

2003 SENATE BILL 469

February 17, 2004 – Introduced by Senator RISSER, cosponsored by Representatives HEBL, ALBERS, BIES, STASKUNAS, SINICKI, SHILLING and BERCEAU. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT** *to repeal* 880.25 (3) (title); *to renumber* 880.25 (3); *to renumber and*
2 *amend* 880.25 (1); *to amend* 880.60 (10) (a); and *to create* 880.25 (1) (a) 4.
3 (intro.) and 880.25 (1) (a) 4. a. to f. of the statutes; **relating to:** submittal of an
4 annual account by a guardian of the estate of a married ward.

Analysis by the Legislative Reference Bureau

Under current law, if a court finds an individual to be incompetent, the court appoints a guardian whose ward is the individual. The guardian functions as the guardian of the ward's estate and of the ward's person, unless the court appoints separate guardians of the estate and person. The guardian of the estate takes possession of all of the ward's property and income and must protect and preserve the property and income as directed by the court and in the ward's best interests. Annually, by April 15 or within 60 days after the anniversary date of the guardian's qualification as guardian, the guardian, other than a corporate guardian, must file with the court for inspection an account that specifies the amount of property of the ward that is held or invested by the guardian, the nature and manner of the investment, and the receipts and expenditures for the previous calendar year. If the ward's estate is less than \$1,000 in value, the guardian must file an account only on termination of the guardianship.

This bill authorizes a court, for a guardian of a married ward, to waive the requirement for submittal of an annual accounting of the ward's estate, after first considering any relationship of the guardian to the ward; the ward's assets and income; the length of the ward's current marriage; whether the ward has any

SENATE BILL 469

children who are not children of the ward's current marriage; whether the ward or his or her spouse has a valid financial power of attorney; and the living arrangements of the ward and his or her spouse.

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

1 **SECTION 1.** 880.25 (1) of the statutes is renumbered 880.25 (1) (a) (intro.) and
2 amended to read:

3 880.25 **(1)** (a) (intro.) ~~Every~~ Except as follows and except for a corporate
4 guardian, every guardian, except a corporate guardian, shall, prior to April 15 of each
5 year, file an account under oath ~~specifying~~ that specifies the amount of property
6 received and held or invested by the guardian, the nature and manner of the
7 investment, and the guardian's receipts and expenditures during the preceding
8 calendar year. ~~When ordered by the court,;~~

9 1. The court may order the guardian shall within 30 days to render and file,
10 within 30 days, a like account for ~~any shorter term~~ less than a year.

11 2. In lieu of the filing of these accounts before April 15 of each year, the court
12 may, by appropriate order upon motion of the guardian, direct the guardian of an
13 estate to thereafter render and file the annual accountings within 60 days after the
14 anniversary date of the guardian's qualification as guardian, with the accounting
15 period from the anniversary date of qualification to the ensuing annual anniversary
16 date.

17 (b) When any guardian of a minor has custody of the ward and the care of the
18 ward's education, the guardian's report shall state the time that the ward attended
19 school during the time for which the account is rendered and the name of the school.

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SENATE BILL 469

1 (c) A guardian shall also report any change in the status of the surety upon the
2 guardian's bond.

3 **SECTION 2.** 880.25 (1) (a) 4. (intro.) of the statutes is created to read:

4 880.25 (1) (a) 4. (intro.) For a guardian of a married ward, the court may, after
5 first considering all of the following factors, waive the requirement for submittal of
6 an annual accounting of the ward's estate:

7 **SECTION 3.** 880.25 (1) (a) 4. a. to f. of the statutes are created to read:

8 880.25 (1) (a) 4. a. The relationship, if any, of the guardian to the ward.

9 b. The assets and income of the ward.

10 c. The length of the ward's current marriage.

11 d. Whether any children of the ward exist who are not children of the ward's
12 current marriage.

13 e. Whether the ward or his or her spouse has a valid power of attorney under
14 ch. 243.

15 f. The living arrangements of the ward and his or her spouse.

16 **SECTION 4.** 880.25 (3) (title) of the statutes is repealed.

17 **SECTION 5.** 880.25 (3) of the statutes is renumbered 880.25 (1) (a) 3.

18 **SECTION 6.** 880.60 (10) (a) of the statutes is amended to read:

19 880.60 (10) (a) Every guardian shall file his or her accounts as required by this
20 chapter and shall be excused from filing accounts in the case as provided by s. 880.25
21 ~~(3)~~ (1) (a).

22 **SECTION 7. Initial applicability.**

23 (1) SUBMITTAL OF ACCOUNT BY GUARDIAN. This act first applies to submittal on
24 the effective date of this subsection of an account by a guardian.

25

(END)