



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 343
[2015 Assembly Bill 674]

**Visitation of Residents by
Family Members**

2015 Wisconsin Act 343 (hereinafter, “the Act”) creates a process by which a “family member” (spouse, adult child, adult grandchild, parent, or sibling) may petition a court to compel “visitation” (an in-person meeting or any telephonic, written, or electronic communication) with a person if the family member is being denied visitation and the person is an adult resident (resident) of any of the following: (1) a hospital; (2) hospice; (3) nursing home; (4) community-based residential facility; or (4) any home or other residential dwelling in which the resident is receiving care and services from any person.

The Act also creates the following provisions applicable to a petition by a family member for visitation to a resident:

- Prohibits a court from issuing an order compelling visitation if the court finds any of the following:
 - The resident, while having the capacity to evaluate and communicate decisions regarding visitation, expresses a desire to not have visitation with that family member.
 - Visitation between the petitioning family member and the resident is not in the best interest of the resident.
- Requires a court to conduct an emergency hearing on a petition for such visitation if the petition states that the resident’s health is in significant decline or that the resident’s death may be imminent. The emergency hearing on such a petition must be conducted as soon as practicable and no later than 10 days after the date that the petition is filed with the court.
- Requires a court to order a person to pay court costs and reasonable attorney fees if, upon a motion or on the court’s own motion, the court finds during a hearing on the

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

petition for visitation that the person is knowingly isolating a resident. The court may also order other appropriate remedies. The Act prohibits the costs, fees, or other sanctions from being paid from the resident's finances or estate.

The Act also creates a cause of action against a guardian¹ who knowingly isolates a person for whom he or she has been appointed to be guardian (ward) from the ward's family members or violates a court order granting visitation, as discussed above.

Effective date: This Act took effect on April 1, 2016.

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¹ A "guardian" is a person appointed by a court to manage the income and assets and provide for the essential requirements for health and safety and the personal needs of a minor, an individual found incompetent, or a spendthrift. [s. 54.01 (10), Stats.]