

2015 Assembly Bill 674 (LRB -3593)

An Act to create 50.085 of the statutes; relating to: visitation of residents of certain facilities by adult children. (FE)

2016

01-11. A. Introduced by Representatives Spiros, Ballweg, Bernier, Duchow, Horlacher, Knodl, Krug, T. Larson, A. Ott, Sinicki, Skowronski, Thiesfeldt and Tittl; cosponsored by Senators Moulton, Lasee and Olsen. 477

01-11. A. Read first time and referred to Committee on Children and Families 477

01-19. A. Fiscal estimate received

01-27. A. Public hearing held

02-08. A. Assembly Amendment 1 offered by Representative Spiros (LRB a1879) 584

02-08. A. Assembly Amendment 2 offered by Representative Spiros (LRB a1880) 584

02-08. A. Assembly Amendment 3 offered by Representative Spiros (LRB a1881) 584

02-08. A. Assembly Amendment 4 offered by Representative Spiros (LRB a1882) 584

02-08. A. Assembly Amendment 5 offered by Representative Spiros (LRB a1892) 584

02-08. A. Assembly Amendment 6 offered by Representative Spiros (LRB a1893) 584

02-10. A. Executive action taken

02-11. A. Report Assembly Amendment 1 adoption recommended by Committee on Children and Families, Ayes 12, Noes 0 626

02-11. A. Report Assembly Amendment 2 adoption recommended by Committee on Children and Families, Ayes 10, Noes 2 626

02-11. A. Report Assembly Amendment 3 adoption recommended by Committee on Children and Families, Ayes 12, Noes 0 627

02-11. A. Report Assembly Amendment 5 adoption recommended by Committee on Children and Families, Ayes 12, Noes 0 627

02-11. A. Report passage as amended recommended by Committee on Children and Families, Ayes 10, Noes 2 627

02-11. A. Referred to committee on Rules 627

02-11. A. Placed on calendar 2-16-2016 by Committee on Rules

02-16. A. Rules suspended to withdraw from calendar and take up 672

02-16. A. Read a second time 672

02-16. A. Assembly Amendment 1 adopted 672

02-16. A. Assembly Amendment 2 adopted 672

02-16. A. Assembly Amendment 3 adopted 672

02-16. A. Assembly Amendment 5 adopted 672

02-16. A. Ordered to a third reading 672

02-16. A. Rules suspended 672

02-16. A. Read a third time and passed 672

02-16. A. Ordered immediately messaged 672

02-17. S. Received from Assembly 753

02-17. S. Read first time and referred to committee on Health and Human Services 756

03-03. S. Public hearing held

03-03. S. Executive action taken

03-08. S. Report concurrence recommended by Committee on Health and Human Services, Ayes 5, Noes 0 795

03-08. S. Available for scheduling

03-15. S. Rules suspended to withdraw from committee on Senate Organization and take up

03-15. S. Read a second time

03-15. S. Ordered to a third reading

03-15. S. Rules suspended

03-15. S. Read a third time and concurred in

03-15. S. Ordered immediately messaged

03-16. A. Received from Senate concurred in 782

2015
ENROLLED BILL

15en A B- 674

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

15 -3593/1

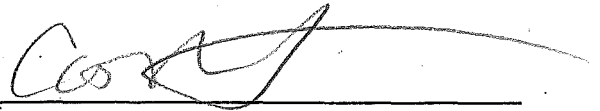
Amendments to above (if none, write "NONE"): AA1, AA2, AA3,
AA5

Corrections - show date (if none, write "NONE"): NONE

Topic REL CLAUSE

3/17/16

Date



Enrolling Drafter



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3593/1
TJD:ahc

2015 ASSEMBLY BILL 674

January 11, 2016 - Introduced by Representatives SPIROS, BALLWEG, BERNIER, DUCHOW, HORLACHER, KNODL, KRUG, T. LARSON, A. OTT, SINICKI, SKOWRONSKI, THIESFELDT and TITTL, cosponsored by Senators MOULTON, LASEE and OLSEN. Referred to Committee on Children and Families.

1 AN ACT to create 50.085 of the statutes; relating to: visitation of residents of
2 AA1, certain facilities by adult children family members AA5 1.

Analysis by the Legislative Reference Bureau

This bill allows an adult child who is being prevented from visiting or communicating with his or her parent to petition a court for visitation. The bill applies to a parent who is a resident of a hospital, hospice, nursing home, or community-based residential facility. The court may not grant an adult child's petition for visitation if the court finds that the resident, while having the capacity to evaluate and communicate decisions regarding visitation, expresses a desire to not have visitation with that adult child or that the visitation would not be in the resident's best interest.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 50.085 of the statutes is created to read:
4 50.085 Visitation by adult children family members (1) DEFINITIONS. In this section:
5 (a) "Adult child" means an individual who is at least 18 years of age and who
6 is related to a resident biologically, through adoption, through the marriage or

ASSEMBLY BILL 674

SECTION 1

1 former marriage of the resident to the biological parent of the adult child, or by a
2 judgment of parentage entered by a court of competent jurisdiction.

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

3. 4 1. A hospital, as defined in s. 50.33 (2).

5 2. A hospice, as defined in s. 50.90 (1).

6 3. A nursing home, as defined in s. 50.01 (3).

7 4. A community-based residential facility, as defined in s. 50.01 (1g).

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

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10 (2) PETITION FOR VISITATION. If an adult child is being denied visitation with a
11 resident, the adult child may petition a court to compel visitation with the resident. AAS-4,
AAS-5.

12 The court may not issue an order compelling visitation if the court finds any of the
13 following:

14 (a) The resident, while having the capacity to evaluate and communicate
15 decisions regarding visitation, expresses a desire to not have visitation with that
16 adult child. family member AAS-6.

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17 (b) Visitation between the petitioning adult child and the resident is not in the
18 best interest of the resident. family member AAS 7,

19 (END)

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State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1879/1
TJD:kjf

ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 674

February 8, 2016 – Offered by Representative SPIROS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 1: delete the material beginning with “residents” and ending
3 with “facilities” on line 2 and substitute “residents”.

4 **2.** Page 2, line 7: after that line insert:

5 “5. Any home or other residential dwelling in which the resident is receiving
6 care and services from any person.”

7 (END)

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2.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1880/1
TJD:wlj

ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 674

February 8, 2016 - Offered by Representative SPIROS.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 18: after that line insert:

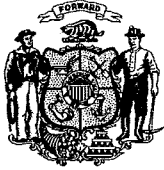
3 "(4) SANCTIONS; REMEDIES. Upon a motion or on the court's own motion, if the
4 court finds during a hearing on a petition under sub. (2) that a person is knowingly
5 isolating a resident, the court shall order the person to pay court costs and reasonable
6 attorney fees of the petitioner under sub.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

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

10 54.68 (2) (cm) Knowingly isolating a ward from the ward's family members or
11 violating a court order under s. 50.085 (2)."

12 (END)

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State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1881/1
TJD:amn

ASSEMBLY AMENDMENT 3,
TO ASSEMBLY BILL 674

February 8, 2016 – Offered by Representative SPIROS.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 18: after that line insert:

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

8 (END)

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State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1892/1
TJD:klm

ASSEMBLY AMENDMENT 5,
TO ASSEMBLY BILL 674

February 8, 2016 – Offered by Representative SPIROS.

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 2: delete “adult children” and substitute “family members”.

3 2. Page 1, line 4: delete “**adult children**” and substitute “**family members**”.

4 3. Page 2, line 2: after that line insert:

5 “(am) “Family member” means any spouse, adult child, adult grandchild,
6 parent, or sibling of a resident.”

LINE 5 3.

7 4. Page 2, line 10: delete “an adult child” and substitute “a family member”.

8 5. Page 2, line 11: delete “resident the adult child” and substitute “resident,
9 the family member”.

10 6. Page 2, line 16: delete “adult child” and substitute “family member”.

11 7. Page 2, line 17: delete “adult child” and substitute “family member”.

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(END)