

State of Wisconsin



2015 Assembly Bill 674

Date of enactment: **March 30, 2016**
Date of publication*: **March 31, 2016**

2015 WISCONSIN ACT 343

AN ACT *to create* 50.085 and 54.68 (2) (cm) of the statutes; **relating to:** visitation of residents by family members.

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

SECTION 1. 50.085 of the statutes is created to read:

50.085 Visitation by family members. (1) DEFINITIONS. In this section:

(a) "Adult child" means an individual who is at least 18 years of age and who is related to a resident biologically, through adoption, through the marriage or former marriage of the resident to the biological parent of the adult child, or by a judgment of parentage entered by a court of competent jurisdiction.

(am) "Family member" means any spouse, adult child, adult grandchild, parent, or sibling of a resident.

(b) "Resident" means an adult resident of any of the following:

1. A hospital, as defined in s. 50.33 (2).
2. A hospice, as defined in s. 50.90 (1).
3. A nursing home, as defined in s. 50.01 (3).
4. A community-based residential facility, as defined in s. 50.01 (1g).
5. Any home or other residential dwelling in which the resident is receiving care and services from any person.

(c) "Visitation" means an in-person meeting or any telephonic, written, or electronic communication.

(2) **PETITION FOR VISITATION.** If a family member is being denied visitation with a resident, the family mem-

ber may petition a court to compel visitation with the resident. The court may not issue an order compelling visitation if the court finds any of the following:

(a) The resident, while having the capacity to evaluate and communicate decisions regarding visitation, expresses a desire to not have visitation with that family member.

(b) Visitation between the petitioning family member and the resident is not in the best interest of the resident.

(3) **EXPEDITED HEARING.** If the petition under sub. (2) states that the resident's health is in significant decline or that the resident's death may be imminent, the court shall conduct an emergency hearing on the petition under sub. (2) as soon as practicable and no later than 10 days after the date the petition is filed with the court.

(4) **SANCTIONS; REMEDIES.** Upon a motion or on the court's own motion, if the court finds during a hearing on a petition under sub. (2) that a person is knowingly isolating a resident, the court shall order the person to pay court costs and reasonable attorney fees of the petitioner under sub. (2) and may order other appropriate remedies. No costs, fees, or other sanctions may be paid from the resident's finances or estate.

SECTION 2r. 54.68 (2) (cm) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

54.68 (2) (cm) Knowingly isolating a ward from the ward's family members or violating a court order under s. 50.085 (2).
