



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2015 Assembly Bill 674	Assembly Amendments 1, 2, 3, and 5
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2015 ASSEMBLY BILL 674

2015 Assembly Bill 674 (the bill) allows an adult child¹ who is being prevented from visiting or communicating with his or her parent to petition a court for visitation if the parent is a resident (resident) in certain facilities. Specifically, the bill allows a petition for visitation for a resident of any of the following facilities:

- A hospital.
- A hospice.
- A nursing home.
- A community-based residential facility.

The court may not grant an adult child's petition for visitation if the court finds either of the following apply: (1) that the resident, while having the capacity to evaluate and communicate decisions regarding visitation, expresses a desire to not have visitation with that adult child; or (2) that the visitation would not be in the resident's best interest.

¹ The bill defines an "adult child" to mean "an individual who is at least 18 years of age and who is related to a resident biologically, through adoption, through the marriage or former marriage of the resident to the biological parent of the adult child, or by a judgment of parentage entered by a court of competent jurisdiction."

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 (AA 1) allows an adult child to also petition for visitation to a parent if the parent is a resident of “any home or other residential dwelling in which the resident is receiving care and services from any person.”

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 (AA 2) creates a remedy for situations in which a person is knowingly isolating a resident. If a court finds that a person is knowingly isolating a resident, the court must order the person to pay court costs and reasonable attorney fees of the adult child who is petitioning for visitation of his or her parent. The court may also order other appropriate remedies. AA 2 prohibits the costs, fees, or other sanctions from being paid from the resident’s finances or estate.

AA 2 also creates a basis for filing a cause of action to review the conduct of a guardian if the guardian is knowingly isolating a ward² from his or her family members or violating a court order granting visitation to an adult child.

ASSEMBLY AMENDMENT 3

Assembly Amendment 3 (AA 3) creates an expedited hearing process if the petition for visitation described above states that the resident’s health is in significant decline or that the resident’s health may be imminent. If such a petition is filed with the court, the court must conduct an emergency hearing as soon as practicable and no later than 10 days after the date that the petition is filed with the court.

ASSEMBLY AMENDMENT 5

Assembly Amendment 5 (AA 5) extends the ability to petition for visitation to a resident from an **adult child** to **family members** of the resident. Under AA 5, a “family member” means “any spouse, adult child, adult grandchild, parent, or sibling of a resident.”

BILL HISTORY

On February 8, 2016, Representative Spiros introduced AA 1, AA 2, AA 3, and AA 5. On February 10, 2016, the Assembly Committee on Children and Families voted to recommend adoption of AA 1, AA 3, and AA 5 by votes of Ayes, 12; Noes, 0; and voted to recommend adoption of AA 2 by a vote of Ayes, 10; Noes, 2. The committee then voted to recommend passage of the bill, as amended, by a vote of Ayes, 10; Noes, 2.

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² A “ward” means “an individual for whom a guardian has been appointed.” [s. 54.01 (37), Stats.]