INSERT ADD 6-10

Section #. 48.415 (3) (a) of the statutes is amended to read:

48.415 **(3)** (a) The parent is presently, and for a cumulative total period of at least 2 years within the 5 years immediately prior to the filing of the petition has been, an inpatient at one or more hospitals as defined in s. 50.33 (2) (a), (b) or (c), licensed treatment facilities as defined in s. 51.01 (2) or state treatment facilities as defined in s. 51.01 (15) on account of mental illness as defined in s. 51.01 (13) (a) or (b) ~~or~~ developmental disability as defined in s. 55.01 (2) or (5);

History: 1979 c. 330; 1983 a. 189 s. 329 (5); 1983 a. 326; 1983 a. 447 ss. 8, 67; 1983 a. 488, 538; 1987 a. 355, 383; 1989 a. 86; 1993 a. 235, 395; 1995 a. 77, 108, 225, 275; 1997 a. 35, 80, 237, 292, 294; 1999 a. 9, 32; 2001 a. 2, 109; 2005 a. 277, 293.

other like incapacities, as defined in s. 55.01

**** NOTE: ~~This~~ I ~~inserted~~ added this because it involves an incorrect cross-reference, and it was decided to include other provisions with necessary cross-reference changes. Okay?

p. 166
2

INSERT ADD 13-7

**** NOTE: In merging this provision, the Revisor omitted reference to subsection (1) of s. 55.135; I have restored that reference.

INSERT ADD 13-7

p. 2 of 2

Section #. 54.25 (2) (c) 4. and 5 of the statutes ~~is~~ are consolidated and renumbered 54.25 (2) (c) 4.

54.25 **(2)** (c) 4. Regardless of whether a guardian is appointed, a court may declare that an individual is not competent to exercise the right to register to vote or to vote in an election if it finds by clear and convincing evidence that the individual is incapable of understanding the objective of the elective process. If the petition for a declaration of incompetence to vote is not part of a petition for guardianship, the same procedures shall apply as would apply for a petition for guardianship.

History: 2005 a. 264 s. 221; 2005 a. 387 ss. 100, 476, 511, 513, 514; 2005 a. 451 s. 177; s. 13.93 (1) (b), (2) (c).

**** NOTE: Act 387 created an unnumbered subdivision following s. 54.25 (2)(c) 4. The Revisor renumbered the subdivision to be s. 54.25 (2) (c) 5., but it appears to be part of s. 54.25 (2)(c) 4. This Section of the bill consolidates the two provisions.

End of INSERT ADD 13-7

INSERT ADD 15-1

**** NOTE: I have changed this provision from the way it appeared in 2005 Senate Bill 731, to delete inadvertent redundant language and to delete reference to a protective service order reviews under s. 55.18, which deals only with reviews of protective placements.

INSERT ADD 15-2

Section #. 54.40 (4) (c) of the statutes is amended to read:

54.40 **(4)** (c) Interview the proposed guardian, the proposed standby guardian, if any, and any other person seeking appointment as guardian and report to the court concerning the suitability of each individual interviewed to serve as guardian and concerning the ~~report~~ statement under s. 54.15 (8).

History: 2005 a. 264 ss. 213 to 215; 2005 a. 387 ss. 100, 477 to 487, 496, 497; Stats. 2005 s. 54.40; s. 13.93 (1) (b), (2) (c).

****NOTE: I added this provision to correct an incorrect cross-reference; the document under s. 54.15 (8) to which this provision refers is a statement, not a report.

INSERT ADD 15-12

p. 1 of 5

Section #. 54.44 (1) (a) of the statutes, ~~as affected by 2007 Wisconsin Act 2005 Wisconsin Acts 264 and 387,~~ is amended to read:

54.44 **(1)** (a) *Time of hearing for petition.* A petition for guardianship, other than a petition under par. (b) or (c) or s. 54.50 (1), shall be heard ~~within 90~~ days after it is filed. The guardian ad litem and attorney for the proposed ward shall be provided with a copy of the report of the examining physician or psychologist under s. 54.36 (1) at least 96 hours before the time of the hearing.

History: 2005 a. 387 ss. 100, 333; s. 13.93 (1) (b).

**** NOTE: Please see the description of this provision in the Drafter's Note.

INSERT ADD 15-12

Section #. 54.44 (2) of the statutes, ~~as affected by 2007 Wisconsin Act 2004 Wisconsin Acts 264 and 387, is repealed and recreated~~ is amended to read:

54.44 **(2)** STANDARD OF PROOF. Any determination by the court as to whether the proposed ward or ward is a minor ~~is~~ incompetent, or is a spendthrift shall be by clear and convincing evidence.

History: 2005 a. 387 ss. 100, 333; s. 13.93 (1) (b).

**** NOTE: Please see the description of this provision in the Drafter's Note.

STET. leave as typed

(INSERT ADD 15.12)

Section #. 54.44 (4) (title) of the statutes is amended to read:

(CS)

54.44 **(4)** (title) PRESENCE OF PROPOSED WARD OR WARD.

History: 2005 a. 387 ss. 100, 333; s. 13.93 (1) (b).

**** NOTE: Please see the description of this provision in the Drafter's Note.

INSERT ADD 15-12

p. 4 of 5

Section #. 54.44 (4) (a) of the statutes is amended to read:

or ward

or ward

54.44 **(4)** (a) *Adult proposed ward.* The petitioner shall ensure that the proposed ward attends the hearing unless the attendance is waived by the guardian ~~ad litem.~~ In determining whether to waive attendance by the proposed ward, the guardian ad litem shall consider the ability of the proposed ward to understand and meaningfully participate, the effect of the ~~proposed ward's~~ attendance on his or her physical or psychological health in relation to the importance of the proceeding, and the ~~proposed ward's~~ expressed desires. If the proposed ward is unable to attend the hearing because of residency in a nursing home or other facility, physical inaccessibility, or a lack of transportation and if the proposed ward, guardian ad litem, advocate counsel, or other interested person so requests, the court shall hold the hearing in a place where the proposed ward may attend.

or ward

or ward's

or ward

History: 2005 a. 387 ss. 100, 333; s. 13.93 (1) (b).

of the proposed ward or ward

or ward

*** NOTE: Please see the description of this provision in the Drafter's Note.

INSERT ADD 15-12

Section #. 54.44 (4) (b) of the statutes is amended to read:

54.44 **(4)** (b) *Minor proposed ward* or ward. A minor is not required to attend the hearing.

History: 2005 a. 387 ss. 100, 333; s. 13.93 (1) (b).

proposed ward or ward

**** NOTE: Please see the description of this provision in the Drafter's Note.

End D
INSERT
ADD 15-12

INSERT ADD 17-7

**** NOTE: This provision is in slightly different form than as it appeared in 2005 Senate Bill 731; it shows the striking of surplus language.

[INSERT ADD 18-3]

Section #. 55.01 (6r) (k) of the statutes is amended to read:

55.01 **(6r)** (k) Any services that, when provided to an individual with developmental disabilities, degenerative brain disorder, serious and persistent mental illness, or other like incapacity, keep the individual safe from abuse, neglect, or ~~misappropriation of property~~ or prevent the individual from experiencing deterioration or from inflicting harm on himself or herself or another person.

History: 1973 c. 284; 1975 c. 393, 430; 1979 c. 221; 1985 a. 29 s. 3200 (56); 1985 a. 176; 1991 a. 316; 1993 a. 445; 2003 a. 33; 2005 a. 264, 387, 388; s. 13.93 (1) (b) and (2) (c).

financial exploitation,

self-neglect

in other statutes

**** NOTE: This provision was created by Act 264; however, Act 388 replaced the term "misappropriation of property" with "financial exploitation" and added services for self-neglect. The amendments to this provision align the two Acts.

INSERT ADD 18-4

~~Section #. 55.02 (3) of the statutes is amended to read:~~

~~55.02~~ **(3)** CORPORATION COUNSEL. The corporation counsel of the county in which the petition is brought may or, if requested by the court, shall assist in conducting proceedings under this chapter.

History: 1973 c. 284; 1975 c. 393; 1979 c. 221; 1981 c. 379; 1985 a. 29 s. 3200 (56); 1985 a. 176; 1985 a. 332 s. 251 (3); 1993 a. 445; 2001 a. 103; 2005 a. 264 ss. 80, 116; 2005 a. 387, 388.

**** NOTE: This provision, Subsection (3) as renumbered and amended by 2005 Wisconsin Act 264, was inadvertently deleted when repealing and recreating s. 55.02.

INSERT ADD 20-17

**** NOTE: Please see the Drafter's Note for an explanation of this provision.

INSERT ADD 21-15

(11) 55.08 (1) (b) The individual is a minor who is not alleged to have a developmental disability and on whose behalf a petition for guardianship has been submitted, or is an adult who has been determined to be incompetent by a circuit court.

**** NOTE: I reworded this provision to more closely parallel the language in s. 55.08 (2)(a), stats., and to better align subject and verb. Please review.

INSERT ADD 23-2

Section #. 55.08 (2) (b) of the statutes is amended to read:

disability

55.08 **(2)** (b) As a result of developmental ~~disabilities~~, degenerative brain disorder, serious and persistent mental illness, or other like incapacities, the individual will incur a substantial risk of physical harm or deterioration or will present a substantial risk of physical harm to others if protective services are not provided.

History: 2005 a. 264 ss. 119 to 122, 158; 2005 a. 387 s. 111; 2005 a. 388 s. 164; s. 13.93 (2) (c).

**** NOTE: In this provision I changed "disabilities" to the singular, to be consistent with other provisions.

p. 1 of 2

INSERT ADD 30-7

* * * * NOTE: Acts 264 and 387 created almost identical versions of this provision. The difference was the cross-reference; I have chosen the renumbered and more current cross-reference.

INSERT ADD 30-7

p 2 of 2

Section #. 55.14 (6) of the statutes, as created by ~~2007 Wisconsin Act~~ 2005 Wisconsin Acts 264 and 387, is repealed and recreated to read:

55.14 **(6)** If requested by an individual who is the subject of a petition under this section or anyone on his or her behalf, the individual has the right at his or her own expense, or if indigent at the expense of the county in which the petition is filed, to secure an independent medical or psychological examination relevant to the issues of whether the allegations in the petition required under sub. (3) are true, and whether involuntary administration of psychotropic medication is in the best interest of the individual, and to present a report of this independent evaluation or the evaluator's personal testimony as evidence at the hearing.

History: 2005 a. 264 ss. 165, 195; 2005 a. 387 ss. 121, 302; s. 13.93 (2) (c).

**** Acts 264 and 387 created nearly identical versions of this provision. The difference was that Act 264 used "issues", whereas Act 387 used the singular; I have chosen the Act 264 version.

End of INSERT ADD 30.7

INSERT ADD 30-22

**** NOTE: Nearly identical versions of this provision were created by Acts 264 and 387; I have chosen the Act 264 version, which requires a county department to ensure that psychotropic medication, but not all protective services, are administered in accordance with the treatment plan.

INSERT ADD 33-4

Section #. 55.18 (2) (f) 4. of the statutes is amended to read:

55.18 **(2)** (f) 4. The individual or the individual's guardian or guardian ad litem requests a ~~full due process~~ hearing ~~under this section~~ for the individual.

History: 2005 a. 264 ss. 140, 141, 169.

that meets the requirements of s. 55.10(4)

**** NOTE: I amended this provision to conform to the references to hearings under s. 55.19 (1)(b), (2)(b) 6. and (f) 4., and (3)(d) (intro.). Okay?

[INSERT ADD 33-9]

Section #. 55.19 (1) (a) (intro.) of the statutes, as created by ~~2007 Wisconsin Act~~ 2005 Wisconsin Acts 264 and 387, is repealed and recreated to read:

55.19 **(1)** (a) (intro.) The county department of the individual's county of residence shall, except as provided in sub. (1m), review, in compliance with the requirements of this section, the status of each individual who is the subject of the order. The review shall include a visit to the individual and a written evaluation of the physical, mental, and social condition of the individual that is relevant to the issue of the continued need for the order. The review shall be made a part of the permanent record of the individual. The county department shall inform the guardian of the individual of the review at the time the review is made and shall, before completing a report of the review, invite the individual and the guardian to submit comments or information concerning the individual's need for involuntary administration of psychotropic medication or other protective services. Not later than the first day of the 11th month after the initial order is made for an individual, except as provided in par. (b), and at least annually thereafter, the county department shall do all of the following:

History: 2005 a. 264, 387; s. 13.93 (2) (c).

**** NOTE: Acts 264 and 387 created nearly identical versions of this provision; ~~which the Revisor~~ I have chosen the version printed by the Revisor, but have added a comma after "review" in the fourth sentence.

INSERT ADD 33-18

**** NOTE: This provision differs from the version shown in 2005 Senate Bill 731, so as to conform to Act ~~387~~ 264, rather than Act ~~364~~ 387.

INSERT ADD ~~[illegible]~~ 34-3

*** NOTE: This provision was created by both Act 264 and Act 387. I have chosen the Act 264 version (using "individual's," rather than "his or her"). However, I have also changed the reference to a "full due process hearing under this section" to a hearing "that meets the requirements of s. 55.10(4)," to align this provision with others within s. 55.19.

[INSERT ADD 35-12]

Section #. 560.9811 (1) of the statutes is amended to read:

mental illness

560.9811 **(1)** In this section, "~~mental illness~~ serious and persistent" has the meaning given in s. 51.01 (14t).

History: 2005 a. 25 s. 908; 2005 a. 264.

**** NOTE: I added this provision to correct an incorrectly transposed phrase.
transposed

INSERT ADD 36-10

Section #. 757.69 (1) (h) of the statutes, as affected by ~~2007 Wisconsin Act~~ 2005 Wisconsin Acts 264 and 387, is repealed and recreated to read:

757.69 **(1)** (h) Hear petitions for commitment and conduct probable cause hearings under ss. 51.20, 51.45, 55.13, and 55.135, conduct reviews of guardianships under ch. 54 and reviews of protective placements and protective services under ch. 55, advise a person alleged to be mentally ill of his or her rights under the United States and Wisconsin constitutions, and, if the person claims or appears to be unable to afford counsel, refer the person to the authority for indigency determinations specified under s. 977.07 (1) or, if the person is a child, refer that child to the state public defender who shall appoint counsel for the child without a determination of indigency, as provided in s. 48.23 (4).

NOTE: Par. (h) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).

History: 1977 c. 323, 449; 1979 c. 32; 1979 c. 89; 1979 c. 209 s. 4; 1979 c. 352, 356; 1983 a. 279; 1985 a. 126, 202, 234, 332; 1987 a. 3, 27, 71, 378, 398; 1989 a. 7, 12, 31, 246; Sup. Ct. Order, 158 Wis. 2d xxv (1990); 1991 a. 39, 269; 1993 a. 318, 451, 481; 1995 a. 77; 1997 a. 191, 192, 292; 1999 a. 32; 2001 a. 16; 2001 a. 61 ss. 93 to 109, 173, 175, 177, 180; 2001 a. 105; 2005 a. 264, 387; s. 13.93 (2) (c).

**** NOTE: I added this provision because it was printed merged by the Revisor and appears to have no conflict, and it was decided to include in this bill other provisions merged by the Revisor. I have made no change in the version printed by the Revisor. Okay?