

2003 DRAFTING REQUEST

Bill

Received: 02/12/2004

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Fred Risser (608) 266-1627

By/Representing: Leslie Travis (aide)

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Mental Health - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Risser@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require guardian spouse to account as directed by court, rather than annually

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 02/12/2004	jdyer 02/12/2004		_____			
/1			pgreensl 02/12/2004	_____	sbasford 02/12/2004	lemery 02/13/2004	

FE Sent For:

*none
needed*

<END>

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/1			pgreensl 02/12/2004		sbasford 02/12/2004		

02/12/2004 01:12:09 PM
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LRB-4255

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/?	dkennedy	1 2/12 jld	2/12 PS	2/12 sub			

FE Sent For:

<END>

Kennedy, Debora

From: Miller, Steve
Sent: Thursday, February 12, 2004 10:20 AM
To: Travis, Leslie
Cc: Kennedy, Debora
Subject: RE: Senate companion bill

It is in the mill.
Thanks.
Steve Miller

-----Original Message-----

From: Travis, Leslie
Sent: Tuesday, February 10, 2004 12:51 PM
To: Miller, Steve
Subject: Senate companion bill

Hi Steve, Would you please assign a drafter to provide Senator Risser with a Senate companion to LRB 0280/5 relating to submittal of an annual account by a guardian of the estate of a married ward. thanks again. Leslie

TODAY

2003 - 2004 LEGISLATURE

4255/1
LRB-0280/5
DAK/jld:
stays

2003 ASSEMBLY BILL 834

February 11, 2004 - Introduced by Representatives HEBL, ALBERS, BIES, STASKUNAS, SINICKI, SHILLING and BERCEAU. Referred to Committee on Judiciary.

Regen

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

ASSEMBLY BILL 834

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.

20 The

Emery, Lynn

From: Travis, Leslie
Sent: Friday, February 13, 2004 12:21 PM
To: LRB.Legal
Subject: Draft review: LRB 03-4255/1 Topic: Require guardian spouse to account as directed by court, rather than annually

It has been requested by <Travis, Leslie> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-4255/1 Topic: Require guardian spouse to account as directed by court, rather than annually