WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO

2009 Senate Bill 503	**Senate Amendment 1**

Memo published: **March 3, 2010**   *Contact*: **Jessica Karls-Ruplinger, Staff Attorney (266-2230)**

2009 Senate Bill 503 provides that in response to an investigation indicating that an individual at risk is the subject of financial exploitation, an individual-at-risk agency *shall* file a petition requesting a court to order a financial institution to refuse any transfers and withdrawals from any account that the individual at risk holds, individually or jointly, at the financial institution. "Individual at risk" means an elder adult at risk or an adult at risk, and "individual-at-risk agency" means an elder-adult-at-risk agency or an adult-at-risk agency. The bill also describes the procedure under which a court issues such an order.

Senate Amendment 1 provides that an individual-at-risk agency *may* file a petition requesting a court order under the bill.

In addition, *2009 Senate Bill 503* provides that in determining whether there are reasonable grounds to issue an injunction, a judge may consider testimony given by any of the following:

- The person who has conducted or is likely to conduct the financial exploitation.

- Any person with whom the individual at risk holds a joint account that may be subject to a court order.

- A representative of the financial institution at which the financial exploitation has occurred or is likely to occur.

Senate Amendment 1 also allows a judge to consider testimony given by any person the judge finds appropriate.

Legislative History

Senate Amendment 1 was offered by Senator Kreitlow. On March 3, 2010, the Senate Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 5; Noes, 0.

JKR:ksm