



## 1997 SENATE BILL 466

February 18, 1998 - Introduced by Senators DARLING and ROESSLER, cosponsored by Representatives SYKORA, MUSSER and F. LASEE. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1     **AN ACT to create** 880.24 (3) of the statutes; **relating to:** requiring payment from  
2             a ward's estate of reasonable attorney fees and costs for successful petitioners  
3             in incompetency and guardianship proceedings.

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### *Analysis by the Legislative Reference Bureau*

Under current law, any relative, public official or other person may petition for a finding of incompetence and appointment of a guardian for another. When a court finds, after a hearing that is brought to review the petition, that an individual is incompetent, the court orders appointment of a guardian for the person and estate of the individual (the ward). The guardian must pay the ward's just debts from the ward's estate.

This bill provides that the court that finds a person to be incompetent and appoints a guardian also must allow payment, from the ward's estate, of the successful petitioner's reasonable attorney fees and costs. This requirement first applies to guardianship petitions that are pending on the day on which the bill becomes law.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

