

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0121/ins
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1 SECTION 1. 46.21 (2m) (c) of the statutes, as affected by 2005 Wisconsin Acts
2 264 and 388, is repealed and recreated to read:

3 46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
4 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7) and 253.07
5 (3) (c), a subunit of a county department of human services or tribal agency acting
6 under this subsection may exchange confidential information about a client, without
7 the informed consent of the client, with any other subunit of the same county
8 department of human services or tribal agency, with a resource center, a care
9 management organization, or a family care district, with an elder-adult-at-risk
10 agency, an adult-at-risk agency, or any agency to which referral for investigation is
11 made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services
12 to the client under a purchase of services contract with the county department of
13 human services or tribal agency or with a resource center, a care management
14 organization, or a family care district, if necessary to enable an employee or service
15 provider to perform his or her duties, or to enable the county department of human
16 services or tribal agency to coordinate the delivery of services to the client. An agency
17 that releases information under this paragraph shall document that a request for
18 information was received and what information was provided.

NOTE: NOTE: Par. (c) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:

History: 1973 c. 136, 153, 262; 1975 c. 224; 1975 c. 413 s. 18; 1977 c. 271, 272, 449; 1979 c. 34; 1981 c. 217, 329, 391; 1983 a. 27, 279, 368, 524; 1985 a. 29 s. 3202 (23);
1985 a. 120, 176, 332; 1987 a. 399; 1989 a. 31, 112, 319; 1991 a. 274; 1993 a. 27, 186, 213, 446; 1995 a. 27, 77, 201; 1997 a. 27, 79, 164, 237, 283; 1999 a. 9; 2005 a. 264, 388,
443; s. 13.93 (2) (c).

****NOTE: I included this provision because it was printed merged by the Revisor
and appears to have no conflict, and it was decided to retain in the bill other provisions
merged by the Revisor. I have made no change in the version printed by the Revisor.
Okay?

added

include

↑ 388 and 406 ↑

1 SECTION 2. 46.215 (1m) of the statutes, as affected by 2005 Wisconsin Acts 264
2 and 388, is repealed and recreated to read:

3 46.215 (1m) EXCHANGE OF INFORMATION; LONG-TERM CARE. Notwithstanding ss.
4 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
5 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of social
6 services or tribal agency acting under this section may exchange confidential
7 information about a client, without the informed consent of the client, with any other
8 subunit of the same county department of social services or tribal agency, with a
9 resource center, a care management organization, or a family care district, with an
10 elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral
11 for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person
12 providing services to the client under a purchase of services contract with the county
13 department of social services or tribal agency or with a resource center, a care
14 management organization, or a family care district, if necessary to enable an
15 employee or service provider to perform his or her duties, or to enable the county
16 department of social services or tribal agency to coordinate the delivery of services
17 to the client. An agency that releases information under this subsection shall
18 document that a request for information was received and what information was
19 provided.

added include this

NOTE: NOTE: Sub. (1m) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1971 c. 218; 1973 c. 90, 147, 333, 336; 1975 c. 39, 307, 421; 1977 c. 29, 271, 418; 1979 c. 34; 1981 c. 20 ss. 867m to 870, 2202 (20) (j); 1981 c. 81, 329; 1983 a. 27 ss. 1080, 2202 (20); 1983 a. 190 s. 7; 1983 a. 193; 1985 a. 29, 120; 1985 a. 176 ss. 322 to 332; Stats. 1985 s. 46.215; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2063 to 2076, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 225, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 264, 388, 406; s. 13.93 (2) (c).

****NOTE: I included this provision because it was printed merged by the Revisor and appears to have no conflict, and it was decided to retain in the bill other provisions merged by the Revisor. I have made no change in the version printed by the Revisor. Okay?

20 SECTION 3. 46.22 (1) (dm) of the statutes, as affected by 2005 Wisconsin Acts
21 264 and 388, is repealed and recreated to read:

1 46.22 (1) (dm) *Exchange of information; long-term care.* Notwithstanding ss.
 2 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
 3 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of social
 4 services or tribal agency acting under this subsection may exchange confidential
 5 information about a client, without the informed consent of the client, with any other
 6 subunit of the same county department of social services or tribal agency, with a
 7 resource center, a care management organization, or a family care district, with an
 8 elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral
 9 for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person
 10 providing services to the client under a purchase of services contract with the county
 11 department of social services or tribal agency or with a resource center, a care
 12 management organization, or a family care district, if necessary to enable an
 13 employee or service provider to perform his or her duties, or to enable the county
 14 department of social services or tribal agency to coordinate the delivery of services
 15 to the client. An agency that releases information under this paragraph shall
 16 document that a request for information was received and what information was
 17 provided.

added include this

NOTE: NOTE: Par. (dm) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; s. 13.93 (2) (c).

****NOTE: I included this provision because it was printed merged by the Revisor and appears to have no conflict, and it was decided to retain in the bill other provisions merged by the Revisor. I have made no change in the version printed by the Revisor. Okay?

18 **SECTION 4.** 46.23 (3) (e) of the statutes, as affected by 2005 Wisconsin Acts 264
 19 and 388, is repealed and recreated to read:

20 46.23 (3) (e) *Exchange of information; long-term care.* Notwithstanding ss.
 21 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,

388 and 406

1 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of
 2 human services or tribal agency acting under this section may exchange confidential
 3 information about a client, without the informed consent of the client, with any other
 4 subunit of the same county department of human services or tribal agency, with a
 5 resource center, a care management organization, or a family care district, with an
 6 elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral
 7 for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person
 8 providing services to the client under a purchase of services contract with the county
 9 department of human services or tribal agency or with a resource center, a care
 10 management organization, or a family care district, if necessary to enable an
 11 employee or service provider to perform his or her duties, or to enable the county
 12 department of human services or tribal agency to coordinate the delivery of services
 13 to the client. An agency that releases information under this paragraph shall
 14 document that a request for information was received and what information was
 15 provided.

added include this

NOTE: NOTE: Par. (c) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:
 History: 1975 c. 39, 224; 1977 c. 29; 1981 c. 20, 93, 291; 1981 c. 329 s. 31; 1983 a. 27 ss. 962, 2202 (20); 1985 a. 29 ss. 844m to 860, 3200 (56) (a); 1985 a. 120, 176, 332;
 1987 a. 186; 1987 a. 403 s. 256; 1989 a. 56, 359; 1991 a. 274; 1993 a. 16, 27, 83, 445, 491; 1995 a. 27 ss. 2112 to 2127, 9126 (19), 9130 (4); 1995 a. 64, 201, 352, 417; 1997
 a. 3, 164, 268, 283; 1999 a. 9; 2005 a. 264, 388, 406; s. 13.93 (2) (c).

****NOTE: I included this provision because it was printed merged by the Revisor and appears to have no conflict, and it was decided to retain in the bill other provisions merged by the Revisor. I have made no change in the version printed by the Revisor. Okay?

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16 x **SECTION 5.** 46.90 (1) (eg) 1. of the statutes is amended to read:

17 46.90 (1) (eg) 1. A guardian of the estate appointed under s. 880.03 [s. 54.10].

NOTE: NOTE: The bracketed language indicates the correct cross-reference.NOTE:
 History: 1983 a. 398, 1985 a. 176; 1989 a. 31; 1991 a. 39, 235; 1993 a. 27; 1995 a. 27 ss. 2334, 9130 (4); 1995 a. 225; 1997 a. 3, 131; 1999 a. 82; 2003 a. 33; 2005 a. 264,
 388.

18 x **SECTION 6.** 46.90 (1) (eg) 2. of the statutes is amended to read:

19 46.90 (1) (eg) 2. A conservator appointed under s. 880.31 [s. 54.76].

NOTE: NOTE: The bracketed language indicates the correct cross-reference.NOTE:
 History: 1983 a. 398, 1985 a. 176; 1989 a. 31; 1991 a. 39, 235; 1993 a. 27; 1995 a. 27 ss. 2334, 9130 (4); 1995 a. 225; 1997 a. 3, 131; 1999 a. 82; 2003 a. 33; 2005 a. 264,
 388.

1 SECTION 7. 46.90 (5m) (a) of the statutes is amended to read:

2 46.90 (5m) (a) Upon responding to a report, the elder-adult-at-risk agency or
3 the investigative agency shall determine whether the elder adult at risk or any other
4 individual involved in the alleged abuse, financial exploitation, neglect, or
5 self-neglect is in need of services under this chapter or ch. 47, 49, 51, 55 or 880 [ch.
6 47, 49, 51, 54, or 55]. From the appropriation under s. 20.435 (7) (dh), the department
7 shall allocate to selected counties not less than \$25,000 in each fiscal year, and within
8 the limits of these funds and of available state and federal funds and of county funds
9 appropriated to match the state and federal funds, the elder-adult-at-risk agency
10 shall provide the necessary direct services to the elder adult at risk or other
11 individual or arrange for the provision of the direct services with other agencies or
12 individuals. Those direct services provided shall be rendered under the least
13 restrictive conditions necessary to achieve their objective.

NOTE: NOTE: The bracketed language indicates the correct cross-reference. NOTE:

History: 1983 a. 398, 1985 a. 176; 1989 a. 31; 1991 a. 39, 235; 1993 a. 27; 1995 a. 27 ss. 2334, 9130 (4); 1995 a. 225; 1997 a. 3, 131; 1999 a. 82; 2003 a. 33; 2005 a. 264, 388.

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14 SECTION 8. 46.90 (5m) (br) 2. of the statutes is amended to read:

15 46.90 (5m) (br) 2. Take appropriate emergency action, including emergency
16 protective placement under s. 55.06 [s. 55.135], if the elder-adult-at-risk agency
17 determines that the emergency action is in the best interests of the elder adult at risk
18 and the emergency action is the least restrictive appropriate intervention.

NOTE: NOTE: The bracketed language indicates the correct cross-reference. NOTE:

History: 1983 a. 398, 1985 a. 176; 1989 a. 31; 1991 a. 39, 235; 1993 a. 27; 1995 a. 27 ss. 2334, 9130 (4); 1995 a. 225; 1997 a. 3, 131; 1999 a. 82; 2003 a. 33; 2005 a. 264, 388.

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19 SECTION 9. 46.90 (6) (bt) 8. of the statutes is amended to read:

20 46.90 (6) (bt) 8. To the attorney or guardian ad litem for the elder adult at risk
21 who is the alleged victim named in the record, to assist in preparing for any
22 proceeding under ch. 48, 51, 55, 813, 880, 971, or 975 [ch. 48, 51, 54, 55, 813, 971, or
23 975] pertaining to the alleged victim.

added

1 NOTE: NOTE: NOTE: The bracketed language indicates the correct cross-reference. NOTE:

History: 1983 a. 398, 1985 a. 176; 1989 a. 31; 1991 a. 39, 235; 1993 a. 27; 1995 a. 27 ss. 2334, 9130 (4); 1995 a. 225; 1997 a. 3, 131; 1999 a. 82; 2003 a. 33; 2005 a. 264, 388.

***NOTE: I included this because it involves a changed cross-reference and it was decided to include other provisions with necessary cross-reference changes. Okay?

2 SECTION 10. 48.368 (1) of the statutes is amended to read:

3 48.368 (1) If a petition for termination of parental rights is filed under s. 48.41
4 or 48.415 or an appeal from a judgment terminating or denying termination of
5 parental rights is filed during the year in which a dispositional order under s. 48.355,
6 an extension order under s. 48.365, a voluntary agreement for placement of the child
7 under s. 48.63, or a guardianship order under ch. 880, 2003 stats. or s. 48.977 or eh.
8 880 (ch. 54 or ch. 880, 2003 stats.) is in effect, the dispositional or extension order,
9 voluntary agreement, or guardianship order shall remain in effect until all
10 proceedings related to the filing of the petition or an appeal are concluded.

NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:

History: 1989 a. 86; 1993 a. 446; Stats. 1993 s. 48.368; 1995 a. 275; 1997 a. 80; 2005 a. 293.

***NOTE: I included this because it involves a changed cross-reference and it was decided to include other provisions with necessary cross-reference changes. Okay?

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added

11 SECTION 11. 49.001 (8) of the statutes, as affected by 2005 Wisconsin Acts 264
12 and 387, is repealed and recreated to read:

13 49.001 (8) "Voluntary" means according to an individual's free choice, if
14 competent, or by choice of his or her guardian if the individual is adjudicated
15 incompetent.

NOTE: NOTE: Sub. (8) is affected by 2005 Wis. Acts 264 and 387. The 2 treatments are mutually inconsistent. Sub. (8) is shown as affected by the last enacted act, 2005 Wis. Act 387. As affected by 2005 Wis. Act 264, it reads: NOTE:

16 (8) "Voluntary" means according to a individual's free choice, if competent, or, if incompetent, by choice of a guardian, unless the individual is subject to a
17 court-ordered placement under ch. 55, is placed by an agency having a court-ordered involuntary commitment of the individual under ch. 51, or is involuntarily
18 committed to the department of corrections or to the department under ch. 971 or 980.

History: 1995 a. 27 ss. 2639, 2644, 2654 to 2666, 3083; 1995 a. 289; 1997 a. 3; 2005 a. 264, 387.

***NOTE: This provision is changed from the version in 2005 Senate Bill 731 to conform to Act 387, rather than to Act 264.

19 SECTION 12. 50.06 (2) (c) of the statutes, as affected by 2005 Wisconsin Acts 264
20 and 387, is repealed and recreated to read:

1 50.06 (2) (c) A petition for guardianship for the individual under s. 54.34 and
2 a petition under s. 55.075 for protective placement of the individual are filed prior
3 to the proposed admission.

added *include*
~~NOTE: NOTE: Par. (c) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:
History: 1993 a. 187; 1999 a. 9; 2005 a. 264, 387; s. 13.93 (2)(c).~~

****NOTE: I ~~included~~ *this* this provision because it was printed merged by the Revisor and appears to have no conflict, and it was decided to ~~retain in the~~ *this* bill other provisions merged by the Revisor. I have made no change in the version printed by the Revisor. Okay?

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4 **SECTION 13.** 51.10 (8) of the statutes, as affected by 2005 Wisconsin Acts 264
5 and 387, is repealed and recreated to read:

6 51.10 (8) An adult for whom, because of incompetency, a guardian of the person
7 has been appointed in this state may be voluntarily admitted to an inpatient
8 treatment facility if the guardian consents after the requirements of sub. (4m) (a) 1.
9 are satisfied or if the guardian and the ward consent to the admission under this
10 section.

added *include*
~~NOTE: NOTE: Sub. (8) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:
History: 1975 c. 430; 1977 c. 354, 428, 447; 1979 c. 336; 1985 a. 29 s. 3200 (56); 1985 a. 139, 176, 332; 1987 a. 366; 1995 a. 292; 2001 a. 61; 2005 a. 264, 387; s. 13.93 (2) (c).~~

****NOTE: I ~~included~~ *this* this provision because it was printed merged by the Revisor and appears to have no conflict, and it was decided to ~~retain in the~~ *this* bill other provisions merged by the Revisor. I have made no change in the version printed by the Revisor. Okay?

INSERT 6-13

✓ ****NOTE: Should "involuntary administration of" be inserted after "The court may order"? This language existed under Act 264.

INSERT 6-19

11 **SECTION 14.** 51.30 (4) (b) 17. of the statutes is amended to read:
12 51.30 (4) (b) 17. To the elder-adult-at-risk agency designated under s. 46.90
13 (2) or other investigating agency under s. 46.90 for the purposes of s. 46.90 (4) and
14 (5), to the county department as defined in s. 48.02 (2g) or the sheriff or police
15 department for the purposes of s. 48.981 (2) and (3), or to the adult-at-risk agency
16 designated under s. 55.02 *le* *le* (s. 55.043 (1d)) for purposes of s. 55.043. The treatment

1 record holder may release treatment record information by initiating contact with
 2 the elder-adult-at-risk agency, adult-at-risk agency, or county department, as
 3 defined in s. 48.02 (2g), without first receiving a request for release of the treatment
 4 record from the elder-adult-at-risk agency, adult-at-risk agency, or county
 5 department.

added

~~NOTE: NOTE: The bracketed language indicates the correct cross-reference. NOTE:~~

History: 1975 c. 430; 1977 c. 26 s. 75; 1977 c. 61, 428; 1979 c. 110 s. 60 (1); 1983 a. 27, 292, 398, 538; 1985 a. 29, 176; 1985 a. 292 s. 3; 1985 a. 332 ss. 97, 98, 251 (1); 1987 a. 352, 355, 362, 367, 399, 403; 1989 a. 31, 334, 336; 1991 a. 39, 189; 1993 a. 196, 445, 479; 1995 a. 169, 440; 1997 a. 35, 231, 237, 283, 292; 1999 a. 32, 78, 79, 109; 2001 a. 16, 38; 2005 a. 25, 344, 387, 388, 406, 434; 2005 a. 443 s. 265; 2005 a. 444, 449, 485.

****NOTE: I included this because it involves a changed cross-reference and it was decided to include other provisions with necessary cross-reference changes. Okay?

6 SECTION 15. 51.40 (2) (a) 1. of the statutes, as affected by 2005 Wisconsin Acts
 7 264 and 387, is repealed and recreated to read:

8 51.40 (2) (a) 1. 'Commitment or protective placement or protective services.'
 9 If an individual is under a court order of commitment under this chapter or protective
 10 placement or protective services under s. 55.06, 2003 stats., or s. 55.12, the individual
 11 remains a resident of the county in which he or she has residence at the time the
 12 initial commitment or initial order for protective placement or protective services is
 13 made. If the court makes no specific finding of a county of residence, the individual
 14 is a resident of the county in which the court is located. After notice, including notice
 15 to the corporation counsel of each affected county by certified mail, after opportunity
 16 to be heard has been provided to all affected counties and parties, and if there is no
 17 objection, the court may make a specific finding of a county of residence. If any
 18 affected county or party objects to the court's proposed finding, the county or party
 19 may request the department to make a determination under par. (g). Any transfer
 20 of venue may be suspended until the department's determination is final.

~~NOTE: NOTE: Subd. 1. is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~

History: 1987 a. 27; 1989 a. 31, 359; 1995 a. 27 s. 9126 (19); 2005 a. 264, 387; s. 13.93 (2) (c).

****NOTE: I included this provision because it was printed merged by the Revisor and appears to have no conflict, and it was decided to retain in the bill other provisions

this

added

include

merged by the Revisor. I have made no change in the version printed by the Revisor.
Okay?

1 **SECTION 16.** 51.40 (2) (a) 2. of the statutes, as affected by 2005 Wisconsin Acts
2 264 and 387, is repealed and recreated to read:

3 51.40 (2) (a) 2. 'Placement by a county.' Except for the provision of emergency
4 services under s. 51.15, 51.42 (1) (b), 51.437 (4) (c), or 51.45 (11) and (12), emergency
5 protective services under s. 55.13, or emergency protective placement under s.
6 55.135, if a county department or an agency of a county department places or makes
7 arrangements for placement of the individual into a facility, the individual is a
8 resident of the county of that county department. Any agency of the county
9 department is deemed to be acting on behalf of the county department in placing or
10 making arrangements for placement. Placement of an individual by a county
11 department or an agency of a county department in a facility outside the jurisdiction
12 of the county department or agency does not transfer the individual's legal residence
13 to the county in which the facility is located. If a resident of a county is physically
14 present in another county and is in need of immediate care, the county in which the
15 individual is present may provide for his or her immediate needs under s. 51.15,
16 51.20, 51.42 (1) (b), 51.437 (4) (c), or 51.45 (11) or (12), or ch. 54 or 55, without
17 becoming the individual's county of residence. *added* *this*

~~NOTE: NOTE: Subd. 2. is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:~~

History: 1987 a. 27; 1989 a. 31, 359; 1995 a. 27 s. 9126 (19); 2005 a. 264, 387; s. 13.93 (2) (c).

****NOTE: I *included* this provision because it was printed merged by the Revisor
and appears to have no conflict, and it was decided to *retain* in the bill other provisions
merged by the Revisor. I have made no change in the version printed by the Revisor.
Okay? *include*

18 **SECTION 17.** 51.40 (3) (e) of the statutes, as affected by Wisconsin Acts 264 and
19 388, is repealed and recreated to read:

20 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
21 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)

1 (c) and 938.78 (2) (a), any subunit of a county department of community programs
 2 or tribal agency acting under this section may exchange confidential information
 3 about a client, without the informed consent of the client, with any other subunit of
 4 the same county department of community programs or tribal agency, with a
 5 resource center, a care management organization, or a family care district, or with
 6 any person providing services to the client under a purchase of services contract with
 7 the county department of community programs or tribal agency or with a resource
 8 center, care management organization, or family care district, if necessary to enable
 9 an employee or service provider to perform his or her duties, or to enable the county
 10 department of community programs or tribal agency to coordinate the delivery of
 11 services to the client. Any agency releasing information under this paragraph shall
 12 document that a request was received and what information was provided.

added *the*
 NOTE: NOTE: Par. (c) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ss. 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 274, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268; 1999 a. 9; 2001 a. 10, 16, 38; 2003 a. 320; 2005 a. 264, 388, 431, 434; s. 13.93 (2) (c).

****NOTE: I *include* this provision because it was printed merged by the Revisor and appears to have no conflict, and it was decided to ~~retain~~ in the bill other provisions merged by the Revisor. I have made no change in the version printed by the Revisor. Okay?

13 **SECTION 18.** 51.437 (4r) (b) of the statutes, as affected by 2005 Wisconsin Acts
 14 264 and 388, is repealed and recreated to read:

15 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
 16 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), any
 17 subunit of a county department of developmental disabilities services or tribal
 18 agency acting under this section may exchange confidential information about a
 19 client, without the informed consent of the client, with any other subunit of the same
 20 county department of developmental disabilities services or tribal agency, with a
 21 resource center, a care management organization, or a family care district, or with

1 any person providing services to the client under a purchase of services contract with
 2 the county department of developmental disabilities services or tribal agency or with
 3 a resource center, a care management organization, or a family care district, if
 4 necessary to enable an employee or service provider to perform his or her duties, or
 5 to enable the county department of developmental disabilities services or tribal
 6 agency to coordinate the delivery of services to the client. Any agency releasing
 7 information under this paragraph shall document that a request was received and
 8 what information was provided.

added

NOTE: NOTE: Par. (b) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9; 2001 a. 16, 59; 2003 a. 33; 2005 a. 25, 264, 388; s. 13.93 (2) (c).

****NOTE: I included this provision because it was printed merged by the Revisor and appears to have no conflict, and it was decided to retain in the bill other provisions merged by the Revisor. I have made no change in the version printed by the Revisor. Okay?

this

include

INSERT 7-14

9 SECTION 19. 54.01 (13) of the statutes is amended to read:

10 54.01 (13) "Heir" means any person, including the surviving spouse, who is
 11 entitled under the statutes of intestate succession to an interest in property of a
 12 decedent. The state is an heir of the decedent and a person interested under s. 45.37
 13 (10) and (11) when the decedent was a member of the Wisconsin Veterans Home at
 14 King or at the facilities operated by the department of veterans affairs under s.
 15 45.385 [s. 45.50] at the time of the decedent's death.

NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending.NOTE:

History: 1971 c. 41 s. 8; 1971 c. 228 s. 36; Stats. 1971 s. 880.01; 1973 c. 284; 1975 c. 430; 1981 c. 379; 1985 a. 29 s. 3200 (56); 1985 a. 176; 1987 a. 366; 1993 a. 486; 1995 a. 268; 2005 a. 264; 2005 a. 387 ss. 100, 295 to 297, 301, 303 to 305; Stats. 2005 s. 54.01; 2005 a. 388.

****NOTE: I included this because it involves a changed cross-reference and it was decided to include other provisions with necessary cross-reference changes. Okay?

16 x SECTION 20. 54.10 (3) (d) of the statutes is amended to read:

17 54.10 (3) (d) Before appointing a guardian under this subsection, declaring
 18 incompetence to exercise a right under s. 54.25 (2) (c), or determining what powers

added

1 are appropriate for the guardian to exercise under s. 54.18, 54.20, or 54.25 (2) (d), the
 2 court shall determine if additional medical, psychological, social, vocational, or
 3 educational evaluation is necessary for the court to make an informed decision
 4 respecting the individual's competency to exercise legal rights and may obtain
 5 assistance in the manner provided in s. ~~55.06 (8)~~ ^{le} (s. 55.11 (1)) [✓] whether or not
 6 protective placement is made.

NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:

History: 2005 a. 387.

7 **SECTION 21.** 54.15 (6) of the statutes is amended to read:

8 54.15 (6) TESTAMENTARY NOMINATION BY PROPOSED WARD'S PARENTS. Subject to the
 9 rights of a surviving parent, a parent may by will nominate a guardian and successor
 10 guardian of the person or estate for any of his or her minor children who is in need
 11 of guardianship, unless the court finds that appointment of the guardian or successor
 12 guardian is not i in the minor's best interests. For an individual who is aged 18 or
 13 older and is found to be in need of guardianship by reason of a developmental
 14 disability or serious and persistent mental illness, a parent may by will nominate a
 15 testamentary guardian. The parent may waive the requirement of a bond for such
 16 an estate that is derived through a will.

History: 2005 a. 387 ss. 100, 346, 348, 349, 351, 354, 356, 469, 470, 506.

***NOTE: The amendment to this provision corrects a typographical error.

17 **SECTION 22.** 54.25 (1) (a) of the statutes, as affected by 2005 Wisconsin Acts 264
 18 and 387, is repealed and recreated to read:

19 54.25 (1) (a) Make an annual report on the condition of the ward to the court
 20 that ordered the guardianship and to the county department designated under s.
 21 55.02 (2). That county department shall develop reporting requirements for the
 22 guardian of the person. The report shall include the location of the ward, the health
 23 condition of the ward, any recommendations regarding the ward, and a statement

1 as to whether or not the ward is living in the least restrictive environment consistent
2 with the needs of the ward.

added

include

this

NOTE: NOTE: Par. (a) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). Corrective legislation is pending. NOTE:

History: 2005 a. 264 s. 221; 2005 a. 387 ss. 100, 476, 511, 513, 514; 2005 a. 451 s. 177; s. 13.93 (1) (b), (2) (c).

****NOTE: I included this provision because it was printed merged by the Revisor and appears to have no conflict, and it was decided to retain in the bill other provisions merged by the Revisor. I have made no change in the version printed by the Revisor. Okay?

INSERT 7-24

3 SECTION 23. 54.25 (2) (b) 4. of the statutes is amended to read:

4 54.25 (2) (b) 4. To protest a residential placement made under s. 55.05 (5) [s.
5 55.055], and to be discharged from a residential placement unless the individual is
6 protectively placed under s. 55.06 [ch. 55] or the elements requirements of s. 55.06
7 (1) [s. 55.135] are present met.

INSERT
ADD
13-7

NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:

History: 2005 a. 264 s. 221; 2005 a. 387 ss. 100, 476, 511, 513, 514; 2005 a. 451 s. 177; s. 13.93 (1) (b), (2) (c).

8 SECTION 24. 54.25 (2) (d) 2. a. of the statutes is amended to read:

9 54.25 (2) (d) 2. a. Except as provided under subd. 2. b., c., and d. and s. 55.14,
10 and except for consent to psychiatric treatment and medication under ch. 51, and
11 subject to any limitation under s. 54.46 (3) (b) (2) (b), the power to give informed
12 consent, if in the ward's best interests, to voluntary or involuntary medical
13 examination and treatment and to the voluntary receipt by the ward of medication,
14 including any appropriate psychotropic medication that is in the ward's best interest,
15 if the guardian has first made a good-faith attempt to discuss with the ward the
16 ward's voluntary receipt of the psychotropic medication and the ward does not
17 protest. For purposes of this subd. 2. a., "protest" means make more than one
18 discernible negative response, other than mere silence, to the offer of,
19 recommendation for, or other proffering of voluntary receipt of psychotropic
20 medication. "Protest" does not mean a discernible negative response to a proposed

the

administration of a

involuntary administration

RESTORE TO PLAIN TEXT

1 method of administration of the psychotropic medication. A guardian may consent
 2 to the involuntary administration of psychotropic medication only under a court
 3 order under s. 55.14. In determining whether a medical examination, medication or medical treatment,
 4 other than psychotropic medication, is in the ward's best interest, the guardian shall
 5 consider the invasiveness of the medical examination, medication or treatment and the likely benefits and
 6 side effects of the medication or treatment.

History: 2005 a. 264 s. 221; 2005 a. 387 ss. 100, 476, 511, 513, 514; 2005 a. 451 s. 177; s. 13.93 (1) (b), (2) (c).

****NOTE: This provision, as created under Act 387, is both redundant to and in conflict with s. 54.25 (4), which was separately created under Act 264. I have reconciled the two provisions by clarifying that consent by a guardian to the involuntary administration of medical examinations and treatment for a ward is subject to court approval under this provision, except that involuntary administration of psychotropic medication is subject to s. 55.14. Please also see the treatment of s. 54.25 (4) (b).

end INSERT 7-24

INSERT 8-4

SECTION 25. 54.25 (4) (b) of the statutes is amended to read:

and medical treatment

7 **54.25 (4) (b) A** Except as provided under sub. (2) (d) 2. b., c., and d., and except
 8 for consent to psychiatric treatment and medication under ch. 51, and subject to any
 9 limitation under s. 54.46 (2) (b), a guardian may, without court approval, give an
 10 informed consent to the voluntary receipt by the guardian's ward of a medical
 11 examination and medication that is in the ward's best interest, including any
 12 appropriate psychotropic medication, if the guardian has first made a good-faith
 13 attempt to discuss with the ward the voluntary receipt of the examination, medication or treatment
 14 and if the ward does not protest. In determining whether medication or medical treatment is
 15 in the ward's best interest, the guardian shall consider the invasiveness of the
 16 medical examination, medication or treatment and the likely benefits and side effects of the medication or
 17 treatment.

NOTE: NOTE: Sub. (4) was created as s. 880.38 (4) by 2005 Wis. Act 264 and renumbered by the revisor s. 13.93 (1) (b).NOTE:

History: 2005 a. 264 s. 221; 2005 a. 387 ss. 100, 476, 511, 513, 514; 2005 a. 451 s. 177; s. 13.93 (1) (b), (2) (c).

****NOTE: This provision, as created under Act 264, is both redundant to and in conflict with s. 54.25 (2) (d) 2. a., which was created separately under Act 387. I have reconciled the two provisions by clarifying that consent for voluntary administration of medical examinations and treatment, including voluntary administration of

medication,

psychotropic medication, that is in the ward's best interest, may be given by the guardian. Please see also the treatment of s. 54.25 (2) (d) 2. a.

INSERT ADD 15-1

INSERT 10-6

1 SECTION 26. 54.40 (4) (am) of the statutes is repealed.

***NOTE: This provision is redundant to s. 54.40 (4) (c).

2 SECTION 27. 54.40 (4) (ar) of the statutes is repealed.

***NOTE: This provision is redundant to s. 54.40 (4) (c).

INSERT ADD 15-2 3

3 SECTION 28. 54.40 (4) (dm) of the statutes is repealed.

***NOTE: This provision is redundant to s. 54.40 (4) (g).

4 SECTION 29. 54.40 (4) (ds) of the statutes is amended to read:

5 54.40 (4) (ds) Notify the guardian of the right to be present at and participate
6 in the hearing, to present and cross-examine witnesses, to receive a copy of any
7 evaluation under s. 55.11 (1) (intro.) or (2), and to secure and present a report on an
8 independent evaluation under s. 880.33 (2) (b) [s. 54.42 (3)]

NOTE: NOTE: Par. (ds) was created as s. 880.331 (4) (ds) by 2005 Wis. Act 264 and renumbered by the revisor under s. 13.93 (1) (b). The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:

History: 2005 a. 264 ss. 213 to 215; 2005 a. 387 ss. 100, 477 to 487, 496, 497; Stats. 2005 s. 54.40; s. 13.93 (1) (b), (2) (c).

***NOTE: I included this provision because it involves a changed cross-reference and it was decided to include other provisions with necessary cross-reference changes. Okay?

9 SECTION 30. 54.42 (1) (a) (intro.) of the statutes, as affected by 2005 Wisconsin
10 Acts 264 and 387, is repealed and recreated to read:

11 54.42 (1) (a) (intro.) The proposed ward or ward has the right to counsel, if any
12 of the following occurs:

NOTE: NOTE: Par. (a) (intro.) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:

History: 2005 a. 264 s. 204; 2005 a. 387 ss. 100, 420, 460, 461, 463.

***NOTE: I included this provision because it was printed merged by the Revisor and appears to have no conflict, and it was decided to retain in the bill other provisions merged by the Revisor. I have made no change in the version printed by the Revisor. Okay?

INSERT ADD 15-12

INSERT 10-20

13 SECTION 31. 54.44 (5) of the statutes is created to read:

14 54.44 (5) PRIVACY OF HEARING. Every hearing under this chapter shall be closed,
15 unless the proposed ward or ward or his or her attorney acting with the proposed

1 ward's or ward's consent or the attorney for a foreign ward moves that it be open. If
2 the hearing is closed, only interested persons, their attorneys, and witnesses may be
3 present.

****NOTE: Please see the description of this provision in the Drafter's Note. ✓

4 **SECTION 32.** 54.44 (5m) (title) of the statutes is created to read:

5 54.44 (5m) (title) PARTICIPATION BY INTERESTED PERSONS. ✓

****NOTE: 2005 Wisconsin Act 264 created s. 880.33 (2) (f), which did not require
a title. Since ch. 880 no longer exists, the Revisor renumbered s. 880.33 (2) (f) as s. 54.44
(5m), but that provision needs a title. ✓

6 **SECTION 33.** 54.46 (3) (a) of the statutes, as affected by 2005 Wisconsin Acts 264
7 and 387, is repealed and recreated to read:

8 54.46 (3) (a) *Petitioner's attorney fees and costs.* If a guardian is appointed, the
9 court shall award from the ward's income and assets payment of the petitioner's
10 reasonable attorney fees and costs unless the court finds, after considering all of the
11 following, that it would be inequitable to do so:

- 12 1. The petitioner's interest in the matter, including any conflict of interest that
- 13 the petitioner may have had in pursuing the guardianship.
- 14 2. The ability of the ward's estate to pay the petitioner's reasonable attorney
- 15 fees and costs.
- 16 3. Whether the guardianship was contested and, if so, the nature of the contest.
- 17 4. Whether the ward had executed a durable power of attorney under s. 243.07
- 18 or a power of attorney for health care under s. 155.05 or had engaged in other advance
- 19 planning for financial and health care decision making.
- 20 5. Any other factors that the court considers to be relevant.

and a difference
w s. 54.46 (3) (a) 4.

NOTE: NOTE: Par. (a) is affected by 2005 Wis. Acts 264 and 387 and as merged by the revisor under s. 13.93 (2) (c). The 2 treatments adopt inconsistent renumbering
of the provision and the numbering under Act 387 is adopted by the revisor under s. 13.93 (1) (b). The bracketed language was inserted by Act 264 and rendered
surplusage by 2005 Wis. Act 387. Corrective legislation is pending. NOTE:

History: 2005 a. 264; 2005 a. 387 ss. 100, 309, 360 to 364, 366, 421 to 425, 462, 475; s. 13.93 (1) (b), (2) (c).

NOTE: This paragraph is printed as merged, with the differences between the
acts being numbering and the use of "When" or "If" in the (intro). I included it because

added

are
printed as

(Act 264 renumbered the provision in
ch. 880, and Act 387 renumbered the
provision to s. 54.46),

it was decided to include other provisions merged by the Revisor. *Okay?* Our Drafting Manual indicates that "when" is used only if a condition always occurs, which is not the case here. *I have made no change in the version printed by the Revisor, except for this word. Okay?*

~~INSERT ADDITION~~

1 **SECTION 34.** 54.48 of the statutes, as affected by 2005 Wisconsin Acts 264 and
2 387, is amended to read:

3 **54.48 Protective placement and protective services.** A finding of
4 incompetency and appointment of a guardian under this chapter is not grounds for
5 involuntary protective placement or the provision of protective services. *Protective*
6 A protective placement and the provision of protective services may be made only in
7 accordance with ch. 55.

NOTE: NOTE: This section is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language was inserted by 2005 Wis. Act 387 but rendered surplusage by 2005 Wis. Act 264. Corrective legislation is pending. NOTE:

History: 2005 a. 264 s. 212; 2005 a. 387 s. 472; s. 13.93 (2) (c).

INSERT ADD 17-37

INSERT 11-20

8 **SECTION 35.** 54.93 (1) (b) of the statutes is amended to read:

9 54.93 (1) (b) In this section, "3rd party" is means a person other than a bank,
10 broker, transfer agent or issuer who with respect to a security held by an incompetent
11 or spendthrift effects a transaction otherwise than directly with the incompetent or
12 spendthrift.

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.76; 1993 a. 486; 1999 a. 185; 2005 a. 253; 2005 a. 387 s. 552; Stats. 2005 s. 54.93.

*****NOTE: This amendment conforms to current drafting practices.*

the provision

13 **SECTION 36.** 55.01 (1f) of the statutes is amended to read:

14 55.01 (1f) "Adult-at-risk agency" means the agency designated by the county
15 board of supervisors under s. ~~55.043 (1)~~ s. 55.043 (1d) to receive, respond to, and
16 investigate reports of abuse, neglect, self-neglect, and financial exploitation under
17 s. 55.043.

NOTE: NOTE: The bracketed language indicates the correct cross-reference. NOTE:

History: 1973 c. 284; 1975 c. 393, 430; 1979 c. 221; 1985 a. 29 s. 3200 (56); 1985 a. 176; 1991 a. 316; 1993 a. 445; 2003 a. 33; 2005 a. 264, 387, 388; s. 13.93 (1) (b) and (2) (c).

*****NOTE: I included this because it involves a changed cross-reference and it was decided to include other provisions with necessary cross-reference changes. Okay?*

added

INSERT 12-20

1 **SECTION 37.** 55.01 (6p) of the statutes is amended to read:

2 55.01 (6p) "Protective placement unit" means a ward, wing, or other
3 designated part of a protective placement facility.

History: 1973 c. 284; 1975 c. 393, 430; 1979 c. 221; 1985 a. 29 s. 3200 (56); 1985 a. 176; 1991 a. 316; 1993 a. 445; 2003 a. 33; 2005 a. 264, 387, 388; s. 13.93 (1) (b) and (2) (c).

****NOTE: This amendment conforms to the definition of "protective placement facility" under s. 55.01 (6m).

the language

INSERT ADD 18-3

INSERT 12-22

****NOTE: I would suggest taking the treatment of s. 55.01 (4g), (6), (6d), (6g), and (6t) out of the bill; for numerous other statutes, the Revisor has renumbered and we have not included (see s. 54.34 (2m), 54.25 (4), 54.44 (5m), and 54.46 (4)).

INSERT ADD 18-4

INSERT 14-23

(title)

4 **SECTION 38.** 55.03 (1) of the statutes, as affected by 2005 Wisconsin Acts 264
5 and 387, is repealed and recreated to read:

6 55.03 (1) GUARDIAN AS PROVIDER. No agency acting as a guardian appointed
7 under ch. 880, 2003 stats., or ch. 54 may be a provider of protective services or
8 protective placement for its ward under this chapter.

NOTE: NOTE: Sub. (1) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1973 c. 284; 1979 c. 330; 2005 a. 264 ss. 81, 83, 117; 2005 a. 387; s. 13.93 (2) (c).

****NOTE: This provision is changed from the version in 2005 Senate Bill 731, to conform to the Act 264, rather than the Act 387, version.

INSERT 15-5

9 **SECTION 39.** 55.043 (1r) (a) 2. of the statutes is amended to read:

10 55.043 (1r) (a) 2. If an agent or employee of an adult-at-risk agency required
11 to refer under this subsection is the subject of a report, or if the adult-at-risk agency
12 or an agency under contract with the county department determines that the
13 relationship between the adult-at-risk agency and the agency under contract with
14 the county department would not allow for an unbiased response, the adult-at-risk
15 agency shall, after taking any action necessary to protect the adult at risk, notify the
16 department. Upon receipt of the notice, the department or a county department
17 under s. 46.215, 46.22, 51.42, or 51.437 designated by the department shall conduct

added

1 an independent investigation. The powers and duties of a county department
2 making the independent investigation are those given to an adult-at-risk agency
3 under pars. (b) to (g) [pars. (b) to (d)] and sub. (6).

NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:

History: 1993 a. 445; 1997 a. 27; 2001 a. 74, 103; 2005 a. 264, 388; s. 13.93 (2) (c).

****NOTE: I included this because it involves a changed cross-reference and it was decided to include other provisions with necessary cross-reference changes. Okay?

INSERT 16-3

4 SECTION 40. 55.043 (4) (am) of the statutes, as affected by 2005 Wisconsin Acts
5 264 and 388, is amended to read:

Stat. leave as typed

6 55.043 (4) (am) Upon responding to a report, the adult-at-risk agency or the
7 investigative agency shall determine whether the adult at risk or any other
8 individual involved in the alleged abuse, financial exploitation, neglect, or
9 self-neglect is in need of services under this chapter or ch. 46, 47, 59, 51, or 880
10 46, 47, 49, 51, and or 54. If provided, direct services shall be rendered under the least
11 restrictive conditions necessary to achieve their objective.

NOTE: NOTE: The bracketed language indicates the correct cross-reference. NOTE:

History: 1993 a. 445; 1997 a. 27; 2001 a. 74, 103; 2005 a. 264, 388; s. 13.93 (2) (c).

12 SECTION 41. 55.043 (4) (b) 1. of the statutes, as affected by 2005 Wisconsin Acts
13 264 and 388, is amended to read:

14 55.043 (4) (b) 1. Initiate a protective services, action or contact an
15 investigative agency, as appropriate.

NOTE: NOTE: Subd. 1. is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed commas were inserted by 2005 Wis. Act 264, but rendered surplusage by 2005 Wis. Act 388. NOTE:

History: 1993 a. 445; 1997 a. 27; 2001 a. 74, 103; 2005 a. 264, 388; s. 13.93 (2) (c).

****NOTE: This provision was printed merged by the Revisor and appears to have no conflict other than inappropriate commas, which I have fixed. Okay?

16 SECTION 42. 55.043 (4) (b) 2. of the statutes, as affected by 2005 Wisconsin Acts
17 264 and 388, is amended to read:

repealed and recreated

18 55.043 (4) (b) 2. Take appropriate emergency action, including including
19 provision of emergency protective services under s. 55.13 or emergency protective

added

contained a

1 placement under s. 55.135, if the adult-at-risk agency considers that the emergency
2 action is in the best interests of the adult at risk and the emergency action is the least
3 restrictive appropriate intervention.

mention of

NOTE: NOTE: Subd. 2. is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1993 a. 445; 1997 a. 27; 2001 a. 74, 103; 2005 a. 264, 388; s. 13.93 (2) (c).

****NOTE: I included this provision because it was merged by the Revisor and changed it because of the double "including". Okay?

SECTION 43. 55.043 (6) (bt) 8. of the statutes, as affected by 2005 Wisconsin Acts

STET: leave as typed

264 and 388, is amended to read:

this chapter or

6 55.043 (6) (bt) 8. to the attorney or guardian ad litem for the adult at risk who
7 is the alleged victim named in the record, to assist in preparing for any proceeding
8 under ~~ch. 48, 51, 55, 813, 880, 971, or 975~~ ch. 48, 51, 54, 55, 813, 971, or 975
9 pertaining to the alleged victim.

NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending.NOTE:

History: 1993 a. 445; 1997 a. 27; 2001 a. 74, 103; 2005 a. 264, 388; s. 13.93 (2) (c).

INSERT 17-6

repealed and recreated

Fix Comment

SECTION 44. 55.055 (3) (c) of the statutes is amended to read:

11 55.055 (3) (c) Comply with s. 55.135, if the individual satisfies all criteria under
12 s. 55.135 (1) and emergency placement in that home, nursing home, or other facility
13 or another home, nursing home, or other facility is necessary, or file a petition for
14 protective placement under s. 55.075. The court, with the permission of the home,
15 nursing home, or other facility, may order the individual to remain in the home,
16 nursing home, or other facility pending the outcome of the protective placement
17 proceedings.

History: 2005 a. 264 ss. 101, 103 to 112, 150; 2005 a. 387; s. 13.93 (2) (c).

****NOTE: The treatment of this provision inserts language mistakenly not underscored in Act 387 and adds the appropriate adjective "other" to "facility" in the second sentence.

INSERT ADD 20-17

INSERT 18-20

18 SECTION 45. 55.075 (1) of the statutes, as affected by 2005 Wisconsin Acts 264
19 and 387, is amended to read:

STET leave as typed

1 55.075 (1) WHO MAY PETITION. The department, the county department or an
 2 agency with which the county department contracts under s. 55.02 (2), a guardian,
 3 or an interested person may file a petition for appointment of a guardian and for
 4 protective services or protective placement for an ^{the} ~~the~~ individual. The department
 5 shall provide for a schedule of reimbursement for the cost of the proceedings based
 6 upon the ability to pay of the proposed ward or individual to be protected.

NOTE: NOTE: Sub. (1) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language was inserted by 2005 Wis. Act 387, but rendered surplusage by 2005 Wis. Act 264. Corrective legislation is pending. NOTE:

History: 2005 a. 264 ss. 114, 115, 123 to 126, 157; 2005 a. 387 ss. 110, 112, 113, 114; s. 13.93 (1) (b), (2) (c).

****NOTE: I ^{added} ~~included~~ this, because it was merged by the Revisor.

7 SECTION 46. 55.075 (3) of the statutes, as affected by 2005 Wisconsin Acts 264
 8 and 387, is amended to read:

9 55.075 (3) PETITION FOR GUARDIANSHIP; REVIEW OF INCOMPETENCY. A petition for
 10 guardianship described in s. 55.08 (1) (b) or (2) (a) shall be heard prior to ordering
 11 protective placement or protective services. If the individual is ~~incompetent~~
 12 adjudicated ⁱⁿ ~~in~~ ~~incompetent~~ in this state more than 12 months before the filing of an
 13 application for protective placement or protective services on his or her behalf, the
 14 court shall review the finding of incompetency.

NOTE: NOTE: Sub. (3) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The single bracketed "incompetent" was inserted by 2005 Wis. Act 264 but the treatment by 2005 Wis. Act 387 resulted in incorrect placement of the word. The double bracketed "incompetent" indicates the correct placement of the word. Corrective legislation is pending. NOTE:

History: 2005 a. 264 ss. 114, 115, 123 to 126, 157; 2005 a. 387 ss. 110, 112, 113, 114; s. 13.93 (1) (b), (2) (c).

INSERT 19-6

****NOTE: This provision is from 2005 Wisconsin Act 387 and is the same as in 2005 Senate Bill 731, except that "extraordinary" has been inserted to modify "circumstances."

15 SECTION 47. 55.075 (5) (bm) of the statutes is amended to read:

16 55.075 (5) (bm) The court in which a petition is first filed under par. ~~(e)~~ ^(a) ~~(par.)~~
 17 ^(a) shall determine venue. The court shall direct that proper notice be given to any
 18 potentially responsible or affected county. Proper notice is given to a potentially
 19 responsible or affected county if written notice of the proceeding is sent by certified
 20 mail to the county's clerk and corporation counsel. After all potentially responsible

1 or affected counties and parties have been given an opportunity to be heard, the court
 2 shall determine that venue lies in the county in which the petition is filed under ~~par.~~
 3 ~~(e)~~ ^{par. (a)} or in another county, as appropriate. If the court determines that venue
 4 lies in another county, the court shall order the entire record certified to the proper
 5 court. A court in which a subsequent petition is filed shall, upon being satisfied of
 6 an earlier filing in another court, summarily dismiss the subsequent petition. If any
 7 potentially responsible or affected county or party objects to the court's finding of
 8 venue, the court may refer the issue to the department for a determination of the
 9 county of residence under s. 51.40 (2) (g) and may suspend ruling on the motion for
 10 change of venue until the determination under s. 51.40 (2) (g) is final.

NOTE: NOTE: Par. (bm) was created as s. 55.06 (3) (d) by 2005 Wis. Act 387 and renumbered by the revisor under s. 13.93 (1) (b). The bracketed language indicates the correct cross-reference. NOTE:

History: 2005 a. 264 ss. 114, 115, 123 to 126, 157; 2005 a. 387 ss. 110, 112, 113, 114; s. 13.93 (1) (b), (2) (c).

****NOTE: I included this because it involves a changed cross-reference and it was decided to include other provisions with necessary cross-reference changes. Okay?

added

INSERT ADD 21-15

INSERT 21-15

11 **SECTION 48.** 55.08 (1) (c) of the statutes, as affected by 2005 Wisconsin Acts 264
 12 and 388, is repealed and recreated to read:

13 55.08 (1) (c) As a result of developmental disabilities, degenerative brain
 14 disorder, serious and persistent mental illness, or other like incapacities, the
 15 individual is so totally incapable of providing for his or her own care or custody as
 16 to create a substantial risk of serious harm to himself or herself or others. Serious
 17 harm may be evidenced by overt acts or acts of omission.

disability

NOTE: NOTE: Par. (c) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (e). NOTE:

History: 2005 a. 264 ss. 119 to 122, 158; 2005 a. 387 s. 111; 2005 a. 388 s. 164; s. 13.93 (2) (c).

****NOTE: I included this provision, because it was merged by the Revisor. Okay?

18 **SECTION 49.** 55.08 (2) (a) of the statutes is amended to read:

19 55.08 (2) (a) The individual has been determined to be incompetent by a circuit
 20 court or is a minor who is alleged to be developmentally disabled have a

added

I also changed "disabilities" to the singular.

1 developmental disability and on whose behalf a petition for a guardianship has been
2 submitted.

History: 2005 a. 264 ss. 119 to 122, 158; 2005 a. 387 s. 111; 2005 a. 388 s. 164; s. 13.93 (2) (c).

****NOTE: This amendment is necessary because of the changed definition of
"developmental disability."

✓
INSERT
ADD
23-2

3 **SECTION 50.** 55.09 (1) of the statutes, as affected by 2005 Wisconsin Acts 264
4 and 387, is amended to read:

5 55.09 (1) NOTICE TO INDIVIDUAL. Notice of a petition for protective placement
6 or protective services shall be served upon the individual sought to be protected, by
7 personal service, at least 10 days before the time set for a hearing. The person
8 serving the notice shall inform the individual sought to be protected of the complete
9 contents of the notice and shall return a certificate to the circuit judge verifying that
10 the petition has been delivered and notice given. The notice shall include the names
11 of all petitioners. (~~individual adjudicated for a determination of incompetency~~)

NOTE: NOTE: Sub. (1) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language was inserted by 2005 Wis. Act 387 but rendered surplusage by 2005 Wis. Act 264. Corrective legislation is pending. NOTE:

History: 2005 a. 264 ss. 127, 159; 2005 a. 387 s. 115; s. 13.93 (2) (c).

12 **SECTION 51.** 55.10 (4) (intro.) of the statutes is amended to read:

13 55.10 (4) RIGHTS. (intro.) The Sections 54.42, 54.44, and 54.46 and the
14 following provisions apply to all hearings under this chapter except transfers of
15 placement under s. 55.15 and summary hearings under ss. 55.18 (3) (d) and 55.19 (3)
16 (d):

History: 2005 a. 264 ss. 128, 129, 130, 160; 2005 a. 387 s. 116; s. 13.93 (2) (c).

****NOTE: This amendment fixes up the deletion of mention of ss. 54.42, 54.44, and
54.46 by the Revisor from s. 55.10 (4) (b); have I amended it as you intend? ✓

17 **SECTION 52.** 55.10 (4) (a) of the statutes is amended to read:

18 55.10 (4) (a) *Counsel; costs.* The individual sought to be protected has the right
19 to counsel whether or not the individual is present at the hearing on the petition.
20 The court shall require representation by full legal counsel whenever the petition
21 alleges that the individual is not competent to refuse psychotropic medication under

1 s. 55.14, the individual sought to be protected requested such representation at least
 2 72 hours before the hearing, the guardian ad litem or any other person states that
 3 the individual sought to be protected is opposed to the petition, or the court
 4 determines that the interests of justice require it. If the individual sought to be
 5 protected or any other person on his or her behalf requests but is unable to obtain
 6 legal counsel, the court shall appoint legal counsel. Counsel shall be provided at
 7 public expense, as provided under s. 967.06 and ch. 977, if the individual is indigent.
 8 If the individual sought to be protected is an adult who is indigent, and if counsel was
 9 not appointed under s. 977.08, the county in which the hearing is held is liable for
 10 any fees due the individual's legal counsel. If the individual sought to be protected
 11 is represented by counsel appointed under s. 977.08 in a proceeding for the
 12 appointment of a guardian under s. ~~880.33~~ ^{ch. 54}, the court shall order the counsel
 13 appointed under s. 977.08 to represent under this section the individual sought to
 14 be protected.

NOTE: NOTE: The bracketed language shows the correct cross-reference. Corrective legislation is pending. NOTE:

History: 2005 a. 264 ss. 128, 129, 130, 160; 2005 a. 387 s. 116; s. 13.93 (2) (c).

****NOTE: This provision ^{has} a changed cross reference, to ch. 54, rather than to s. 54.10, from the 2005 Senate Bill 731 version. The expanded cross reference is necessary because guardians are appointed under several provisions in ch. 54 (reappointment, etc.), rather than under just s. 54.10.

fix component

15 SECTION 53. 55.10 (4) (b) of the statutes, as affected by 2005 Wisconsin Acts 264

16 and 387, is ~~amended~~ ^{repealed and recreated} to read:

17 55.10 (4) (b) *Guardian ad litem; costs.* ~~(Sections 54.42, 54.44, and 54.46 apply)~~

18 The court shall in all cases require the appointment of an attorney as guardian ad
 19 litem in accordance with s. 757.48 (1). The responsibilities and duties of a guardian

20 ad litem on behalf of a proposed ward or individual who is alleged incompetent
 21 specified in ~~s. 880.331 (4)~~ ^{PLAIN} (s. 54.40 (4)) apply to a guardian ad litem appointed in a

22 proceeding for protective services or protective placement on behalf of an individual

PLAIN
 [Handwritten signature]

1 sought to be protected. If a guardian has been appointed for an individual who is the
 2 subject of a petition for court-ordered protective placement or protective services,
 3 the guardian ad litem shall interview the guardian. The guardian ad litem shall be
 4 present at all hearings under this chapter if the individual sought to be protected
 5 does not have full legal counsel. The court may, however, excuse a personal
 6 appearance by a guardian ad litem based on information contained in a written
 7 report by the guardian ad litem to the court. If the individual sought to be protected
 8 is an adult who is indigent, the county shall be liable for any fees due the guardian
 9 ad litem. If the individual sought to be protected is a minor, the minor's parents or
 10 the county in which the hearing is held shall be liable for any fees due the guardian
 11 ad litem as provided in s. 48.235 (8).

NOTE: NOTE: Par. (b) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The initial bracketed language was inserted by 2005 Wis. Act 387 but rendered surplusage by 2005 Wis. Act 264. The bracketed "s. 54.40 (4)" is the correct cross-reference. Corrective legislation is pending. NOTE:

History: 2005 a. 264 ss. 128, 129, 130, 160; 2005 a. 387 s. 116; s. 13.93 (2) (c).

****NOTE: Note my deletion of the first sentence of this paragraph from the version in SB 731; this deletion corresponds to the amendment of s. 55.10 (4) (intro.) above. Note also that I struck reference to sub. (4) of s. 54.40, which would be far narrower than intended.

I removed the Revisor's proposed

I repealed and recreated this provision because the Revisor's version did not include the word "and" inserted by Act 387.

INSERT 21-22

12 **SECTION 54.** 55.12 (4) of the statutes is amended to read:
 13 55.12 (4) Factors that a county department shall consider in providing
 14 protective placement or protective services shall include the needs of the individual
 15 to be protected for health, social, or rehabilitative services; the level of supervision
 16 needed; the reasonableness of the placement or services given the cost and the actual
 17 benefits in the level of functioning to be realized by the individual; the limits of
 18 available state and federal funds and of county funds required to be appropriated to
 19 match state funds; and the reasonableness of the protective placement or protective

1 services given the number or projected number of individuals who will need
 2 protective placement or protective services and given the limited funds available.

History: 2005 a. 264 ss. 135, 162.

****NOTE: The Revisor found that the word "or," as amended in this provision, had not been underscored properly in Act 264; hence, I have included it. Okay?

3 **SECTION 55.** 55.12 (6) of the statutes is amended to read:

4 55.12 (6) If the county department or agency with which it contracts under s.
 5 55.02 (2) proposes to provide protective placement to an individual who has a
 6 developmental disability in an intermediate facility or a nursing facility under an
 7 order under this section, the county department or agency, or, if s. 46.279 (4m) applies
 8 to the individual, the department or the department's contractor shall develop a plan
 9 under s. 46.279 (4) and furnish the plan to the county department or agency and to
 10 the individual's guardian. The county department or agency with which it contracts
 11 under s. 55.02 (2) shall ~~place~~ provide protective placement to the individual in a
 12 noninstitutional community setting in accord with the plan unless the court finds
 13 that protective placement in the intermediate facility or nursing facility is the most
 14 integrated setting, as defined in s. 46.279 (1) (bm), that is appropriate to the needs
 15 of the individual, taking into account information presented by all affected parties.

History: 2005 a. 264 ss. 135, 162.

****NOTE: The Revisor found that "place," as stricken in this provision, was surplusage to the phrase "provide protective placement to," so I included an amendment deleting it. Okay?

repealed and recreated

INSERT 23-2

2535

fix component

16 **SECTION 56.** 55.135 (1) of the statutes, as affected by 2005 Wisconsin Acts 264
 17 and 388, is amended to read:

18 55.135 (1) If, ~~upon a credible report to or~~ from personal observation of, or a
 19 reliable report made by a person who identifies himself or herself to, a sheriff, police
 20 officer, fire fighter, guardian, if any, or authorized representative of a county

and a phrase that was redundant to other language

disability

1 department or an agency with which it contracts under s. 55.02 (2), it appears
 2 probable that an individual is so totally incapable of providing for his or her own care
 3 or custody as to create a substantial risk of serious physical harm to himself or herself
 4 or others as a result of developmental ~~disabilities~~, degenerative brain disorder,
 5 serious and persistent mental illness, or other like incapacities if not immediately
 6 placed, the individual ~~under this paragraph who received the credible report of~~ who
 7 personally made the observation or to whom the report is made may take into custody
 8 and transport the individual to an appropriate medical or protective placement
 9 facility. The person making emergency protective placement shall prepare a
 10 statement at the time of detention providing specific factual information concerning
 11 the person's observations or reports made to the person and the basis for emergency
 12 placement. The statement shall be filed with the director of the facility and with any
 13 petition under s. 55.075. At the time of emergency protective placement the
 14 individual shall be informed by the director of the facility or the director's designee,
 15 orally and in writing, of his or her right to contact an attorney and a member of his
 16 or her immediate family and the right to have an attorney provided at public
 17 expense, as provided under s. 967.06 and ch. 977, if the individual is a minor or is
 18 indigent. The director or designee shall also provide the individual with a copy of the
 19 statement by the person making emergency protective placement.

NOTE: NOTE: Sub. (1) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language was inserted by 2005 Wis. Act 388 but is redundant and surplusage as a result of the treatment by 2005 Wis. Act 264. NOTE:

History: 2005 a. 264 ss. 144 to 149, 164; 2005 a. 388 s. 165; s. 13.93 (2) (c).

NOTE: I included this provision because it was merged by the Revisor and has bracketed language that needs to be deleted. Okay?

repealed and recreated

it contained a double comma; I also deleted

20 SECTION 57. 55.135 (4) of the statutes is amended to read:
 21 55.135 (4) When an individual is detained under this section, a petition shall
 22 be filed under s. 55.075 by the person making the emergency protective placement

and I also changed "disabilities" to the singular.

1 and a preliminary hearing shall be held within 72 hours, excluding Saturdays,
 2 Sundays and legal holidays, to establish probable cause to believe the grounds for
 3 protective placement under s. 55.08 (1). The sheriff or other person making
 4 emergency protective placement under sub. (1) shall provide the individual with
 5 written notice and orally inform him or her of the time and place of the preliminary
 6 hearing. If the detainee is not under guardianship, a petition for guardianship shall
 7 accompany the protective placement petition, except in the case of a minor who is
 8 alleged to be developmentally disabled have a developmental disability. In the event
 9 that protective placement is not appropriate, the court may elect to treat a petition
 10 for protective placement as a petition for commitment under s. 51.20 or 51.45 (13).

History: 2005 a. 264 ss. 144 to 149, 164; 2005 a. 388 s. 165; s. 13.93 (2) (c).

***NOTE: This amendment is necessary because of the changed definition of
 "developmental disability."

11 **SECTION 58.** 55.135 (5) of the statutes is amended to read:

12 55.135 (5) Upon finding probable cause under sub. (4), the court may order
 13 temporary protective placement up to 30 days pending the hearing for a permanent
 14 protective placement, or the court may order such protective services as may be
 15 required. If the court orders under this subsection an individual who has a
 16 developmental disability to receive temporary protective placement in an
 17 intermediate facility or in a nursing facility, and if at the hearing for permanent
 18 protective placement the court orders that the individual be provide provided
 19 protective placement, the court may, before commencement of permanent protective
 20 placement, extend the temporary protective placement order for not more than 90
 21 days if necessary for the county department that is participating in the program

1 under s. 46.278 or, if s. 46.279 (4m) applies, the department's contractor to develop
2 the plan required under s. 46.279 (4).

History: 2005 a. 264 ss. 144 to 149, 164; 2005 a. 388 s. 165; s. 13.93 (2) (c).

****NOTE: The amendment of this provision corrects a grammatical error. Okay?

incapacities

3 SECTION 59. 55.14 (1) (b) (intro.) of the statutes, as affected by 2005 Wisconsin
4 Acts 264 and 387, is repealed and recreated to read:

5 55.14 (1) (b) (intro.) "Not competent to refuse psychotropic medication" means
6 that, as a result of developmental disability, degenerative brain disorder, serious and
7 persistent mental illness, or other like incapacity, and after the advantages and
8 disadvantages of and alternatives to accepting the particular psychotropic
9 medication have been explained to an individual, one of the following is true:

NOTE: NOTE: Par. (b) (intro.) is affected by 2005 Wis. Acts 264 and 387. The 2 treatments are mutually inconsistent. Par. (b) (intro.) is shown as affected by the last enacted act, 2005 Wis. Act 387. As affected by 2005 Wis. Act 264, it reads:NOTE:

10
11
12

(b) "Not competent to refuse psychotropic medication" means that, as a result of developmental disabilities, degenerative brain disorder, serious and persistent mental illness, or other like incapacities, and after the advantages and disadvantages of and alternatives to accepting the particular psychotropic medication have been explained to an individual, one of the following is true:

History: 2005 a. 264 ss. 165, 195; 2005 a. 387 ss. 121, 302; s. 13.93 (2) (c).

****NOTE: This provision is printed as mutually inconsistent by the Revisor; it gives effect to the Act 264 version and changes ~~certain plural nouns to singular~~

this bill
"disabilities" to the singular

INSERT 24-21

fix component

13 SECTION 60. 55.14 (3) (e) 1. of the statutes, as affected by 2005 Wisconsin Acts
14 264 and 387, is amended to read: *repealed and recreated*

15 55.14 (3) (e) 1. The individual's history of at least 2 episodes, one of which has
16 occurred within the previous 24 months, that indicate a pattern of overt activity,
17 attempts, threats to act, or omissions that resulted from the individual's failure to
18 participate in treatment, including psychotropic medication, and that resulted in a
19 finding of probable cause for commitment under s. 51.20 (7), a settlement agreement
20 approved by a court under s. 51.20 (8) (b) (bg), or commitment ordered under s. 51.20
21 (13).

PLAIN

but have made no other changes.

History: 2005 a. 264 ss. 165, 195; 2005 a. 387 ss. 121, 302; s. 13.93 (2) (c).

→ *AAAA NOTE: Acts 264 and 387 created almost identical versions of this provision. The only difference was a cross-reference to s. 51.20(8)(bg) in the Act 264 version as opposed to a cross-reference to s. 51.20(8)(b) in the Act 387 version. I have chosen the cross-reference to s. 51.20(8)(bg)*

fix component

repealed and recreated

PLAIN

SECTION 61. 55.14 (5) of the statutes, as created by 2005 Wisconsin Acts 264 and 387, is amended to read:

55.14 (5) The guardian ad litem appointed under ~~§s. 55.06 (6) §~~ s. 55.10 (4) (b) for an individual who is the subject of a petition under this section shall report to the court whether the allegations in the petition required under sub. (3) are true, and whether involuntary administration of psychotropic medication is in the best interests of the individual.

NOTE: NOTE: Sub. (5) is shown as created by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language indicates an incorrect cross-reference. NOTE:

History: 2005 a. 264 ss. 165, 195; 2005 a. 387 ss. 121, 302; s. 13.93 (2) (c).

INSERT ADD 30-7

INSERT 26-16

SECTION 62. 55.14 (8) (a) of the statutes, as created by 2005 Wisconsin Acts 264 and 387, is amended to read:

55.14 (8) (a) Direct the development of a treatment plan for the individual specifying the protective services, including psychotropic medication as ordered by the treating physician, that the individual should receive. If the individual resides in a nursing home or hospital, the nursing home or hospital shall develop the treatment plan. If the individual resides elsewhere, the county department or an agency with which it contracts under s. 55.02 (2) shall develop the treatment plan. The treatment plan shall include a plan for the involuntary administration of psychotropic medication to the individual. The treatment plan is subject to the approval of the guardian and to review and approval by the court. If the court approves the plan, the court shall order the county department or an agency with which it contracts under s. 55.02 (2) to ensure that protective services, including psychotropic medication, are administered in accordance with the treatment plan.

NOTE: NOTE: Par. (a) is shown as created by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language was inserted by 2005 Wis. Act 264, but rendered surplusage by 2005 Wis. Act 387. NOTE:

History: 2005 a. 264 ss. 165, 195; 2005 a. 387 ss. 121, 302; s. 13.93 (2) (c).

INSERT ADD 30-22

fix component

repealed and recreated

1 SECTION 63. 55.14 (9) of the statutes, as created by 2005 Wisconsin Acts 264
2 and 387, is amended to read:

3 55.14 (9) If an individual who is subject to an order under this section is not
4 in compliance with the order because he or she refuses to take psychotropic
5 medication as ordered under the treatment plan, and it is necessary for the
6 individual to be transported to an appropriate facility for forcible restraint for
7 administration of psychotropic medication, the corporation counsel shall may file
8 with the court a statement of the facts which that constitute the basis for (off) the
9 noncompliance of the individual. The statement shall be sworn to be true and shall
10 be based upon the information and belief of the person filing the statement. The
11 statement shall be signed by the individual's guardian and by the director or
12 designee of the county department or an agency with which it contracts under s.
13 55.02 (2) to develop and administer the treatment plan. Upon receipt of the
14 statement of noncompliance, if the court finds by clear and convincing evidence that
15 the individual has substantially failed to comply with the administration of
16 psychotropic medication as ordered under the treatment plan, the court may issue
17 an order authorizing the sheriff or any other law enforcement agency in the county
18 in which the individual is found or in which it is believed that the individual may be
19 present to take the individual into custody and transport him or her to an
20 appropriate facility for administration of psychotropic medication using forcible
21 restraint, with consent of the guardian.

NOTE: NOTE: Sub. (9) is shown as created by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed "of" was inserted by 2005 Wis. Act 264, but rendered surplusage by 2005 Wis. Act 387. Corrective legislative is pending. NOTE:

History: 2005 a. 264 ss. 165, 195; 2005 a. 387 ss. 121, 302; s. 13.93 (2) (c).

****NOTE: This provision is as specified in 2005 Senate Bill 731, except that "shall" is amended to be "may". I have added the phrase "that constitute the basis" in the first sentence. repealed and recreated

fix component

22 SECTION 64. 55.14 (10) of the statutes is amended to read:

as created by 2005 Wisconsin Acts 264 and 387

1 55.14 (10) Nothing in this section prohibits the involuntary administration of
2 psychotropic medication as an emergency protective service under s. 55.13 this

3 chapter PLAIN PERIOD STAYS

NOTE: NOTE: Sub. (10) is shown as created by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language indicates the less specific cross-reference. Emergency protective services are provided under s. 55.13. Corrective legislation is pending. NOTE:

History: 2005 a. 264 ss. 165, 195; 2005 a. 387 ss. 121, 302; s. 13.93 (2) (c).

INSERT 27-4

4 **SECTION 65.** 55.15 (2) of the statutes is amended to read:

5 55.15 (2) WHO MAY TRANSFER. A guardian, a county department or agency with
6 which it contracts under s. ~~55.03 (2)~~ s. 55.02 (2) that provided protective placement
7 to the individual pursuant to the order of the court, the department, or a protective
8 placement facility may transfer an individual under a protective placement order
9 under the requirements of this section, notwithstanding the fact that a court order
10 has named a specific facility for the protective placement of the individual.

NOTE: NOTE: The bracketed language indicates the correct cross-reference. Corrective legislation is pending. NOTE:

History: 2005 a. 264.

11 **SECTION 66.** 55.17 (1) of the statutes is amended to read:

12 55.17 (1) PETITION. An individual, the individual's guardian or guardian ad
13 litem, the department, a county department or agency with which it contracts under
14 s. 55.02 (2), or any other interested person may file a petition at any time for
15 termination of an order for protective placement or protective services. The petition
16 shall be served on the individual; the individual's guardian; the individual's attorney
17 and guardian ad litem, if any; and the county department. The petition shall allege
18 that the individual no longer meets the standards under s. 55.08 (1) for
19 court-ordered protective placement or under s. 55.08 (2) for court-ordered protective
20 services.

History: 2005 a. 264 ss. 142, 168.

****NOTE: This amendment fixes a grammatical error. Okay?



INSERT 28-9
(INSERT ADD 33-9)

INSERT 28-2

1x SECTION 67. 55.18 (2) (a) of the statutes is amended to read:
2 55.18 (2) (a) Review the report filed under sub. (1) (a) 1., the report required
3 under s. 880.38 (3) ~~(s. 54.25 (1) (a))~~, and any other relevant reports on the individual's
4 condition and placement.

NOTE: NOTE: The bracketed language indicates the correct cross-reference. Corrective legislation is pending. NOTE:

History: 2005 a. 264 ss. 140, 141, 169.

INSERT
ADD
33-4

repealed and
recreated

5x SECTION 68. 55.18 (3) (a) of the statutes is amended to read:
6 55.18 (3) (a) The court that ordered protective placement for an individual
7 under s. 55.12 shall review the report of the guardian ad litem under sub. (2) (f), the
8 report filed under sub. (1) (a) 1., and the report required under s. 880.38 (3) ~~(s. 54.25~~
9 ~~(1) (a))~~.

NOTE: NOTE: The bracketed language indicates the correct cross-reference. Corrective legislation is pending. NOTE:

History: 2005 a. 264 ss. 140, 141, 169.

as created
by 2005 Wisconsin
Acts 264 and
387

INSERT 30-14

fix
com-
ponent

10x SECTION 69. 55.19 (1m) of the statutes is amended to read:
11 55.19 (1m) The county of residence of an individual who is subject to an order
12 under s. 55.14 and is provided protective placement ~~(protectively placed)~~ in a
13 different county may enter into an agreement with that county under which the
14 county of the individual's placement performs all or part of the duties of the county
15 of residence under this section.

NOTE: NOTE: Sub. (1m) is shown as created by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language was inserted by Act 387 adopting language used in previously existing statutes, but "protectively placed" is replaced by Act 264 in those previously existing statutes with "provided protective placement." Corrective legislation is pending. NOTE:

History: 2005 a. 264, 387; s. 13.93 (2) (c).

INSERT
ADD
33-15

16 SECTION 70. 55.19 (2) (b) 3. of the statutes, as created by 2005 Wisconsin Acts
17 264 and 387, is repealed and recreated to read:
18 55.19 (2) (b) 3. The right to an evaluation under sub. (3) (b).

INSERT ADD 33-18

INSERT 31-8

fix
component

19x SECTION 71. 55.19 (2) (f) 4. of the statutes, as created by 2005 Wisconsin Acts
20 264 and 387, is amended to read:

repealed and recreated

1 55.19 (2) (f) 4. The individual or the individual's ~~(his or her)~~ guardian or
 2 guardian ad litem requests a ~~full due process~~ hearing ~~under this section~~ for the
 3 individual. *that meets the requirements of s. 55.10 (4)*

NOTE: NOTE: Subd. 4. is shown as created by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language was inserted by 2005 Wis. Act 387 but rendered surplusage by 2005 Wis. Act 264. Corrective legislation is pending. NOTE:

History: 2005 a. 264, 387; s. 13.93 (2) (c).

INSERT
ADD 34.3
fix
component

INSERT 31-19

as created by 2005 Wisconsin Acts 264 and 387

4 **SECTION 72.** 55.19 (3) (b) (intro.) of the statutes is amended to read:

5 55.19 (3) (b) (intro.) The court shall order ~~(performance)~~ an evaluation, by a
 6 person who is not an employee of the county department, ~~(of an evaluation)~~ of the
 7 physical, mental, and social condition of the individual that is relevant to the issue
 8 of the continued need for the order under s. 55.14 and that is independent of the
 9 review performed under sub. (1) (a) if any of the following apply:

NOTE: NOTE: Par. (b) (intro.) is shown as created by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language was inserted by Act 387 but rendered redundant by Act 264. Corrective legislation is pending. NOTE:

History: 2005 a. 264, 387; s. 13.93 (2) (c).

repealed and recreated

INSERT 33-15

10 **SECTION 73.** 55.195 (intro.) of the statutes, as affected by 2005 Wisconsin Acts
 11 264 and 387, is repealed and recreated to read:

12 **55.195 Duties of guardian ad litem for protective services reviews.**

13 (intro.) In any review of a protective services order made under s. 55.12, except as
 14 provided in s. 55.19 (2), the guardian ad litem shall do all of the following:

NOTE: NOTE: Section 55.195 (intro.) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:

History: 2005 a. 387 ss. 123, 124, 488 to 495; Stats. 2005 s. 55.195; s. 13.93 (2) (c).

****NOTE: Please review this provision very carefully. I have ~~included~~ it because *added* it was merged by the Revisor. As so merged, it applies only to reviews of protective services orders, and not also to reviews of protective placements (the Act 264 version). I assume that this generally works because the GAL's duties for reviews of protective placements are set forth in s. 55.18 (2). However, because the Act ~~264~~ *387* version covered both protective placements and protective services, parts of s. 55.195 (1) to (9) may now be inconsistent with the merger, particularly the mention of "placement" in s. 55.195 (4), (5), and (6). Should these provisions be amended to refer instead to "services"?

15 **SECTION 74.** 55.22 (1) (b) of the statutes is amended to read:

SECTION #. RP; 146.40 (1) (am)

disabled person in s. 55.01(2); under this bill, s. 55.01(2) is changed to be a definition of "developmental disability." Neither term is used currently in s. 146.40, so I have repeated this definition okay?

1 55.22 (1) (b) The individual's attorney or guardian ad litem, without the
2 individual's consent and without modification of the records, in order to prepare for
3 any court proceedings relating to the individual's protective services or protective
4 placement or relating to the individual's guardianship.

History: 2005 a. 264 s. 154; 2005 a. 387 s. 120; s. 13.93 (2) (c).

***NOTE: This provision amends in a word that was not underscored properly in Act 387.

INSERT 33-22

5 SECTION 75. 146.82 (2) (a) 7. of the statutes is amended to read: *repealed and recreated*

fix component

6 146.82 (2) (a) 7. To an elder-adult-at-risk agency designated under s. 46.90
7 (2) or other investigating agency under s. 46.90 for purposes of s. 46.90 (4) and (5) or
8 to an adult-at-risk agency designated under ~~s. 55.021~~ s. 55.043 (1d) for purposes of
9 s. 55.043. The health care provider may release information by initiating contact
10 with the elder-adult-at-risk agency or adult-at-risk agency without receiving a
11 request for release of the information from the elder-adult-at-risk agency or
12 adult-at-risk agency.

NOTE: NOTE: The bracketed language indicates the correct cross-reference. NOTE:

History: 1979 c. 221; 1983 a. 398; 1985 a. 29, 241, 332, 340; 1987 a. 40, 70, 127, 215, 233, 380, 399; 1989 a. 31, 102, 334, 336; 1991 a. 39; 1993 a. 16, 27, 445, 479; 1995 a. 98, 169, 417; 1997 a. 35, 114, 231, 272, 292, 305; 1999 a. 32, 78, 83, 114, 151; 2001 a. 38, 59, 69, 105; 2003 a. 281; 2005 a. 187, 344, 387, 388, 434.

***NOTE: Note that I have added this provision; it has the same cross-reference problem as s. 51.30 (4) (b) 17. This provision also amends in a word that was not underscored properly in Act 388.

INSERT ADD 35-12

inserts

INSERT 34-22

13 SECTION 76. 753.30 (1) of the statutes is amended to read:
14 753.30 (1) The clerk of circuit court shall keep the books and records under s.
15 59.40 (2) (a) to (i) and ch. 799 and perform the duties under s. 59.40 (2) (j) to (q) for
16 all matters in the circuit court except those under chs. 48, 54, and 851 to 879. In
17 counties having only one circuit judge, the circuit judge, with the approval of the chief
18 judge of the judicial administrative district, may appoint the clerk of court register
19 in probate. The appointments are revocable at the pleasure of the circuit judge.

1 Appointments and revocations shall be in writing and shall be filed in the office of
 2 the register in probate. If appointed for this purpose, the clerk has the powers and
 3 duties of registers in probate. In prosecutions of ordinance violations in the circuit
 4 court in counties having a population of 500,000 or more, an assistant chief deputy
 5 clerk appointed under sub. (3) (a), or one of his or her deputies, shall enter upon the
 6 records of the court a statement of the offense charged, which shall stand as the
 7 complaint, unless the court directs formal complaint be made. The defendant's plea
 8 shall be guilty or not guilty, and shall be entered as not guilty on failure to plead,
 9 which plea of not guilty shall put all matters in such case at issue, any other
 10 provisions of law notwithstanding.

History: 1977 c. 449; 1979 c. 32 s. 92 (16); 1995 a. 201; 1997 a. 311; 2005 a. 387.

****NOTE: This provision amends in a word that was not underscored properly in

Act 387.

INSERT ADD 36-10

needs proofing

11 X SECTION 77. 813.123 (2) (b) of the statutes is amended to read:
 12 813.123 (2) (b) The court may go forward with a petition filed under sub. (6) if
 13 the individual at risk has been adjudicated incompetent under ~~ch. 880~~ ch. 880, 2003
 14 stats., or ch. 54, notwithstanding an objection by an individual at risk who is the
 15 subject of the petition, or an objection by the guardian of the individual at risk.

NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; s. 13.93 (2) (c).

16 SECTION 78. 813.123 (3) (b) of the statutes, as affected by 2005 Wisconsin Acts
 17 387 and 388, is repealed and recreated to read:

18 813.123 (3) (b) The court or circuit court commissioner, on its or his or her own
 19 motion or the motion of any party, shall order that a guardian ad litem be appointed
 20 for the individual at risk, if the petition under sub. (6) was filed by a person other than
 21 the individual at risk, and may order that a guardian ad litem be appointed in other
 22 instances when justice so requires.

1 NOTE: NOTE: NOTE: Par. (b) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:
History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; s. 13.93 (2) (c).

INSERT 35-21

2 **SECTION 79.** 813.123 (4) (ar) 1. of the statutes is amended to read:

3 813.123 (4) (ar) 1. Avoid interference with an investigation of the elder adult
4 at risk under s. 46.90 or the adult at risk under s. 55.043, the delivery of protective
5 services to ~~the individual at risk under s. 55.05~~ or a protective placement of the
6 individual at risk under ~~s. 55.06~~ ch. 55, or the delivery of services to the elder adult
7 at risk under s. 46.90 (5m).

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; s. 13.93 (2) (c).

INSERT 36-2

8 **SECTION 80.** 813.123 (5) (a) 3. b. of the statutes, as affected by Wisconsin Acts

9 264 and 388, is amended to read:

10 813.123 (5) (a) 3. b. That the respondent has interfered with the delivery ~~to~~

11 ~~the~~ individual at risk of protective services ~~(to)~~ ^{PLAIN} or a protective placement of the
12 individual at risk under ch. 55 after the offer of protective services or protective
13 placement has been made and the individual at risk or his or her guardian, if any,
14 has consented to receipt of the protective services or protective placement; or that the
15 respondent has interfered with the delivery of services to an elder adult at risk under
16 s. 46.90 (5m).

NOTE: NOTE: Subd. 3. b. is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language was deleted by 2005 Wis. Act 264 but is required to complete the phrase intended by the insertion of "individual at risk" by 2005 Wis. Act 388. The double bracketed language was inserted by 2005 Wis. Act 264 but rendered surplusage. Corrective legislation is pending. NOTE:

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; s. 13.93 (2) (c).

****NOTE: I ~~included~~ ^{added} this amendment; I believe ~~the version I included~~ ^{this version} makes more sense than the version printed by the Revisor. Please review.

INSERT 37-2

17 **SECTION 81.** 813.123 (5) (c) 1. of the statutes is amended to read:

18 813.123 (5) (c) 1. An injunction under this subsection is effective according to
19 its terms ~~(,)~~ but for not more than 4 years.

NOTE: NOTE: The bracketed comma was deleted by 2005 Wis. Act 388 without being shown as stricken. No change was intended. Corrective legislation is pending.NOTE:

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; s. 13.93 (2) (c).

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37-7

INSERT
ADD
37-16

Fix component

****NOTE: The amendment to this provision inserts a comma.

1 **SECTION 82.** 813.123 (6) (c) of the statutes, as affected by 2005 Wisconsin Acts
 2 264 and 388, is ~~amended~~ ^{repealed and recreated} to read: ~~or~~ ^{strike comma}
 3 813.123 (6) (c) That the respondent interfered with or, based on prior conduct
 4 of the respondent, may interfere with an investigation of the elder adult at risk under
 5 s. 46.90 (5), an investigation of the adult at risk under s. 55.043 ~~or~~ the delivery of
 6 protective services to ~~the~~ ^{PLAIN "OR"} individual at risk or a protective placement of the
 7 individual at risk under ch. 55, or the delivery of services to the elder adult at risk
 8 under s. 46.90 (5m); or that the respondent engaged in, or threatened to engage in,
 9 the abuse, financial exploitation, neglect, stalking, or harassment of an individual
 10 at risk or mistreatment of an animal.

NOTE: NOTE: Par. (c) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed "the" was deleted by 2005 Wis. Act 264 but must be reinserted for correct grammar. Corrective legislation is pending. NOTE:

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; s. 13.93 (2) (c).

INSERT
ADD
38-10

11 **SECTION 83.** 813.123 (7) of the statutes, as affected by Wisconsin Acts 264 and
 12 388, is amended to read:
 13 813.123 (7) INTERFERENCE ORDER. Any order under ~~or ch. 55~~ sub. (4) (ar) 1. or
 14 2. or (5) (ar) 1. or 2. also shall prohibit the respondent from intentionally preventing
 15 a representative or employee of the county protective services agency from meeting,
 16 communicating, or being in visual or audio contact with the adult at risk, except as
 17 provided in the order.

NOTE: NOTE: Sub. (7) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed material was inserted 2005 Wis. Act 264 but rendered surplusage by 2005 Wis. Act 388. Corrective legislation is pending. NOTE:

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; s. 13.93 (2) (c).

18 **SECTION 84.** 885.17 of the statutes is amended to read:
 19 **885.17 Transactions with deceased agent.** No party, and no person from,
 20 through, or under whom a party derives the party's interest or title, may be
 21 examined as a witness in respect to any transaction or communication by the party
 22 or person personally with an agent of the adverse party or an agent of the person

1 from, through, or under whom such adverse party derives his or her interest or title,
2 if the agent is dead, mentally ill, or adjudicated incompetent as a witness, unless the
3 opposite party shall first be examined or some other witness in his or her behalf
4 examined in respect to some transaction or communication between the agent and
5 the other party or person; or unless the testimony of the agent, at any time taken,
6 be first read or given in evidence by the opposite party; and then, in either case
7 respectively, only in respect to such the transaction or communication of which
8 testimony is so given or to the matters to which the testimony relates.

History: 1993 a. 486; 2005 a. 387.

****NOTE: This provision, as affected by 2005 Act 387, is amended in this bill to delete an ~~incorrect~~ comma in the first sentence of the provision.

incorrect, duplicate