

State of Wisconsin



1995 Senate Bill 98

Date of enactment: **November 17, 1995**

Date of publication*: **December 4, 1995**

1995 WISCONSIN ACT 73

AN ACT to amend 48.831 (1m) (e) and 808.075 (4) (f) 4.; and to repeal and recreate 880.17 of the statutes; relating to: the appointment of a successor guardian.

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

SECTION 1. 48.831 (1m) (e) of the statutes is amended to read:

48.831 (1m) (e) A guardian appointed under ch. 880 whose resignation as guardian has been accepted by a court under s. 880.17 (1).

SECTION 2. 808.075 (4) (f) 4. of the statutes is amended to read:

808.075 (4) (f) 4. Appointment of successor guardian under s. 880.17 (1).

SECTION 3. 880.17 of the statutes is repealed and recreated to read:

880.17 Successor guardian. (1) APPOINTMENT. When a guardian dies, is removed by order of the court, or resigns and the resignation is accepted by the court, the court, on its own motion or upon petition of any inter-

ested person, may appoint a competent and suitable person as successor guardian. The court may, upon request of any interested person or on its own motion, direct that a petition for appointment of a successor guardian be heard in the same manner and subject to the same requirements as provided under this chapter for an original appointment of a guardian.

(2) NOTICE. If the appointment under sub. (1) is made without hearing, the successor guardian shall provide notice to the ward and all interested persons of the appointment, the right to counsel and the right to petition for reconsideration of the successor guardian. The notice shall be served personally or by mail not later than 10 days after the appointment.

SECTION 4. Initial applicability.

(1) This act first applies to the death, removal or resignation of a guardian that occurs on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].