04 (2t) or 50.035 (5).

5. An employee of the county department under s. 51.42 or 51.437 that is providing services to an adult ~~at risk~~ who is the <sup>alleged</sup> victim named in the record, or the alleged perpetrator of abuse, to determine whether the victim should be transferred to a less restrictive or more appropriate treatment modality or facility. <sup>to</sup> <sup>state governmental</sup>

6. A court, tribal court, or <sup>To a</sup> administrative agency for a proceeding relating to the licensure or regulation of an individual or entity regulated or licensed by the department, that was an alleged perpetrator of abuse, financial exploitation, or neglect. <sup>and to the board on aging and long-term care, under s. 16.009</sup>

7. The department, for management, audit, program monitoring, evaluation, billing, or collection purposes.

INSERT 42-21

1           8. <sup>To</sup> The attorney or guardian ad litem for the adult <sup>alleged</sup> at risk who is the victim  
 2 named in the record, to assist in preparing for any proceeding under ch. 48, 51, 55,  
 3 880, 971, or 975 pertaining to the victim. <sup>at risk</sup>

4           9. <sup>To a</sup> A coroner, medical examiner, pathologist, or other physician investigating  
 5 the cause of death of an adult that is unexplained or unusual or is associated with  
 6 unexplained or suspicious circumstances.

7           10. <sup>To</sup> Staff members of the protection and advocacy agency designated under s.  
 8 51.62, ~~for purposes of protecting and advocating for the rights of persons with~~  
 9 ~~developmental disabilities and mental illness~~ and the board on aging and long term  
 10 care, ~~designated~~ under s. 16.009.

11           11. <sup>To</sup> An agency, including a probation or parole agency, that is legally  
 12 responsible for the supervision of an alleged perpetrator of abuse, neglect, or  
 13 exploitation of an adult <sup>financial</sup> at risk.

14           12. <sup>To a</sup> A grand jury, if it determines that access to specified records is necessary  
 15 for the conduct of its official business.

16 ~~13. A judge, tribal court, or administrative agency conducting proceedings~~  
 17 ~~under s. 968.26.~~

18           14. <sup>Under</sup> Pursuant to a lawful order of a court of record. <sup>bt</sup>

19           13 <sup>by</sup> (d) The identity of a person making a report of alleged abuse, neglect,  
 20 self-neglect, or financial exploitation shall be deleted from any record prior to its  
 21 release <sup>under</sup> under par. (c) or from any report prior to its release under par. (b). The  
 22 identity of any reporter may only be released with the written consent of the reporter  
 23 or <sup>departmental</sup> pursuant to a lawful order of a court of record. <sup>form</sup>

1 (b) A person to whom a report or record is disclosed under this subsection may  
 2 not further disclose it, except to the persons and for the purposes specified in this  
 3 section.

4 SECTION 88. 55.043 (9) of the statutes is created to read:

5 55.043 (9) DEPARTMENT DUTIES. (a) The department shall develop a plan to  
 6 assist adult-at-risk agencies in determining appropriate responses to reports of  
 7 abuse, financial exploitation, neglect, or self-neglect.

8 (b) The department shall prepare and distribute sample report forms for use  
 9 by adult-at-risk agencies.

10 (c) The department shall collect statistical information from each county  
 11 pertaining to each reported case of abuse, financial exploitation, neglect, or  
 12 self-neglect. The department may require adult-at-risk workers to submit  
 13 statements to the department that summarize the information being reported.

14 These summary statements may not name or otherwise identify individual persons.  
 15 The department shall use this information to review the effectiveness of this section,  
 16 to plan program changes, and to formulate reports.

17 (d) The department shall develop and disseminate information on  
 18 adult-at-risk abuse and the adult-at-risk reporting system under this section. The  
 19 department shall also develop informational materials to be used by adult-at-risk  
 20 agencies regarding adult-at-risk abuse and the adult-at-risk abuse reporting  
 21 system. The department shall solicit contributions of labor, materials, and expertise  
 22 from private sources to assist in developing the informational materials.

23 SECTION 89. 146.001 (1) of the statutes is renumbered 146.001 (1m).

24 SECTION 90. 146.001 (1) of the statutes is created to read:

25 146.001 (1) "Abuse" has the meaning given in s. 46.90 (1) (a).

INSERT  
44-3  
A

INSERT  
44-22

INSERT 44-23

departmental

form

bw

subsection

departmental

departmental  
report forms

or investigators

agency

individuals

of adults at risk

regarding

146.40 (ab)

INSERT MATERIAL FROM p. 37, lines 16 to 24 + p. 38, lines 1 to 12 HERE

146.40(1)(aw)

146.40(1)(aw)

an individual's individual

1 SECTION 91. ~~146.001(1r)~~ of the statutes is created to read:

2 ~~146.001(1r)~~ "Financial exploitation" means any of the following:

3 1. Obtaining ~~a person's~~ money or property by deceiving or enticing the ~~person,~~  
4 or by forcing, compelling, or coercing the ~~person~~ to give, sell at less than fair market  
5 value, or in other ways convey money or property against his or her will without his  
6 or her informed consent.

prohibited

7 2. Theft, as defined in s. 943.20.

8 3. The substantial failure or neglect of a fiscal agent to fulfill his or her  
9 responsibilities.

10 ~~SECTION 92. 146.001(2) of the statutes is renumbered 146.001(1r).~~

11 SECTION 93. 813.123(1)(a) of the statutes is repealed and recreated to read:

12 813.123(1)(a) "Abuse" has the meaning given in s. 46.90(1)(a).

INSERT  
45-12

13 SECTION 94. 813.123(1)(ae) of the statutes is created to read:

14 813.123(1)(ae) "Adult~~at~~at~~risk~~risk" has the meaning given in s. 55.01(1d).

1e

15 SECTION 95. 813.123(1)(am) of the statutes is created to read:

16 813.123(1)(am) "Adult-at-risk agency" has the meaning given in s. 55.01(1)

17 (e). (1f)

18 SECTION 96. 813.123(1)(b) of the statutes is created to read:

19 813.123(1)(b) "Bodily harm" has the meaning given in s. 46.90(1)(aj).

INSERT  
45-19

20 SECTION 97. 813.123(1)(br) of the statutes is created to read:

21 813.123(1)(br) "Caregiver" has the meaning given in s. 46.90(1)(an).

INSERT  
45-21

22 SECTION 98. 813.123(1)(dm) of the statutes is created to read:

23 813.123(1)(dm) "Financial exploitation" has the meaning given in s. 46.90(1)

24 (e). ed

25 SECTION 99. 813.123(1)(er) of the statutes is created to read:

eg

1 813.123 (1) <sup>eg</sup> (er) "Harassment" has the meaning given in s. 813.125 (1). <sup>fm</sup>

2 SECTION 100. 813.123 (1) (f) of the statutes is repealed and recreated to read:

3 813.123 (1) (f) "Mistreatment of animals" means cruel treatment of any animal

4 owned by or in service to an <sup>an</sup> adult-at-risk. <sup>individual</sup>

5 SECTION 101. 813.123 (1) (g) of the statutes is repealed and recreated to read:

6 813.123 (1) (g) "Neglect" has the meaning given in s. 46.90 (1) (f).

7 SECTION 102. 813.123 (1) (gr) of the statutes is created to read:

8 813.123 (1) (gr) "Self-neglect" has the meaning given in s. 46.90 (1) (g).

9 SECTION 103. 813.123 (1) (gs) of the statutes is created to read:

10 813.123 (1) (gs) "Stalking" means engaging in a course of conduct as defined  
11 in s. 940.32 (1) (a).

12 SECTION 104. 813.123 (1) (h) of the statutes is repealed.

13 SECTION 105. 813.123 (2) of the statutes is renumbered 813.123 (2) (a) and  
14 amended to read:

15 813.123 (2) COMMENCEMENT OF ACTION AND RESPONSE. (a) No action under this  
16 section may be commenced by complaint and summons. An action under this section  
17 may be commenced only by a petition described under sub. (6). The action  
18 commences with service of the petition upon the respondent if a copy of the petition  
19 is filed before service or promptly after service. The vulnerable adult, a parent, an  
20 adult sibling, an adult child or the legal guardian of the vulnerable adult  
21 adult-at-risk or any person <sup>acting</sup> on their behalf or a county protective services an  
22 adult-at-risk agency may be a petitioner under this section. If the petition is filed  
23 by a person other than the adult-at-risk, the petitioner shall serve a copy of the  
24 petition on the adult-at-risk. Section 813.06 does not apply to an action under this

INSERT 46-1

INSERT 46-6

1 section. The respondent may respond to the petition either in writing before or at  
2 the hearing on the issuance of the injunction or orally at that hearing.

INSERT  
47-2

3 SECTION 106. 813.123 (2) (b) of the statutes is created to read:

4 813.123 (2) (b) The court may go forward with a petition filed under sub. (6)  
5 notwithstanding an objection by an ~~adult-at-risk~~ <sup>individual</sup> who is the subject of the petition,  
6 or an objection by the ~~adult-at-risk's~~ <sup>individual</sup> guardian, if the ~~adult-at-risk~~ <sup>individual</sup> has been  
7 adjudicated incompetent under ch. 880.

INSERT  
47-7

8 SECTION 107. 813.123 (3) (b) (intro.) of the statutes ~~is~~ <sup>and 1.</sup> renumbered 813.123 (3)  
9 (b) and amended to read:

10 813.123 (3) (b) The court or circuit court commissioner, on its or his or her own  
11 motion or the motion of any party, ~~may shall~~ <sup>a person</sup> order ~~one or more of the following:~~

12 1. ~~That that~~ a guardian ad litem be appointed under s. 880.331 (1) for the  
13 ~~vulnerable adult~~ <sup>individual</sup> ~~adult-at-risk~~, if the petition under sub. (6) was filed by ~~someone~~  
14 ~~other than the adult-at-risk~~, and may order that a guardian ad litem be appointed  
15 ~~in other cases~~ <sup>instances</sup> when justice so requires.

16 SECTION 108. 813.123 (3) (b) 2. and 3. of the statutes are renumbered 813.123  
17 (3) (c) 1. and 2. and amended to read:

18 813.123 (3) (c) 1. That all persons, other than the ~~vulnerable adult~~ <sup>individual</sup> ~~adult-at-risk~~, the parties, their attorneys, a representative of the county protective  
19 ~~services~~ <sup>3</sup> ~~adult-at-risk~~ agency, witnesses, court personnel and any guardian or any  
20 guardian ad litem, be excluded from any hearing under this section.

21 2. That access to any record of an action under this section be available only  
22 to the ~~vulnerable adult~~ <sup>individual</sup> ~~adults-at-risk~~, the parties, their attorneys, any guardian or  
23 any guardian ad litem, the ~~county protective services~~ <sup>2</sup> ~~adult-at-risk~~ agency, court  
24 personnel and any applicable court ~~upon appeal.~~

INSERT 47-25

upon appeal,  
or elder-adult-at-risk agency

SECTION 109

*any*

1 SECTION 109. 813.123 (3) (c) (intro.) of the statutes is created to read:

2 813.123 (3) (c) (intro.) The court or circuit court commissioner, on its or his or  
3 her own motion or the motion of any party, may order ~~one or more~~ of the following:

4 SECTION 110. 813.123 (4) (a) of the statutes is amended to read:

5 813.123 (4) (a) Unless the ~~vulnerable adult~~ adult-at-risk, guardian or  
6 guardian ad litem consents in writing and the judge or circuit court commissioner  
7 agrees that the contact is in the best interests of the ~~vulnerable adult~~ adult-at-risk,  
8 a judge or circuit court commissioner shall, if all of the criteria in par. (a) are met,  
9 issue a temporary restraining order ordering the respondent to avoid do one or more  
10 of the following:

11 1. Avoid interference with an investigation of the ~~vulnerable adult~~  
12 adult-at-risk under s. 55.043 or the ~~elder adult~~ adult-at-risk under s. 46.90, the delivery  
13 of protective services to the ~~vulnerable adult~~ adult-at-risk under s. 55.05 or a  
14 protective placement of the ~~vulnerable adult~~ adult-at-risk under s. 55.06 if all of the  
15 following occur, or the delivery of services under s. 46.90 (5m).

16 2. Cease engaging in, or threatening to engage in, the abuse, financial  
17 exploitation, neglect, harassment, <sup>for</sup> stalking, or mistreatment of animals of an  
18 adult-at-risk. *residence of the of an adult at risk*

19 3. Avoid the ~~adult-at-risk's~~ residence, or any other location temporarily  
20 occupied by the petitioner or both.

21 4. Avoid contacting or causing any person other than a party's attorney or a law  
22 enforcement officer to contact the ~~adult-at-risk~~ unless the ~~adult-at-risk~~ consents  
23 in writing.

24 5. Any other appropriate remedy not inconsistent with the remedies requested  
25 in the petition.

1 SECTION 111. 813.123 (4) (a) 1. of the statutes is renumbered 813.123 (4) (ar)

2 1.

3 SECTION 112. 813.123 (4) (a) 2. of the statutes is renumbered 813.123 (4) (ar)

4 2. and amended to read:

5 813.123 (4) (ar) 2. The judge or circuit court commissioner finds reasonable  
6 grounds to believe that the respondent has interfered with, or based on prior conduct  
7 of the respondent may interfere with, an investigation of the ~~vulnerable adult~~  
8 adult-at-risk under s. 55.043, or 46.90; the delivery of protective services to the  
9 ~~vulnerable adult~~ adult-at-risk under s. 55.05 or a protective placement of the  
10 ~~vulnerable adult~~ adult-at-risk under s. 55.06, or the delivery of services under s.  
11 46.90 (5m); or that the respondent engaged in, or threatened to engage in, the abuse,  
12 financial exploitation, neglect, harassment, stalking, or mistreatment of animals of  
13 an adult-at-risk.

*Except as provided in par. (a) (intro.), a*

14 SECTION 113. 813.123 (4) (ar) (intro.) of the statutes is created to read:

15 813.123 (4) (ar) (intro.) A judge or circuit court commissioner shall issue a  
16 temporary restraining order under par. (a) if all of the following criteria are met:

17 SECTION 114. 813.123 (5) (a) (intro.) of the statutes is renumbered 813.123 (5)

18 (a) and amended to read:

19 813.123 (5) INJUNCTION. (a) Unless the ~~vulnerable adult~~ adult-at-risk,  
20 guardian or guardian ad litem consents to that contact in writing and the judge  
21 agrees that the contact is in the best interests of the ~~vulnerable adult~~ adult-at-risk,  
22 a judge or court commissioner may, if all of the criteria in par. (ar) are met, grant an  
23 injunction ordering the respondent to avoid do one or more of the following:

24 1. Avoid interference with an investigation of the ~~vulnerable adult~~  
25 adult-at-risk under ss. 55.043, or 46.90; the delivery of protective services to the

1 vulnerable ~~adult~~ adult-at-risk under s. 55.05 or a protective placement of the  
2 vulnerable ~~adult~~ adult-at-risk under s. 55.06, or the delivery of services under s.  
3 46.90 (5m) if all of the following occur:

4 2. Cease engaging in, or threatening to engage in, the abuse, financial  
5 exploitation, neglect, harassment, stalking, or mistreatment of animals of an  
6 adult-at-risk.

7 3. Avoid the ~~adult-at-risk's~~ *residence of the* residence, or any other location temporarily  
8 occupied by the petitioner or both.

9 4. Avoid contacting or causing any person other than a party's attorney or a law  
10 enforcement officer to contact the ~~adult-at-risk~~ unless the ~~adult-at-risk~~ consents  
11 in writing.

12 5. Any other appropriate remedy not inconsistent with the remedies requested  
13 in the petition.

14 **SECTION 115.** 813.123 (5) (a) 1. and 2. of the statutes are renumbered 813.123  
15 (5) (ar) 1. and 2.

16 **SECTION 116.** 813.123 (5) (a) 3. of the statutes is renumbered 813.123 (5) (ar)  
17 3.

18 **SECTION 117.** 813.123 (5) (ar) (intro.) of the statutes is created to read:

19 813.123 (5) (ar) (intro.) A judge or circuit court commissioner may grant an  
20 injunction under par. (a) if all of the following criteria are met:

21 **SECTION 118.** 813.123 (5) (ar) 3. a. and b. of the statutes are created to read:

22 813.123 (5) (ar) 3. a. That the respondent has interfered with, or based upon  
23 prior conduct of the respondent may interfere with, an investigation of the  
24 ~~adult-at-risk~~ under ss. 55.043 or 46.90 and that the interference complained of, if

1 continued, would make it difficult to determine if financial exploitation, harassment,  
2 stalking, mistreatment of animals, or abuse or neglect is occurring or may recur.

3 b. That the respondent has interfered with the delivery to the adult~~at~~ risk of  
4 protective services under s. 55.05 or a protective placement of the adult~~at~~ risk  
5 under s. 55.06 or the delivery of services under s. 46.90 (5m), after the offer of services  
6 or placement has been made and the adult~~at~~ risk or his or her guardian, if any, has  
7 consented to receipt of the protective services or placement.

8 SECTION 119. 813.123 (5) (ar) 3. c. of the statutes is created to read:

9 813.123 (5) (ar) 3. c. That the respondent has engaged in, or threatened to  
10 engage in, the abuse, financial exploitation, neglect, harassment, stalking, or  
11 mistreatment of animals of an adult~~at~~ risk.

12 SECTION 120. 813.123 (5) (c) 1., 2. and 3. of the statutes are amended to read:

13 813.123 (5) (c) 1. An injunction under this subsection is effective according to  
14 its terms but for not more than 2 4 years.

15 2. When an injunction that has been in effect for less than 6 months expires,  
16 the court shall extend the injunction if the petitioner states that an extension is  
17 necessary to protect the vulnerable adult ~~adult~~ adult ~~at~~ at risk. This extension shall remain  
18 in effect until 6 months after the date on which the court first entered the injunction.

19 3. If the petitioner states that an extension is necessary to protect the  
20 vulnerable adult ~~adult~~ adult ~~at~~ at risk, the court may extend the injunction for not more  
21 than 2 years.

22 SECTION 121. 813.123 (6) (a) of the statutes is amended to read:

23 813.123 (6) (a) The name of the petitioner and the vulnerable adult  
24 ~~adult~~ adult ~~at~~ at risk.

25 SECTION 122. 813.123 (6) (c) of the statutes is amended to read:

INSECT  
51-11

individual

individual

an investigation of the elder adult at risk under s. 46.90(5)

to the elder-adult-at risk

1 813.123 (6) (c) That the respondent interfered with, or based on prior conduct  
 2 of the respondent may interfere with, an investigation of the vulnerable adult  
 3 ~~adult-at-risk~~ under s. 55.043, or ~~46.90~~, the delivery of protective services to the  
 4 vulnerable adult ~~adult-at-risk~~ under s. 55.05 or a protective placement of the  
 5 vulnerable adult ~~adult-at-risk~~ under s. 55.06 or the delivery of services under s.  
 6 46.90 (5m); or that the respondent engaged in, or threatened to engage in, the abuse,  
 7 financial exploitation, neglect, ~~harassment~~, stalking, or mistreatment of animals ~~of~~  
 8 ~~an adult-at-risk~~.

or harassment of an individual at risk

SECTION 123. 813.123 (7) of the statutes is amended to read:

10 813.123 (7) INTERFERENCE ORDER. Any order under this section directing a  
 11 person to avoid interference with an investigation of a vulnerable adult an  
 12 ~~adult-at-risk~~ under s. 55.043, or ~~46.90~~; avoid interference with the delivery of  
 13 protective services to a vulnerable adult an adult-at-risk under s. 55.05 or a  
 14 protective placement of a vulnerable adult an adult-at-risk under s. 55.06 ~~or the~~  
 15 ~~delivery of services under s. 46.90 (5m)~~, or cease engaging in or threatening to engage  
 16 ~~in the abuse, financial exploitation, neglect, stalking, harassment, or mistreatment~~  
 17 ~~of animals of an adult-at-risk~~ prohibits the person from intentionally preventing a  
 18 representative or employee of the county protective services agency from meeting,  
 19 communicating or being in visual or audio contact with the vulnerable adult  
 20 ~~adult-at-risk~~, except as provided in the order.

under sub. (4) (a) 1. or 2. or (5) (a) 1. or 2. also

SECTION 124. 813.123 (9) (intro.) of the statutes is amended to read:

22 813.123 (9) ~~ARREST~~ (intro.) A law enforcement officer may shall arrest and  
 23 take a person into custody if all of the following occur:

shall prohibit the respondent

SECTION 125. 813.123 (11) of the statutes is amended to read:

IN SEP 52-20

1 813.123 (11) APPLICABILITY. This section does not apply to vulnerable adults  
 2 ~~adults-at-risk~~ who are patients or residents of state-operated or county-operated  
 3 inpatient institutions unless the alleged interference with an investigation of the  
 4 vulnerable adult ~~adult-at-risk~~ under s. 55.043 <sup>46.90</sup> or ~~46.90~~; or interference with the  
 5 delivery to the vulnerable adult ~~adult-at-risk~~ of protective services under s. 55.05  
 6 or a protective placement of the vulnerable adult ~~adult-at-risk~~ under s. 55.06 <sup>3</sup> or the  
 7 delivery of services under s. 46.90 (5m); or the threat to engage or actual engagement  
 8 in the abuse, financial exploitation, neglect, stalking, harassment, or mistreatment  
 9 of animals of the adult-at-risk is alleged to have been done by a person other than  
 10 an employee of the inpatient institution.

INSERT 53-10

11 SECTION 126. 940.225 (2) (h) of the statutes is created to read:  
 12 940.225 (2) (h) Is a licensee, employee or nonclient resident of an entity as  
 13 defined in s. 50.065 (1) (c) or 48.685 (1) (b) and has sexual contact or sexual  
 14 intercourse with a person who is a client of the entity.

INSERT 53-14

15 SECTION 127. 940.225 (5) (ad) and (ak) of the statutes are created to read:  
 16 940.225 (5) (ad) "Client" means a person who receives direct care or treatment  
 17 services from an entity. <sup>abr</sup> an individual

18 (ak) "Nonclient resident" means a person who resides, or is expected to reside,  
 19 at an entity, who is not a client of the entity and who has, or is expected to have,  
 20 regular, direct contact with the clients of the entity.

21 SECTION 128. 940.285 (title) of the statutes is amended to read: individuals  
 22 940.285 (title) Abuse of vulnerable adults ~~adults-at-risk~~.

INSERT 53-23

23 SECTION 129. 940.285 (1) (a) of the statutes is repealed and recreated to read:

24 940.285 (1) (a) "Abuse" means any of the following:  
 25 1. Physical abuse, as defined in s. 46.90 (1) (fg). <sup>ag</sup>

- 1           2. Emotional abuse, as defined in s. 46.90 (1) (cm).
- 2           3. Sexual abuse, as defined in s. 46.90 (1) (~~fr~~) <sup>gd</sup>.
- 3           4. Treatment without consent, as defined in s. 46.90 (1) (h).
- 4           5. Unreasonable confinement or restraint, as defined in s. 46.90 (1) (i).
- 5           6. Deprivation of a basic need for food, shelter, clothing, or personal or health
- 6 care, including deprivation resulting from the failure to provide or arrange for a basic
- 7 need by a person who has assumed responsibility for meeting the need voluntarily
- 8 or by contract, agreement, or court order. <sup>am</sup>

9           **SECTION 130.** 940.285 (1) (~~ad~~) of the statutes is created to read:

10           940.285 (1) (~~ad~~) "Adult~~at~~at~~risk~~risk" has the meaning given in s. 55.01 (~~1d~~) <sup>1e</sup>.

11           **SECTION 131.** 940.285 (1) (b), (bm), (c), (d), <sup>and</sup> (~~e~~) of the statutes are repealed.

12           **SECTION 132.** 940.285 (2) (title) and (2) (a) 1. to 3. of the statutes are amended

13 to read:

14           940.285 (2) (title) ~~MALTREATMENT ABUSE~~; PENALTIES. <sup>individual</sup>

15           (a) 1. Intentionally subjects a ~~vulnerable adult~~ an adult~~at~~at~~risk~~risk to

16 maltreatment abuse.

17           2. Recklessly subjects a ~~vulnerable adult~~ an adult~~at~~at~~risk~~risk to maltreatment

18 abuse.

19           3. Negligently subjects a ~~vulnerable adult~~ an adult~~at~~at~~risk~~risk to maltreatment

20 abuse.

21           **SECTION 133.** 940.295 (1) (a) of the statutes is renumbered 940.295 (1) (am). <sup>ad</sup>

22           **SECTION 134.** 940.295 (1) (~~a~~) of the statutes is created to read:

23           940.295 (1) (~~a~~) "Abuse" has the meaning given in s. 46.90 (1) (a). <sup>ag</sup>

24           **SECTION 135.** 940.295 (1) (~~ad~~) of the statutes is created to read:

25           940.295 (1) (~~ad~~) "Adult~~at~~at~~risk~~risk" has the meaning given in s. 55.01 (~~1d~~) <sup>1e</sup>.

INSERT 54-11

1 SECTION 136. 940.295 (1) (b) of the statutes is amended to read:

2 940.295 (1) (b) "Bodily harm" has the meaning given in s. ~~939.22 (4)~~ 46.90 (1)  
3 (aj).

4 SECTION 137. 940.295 (1) (cd) of the statutes is created to read:

5 940.295 (1) (cd) "Degenerative brain disorder" has the meaning given in s.  
6 46.90 (1) (bg).

INSERT  
55-6

7 SECTION 138. 940.295 (1) (cm) of the statutes is repealed.

8 SECTION 139. 940.295 (1) (hm) of the statutes is repealed.

9 SECTION 140. 940.295 (1) (j) of the statutes is repealed and recreated to read:

10 940.295 (1) (j) "Intentionally" has the meaning given in s. ~~939.23 (3)~~.

INSERT  
55-10

11 SECTION 141. 940.295 (1) (jm) of the statutes is repealed.

12 SECTION 142. 940.295 (1) (k) of the statutes is repealed and recreated to read:

13 940.295 (1) (k) "Neglect" has the meaning given in s. 46.90 (1) (f).

14 SECTION 143. 940.295 (1) (km) of the statutes is repealed and recreated to read:

15 940.295 (1) (km) "Negligence" means <sup>an act, omission, or course of</sup> conduct that the actor should realize  
16 creates a substantial and unreasonable risk of death, great bodily harm, or bodily  
17 harm to another person.

INSERT  
55-17

18 SECTION 144. 940.295 (1) (kp) of the statutes is repealed.

19 SECTION 145. 940.295 (1) (n) of the statutes is repealed.

20 SECTION 146. 940.295 (1) (o) of the statutes is amended to read:

21 940.295 (1) (o) "Recklessly" means conduct which <sup>that</sup> creates a situation of  
22 unreasonable risk of death or harm to and demonstrates a conscious disregard for  
23 the safety of the patient or resident.

INSERT 55-24

24 SECTION 147. 940.295 (1) (t) of the statutes is repealed.

25

(END)

D-NOTE

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0025/?dn

.....

To Laura Rose

1. The proposal defines the term "financial exploitation" for purposes of ss. 46.90, 51.62, and 813.123 and chs. 55 and 146, stats., and substitutes that term for either "misappropriation of property" or "material abuse" in those statutes. I have changed the term "misappropriation of property" in other statutes (for example, s. 49.498 (3) (b) 1., stats.) that clearly seem related, but am unsure whether you want change also to be made to s. 48.685 (1) (av), (4m) (a) 3. and (b) 3., and (7) (c), 50.065 (1) (br), (4m) (a) 3. and (b) 3. and (7) (c), and 939.74 (2) (b), stats. Please review.
2. As we agreed, I confined the definition of "abuse" to s. 146.40, stats., instead of the whole chapter, so that it would not affect the federal definition of "abuse" that is in s. 146.82 (2) (a) 9. a., stats.
3. Please note that I did not change the term "elder person" to "elder adult at risk" in s. 973.017 (5) (title), (a) 1. and (b).
4. Do you contemplate any change to s. 146.40 (4g) (c) or (f)?

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