



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4050/1
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2015 SENATE BILL 487

December 29, 2015 - Introduced by Senators MOULTON, LASEE and OLSEN, cosponsored by Representatives SPIROS, BALLWEG, BERNIER, DUCHOW, HORLACHER, KNODL, KRUG, T. LARSON, A. OTT, SINICKI, SKOWRONSKI, THIESFELDT and TITTL. Referred to Committee on Health and Human Services.

1 **AN ACT** *to create* 50.085 of the statutes; **relating to:** visitation of residents of
2 certain facilities by adult children.

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.** (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

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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.

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

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.

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.
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.

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

19 **(END)**