

1989 Assembly Bill 651

Date of enactment: **April 20, 1990**

Date of publication*: **May 3, 1990**

1989 WISCONSIN ACT 274

AN ACT to create 755.01 (5) of the statutes, relating to: authorizing municipalities with municipal courts to permit the appointment of guardians ad litem.

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

SECTION 1. 755.01 (5) of the statutes is created to read:

755.01 (5) A municipal court shall appoint a guardian ad litem for any defendant that the court has reason to believe is mentally incompetent. The governing body may by ordinance or bylaw authorize the appointment of a guardian ad litem by the municipal judge in any other matter within the jurisdiction of the municipal court.

NOTE: Subsection (5) permits municipal governing bodies to authorize municipal judges to appoint guardians ad litem. There is no right to counsel in civil actions. However, a troubling situation exists when an apparently mentally incompetent person appears in municipal court unrepresented. If he or she is found guilty of violating an ordinance, confinement may result if any forfeiture imposed is unpaid. In some such situations, it may be appropriate for the municipal court to appoint a guardian ad litem to represent to the court the best interests of the person accused of violating the municipal ordinance.