

1993 Senate Bill 186

Date of enactment: **March 11, 1994**
Date of publication*: **March 25, 1994**

1993 WISCONSIN ACT 148

AN ACT to *repeal* 243.10 (1) (c); to *amend* 243.10 (1) (a) and 243.10 (18); and to *create* 243.10 (2m) of the statutes, relating to: the filing, distribution and durability of the statutory form power of attorney.

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

SECTION 1. 243.10 (1) (a) of the statutes is amended to read:

243.10 (1) (a) *Form.* The following statutory form of power of attorney is legally sufficient:

STATUTORY POWER OF ATTORNEY

NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO PLEDGE, SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THE POWERS WILL EXIST ~~EVEN~~ AFTER YOU BECOME DISABLED, INCAPACITATED OR INCOMPETENT ~~UNLESS IF YOU STRIKE~~ CIRCLE THAT PROVISION. THE POWERS THAT YOU GIVE YOUR AGENT ARE EXPLAINED MORE FULLY IN SECTION 243.10 OF THE WISCONSIN STATUTES. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH-CARE DECISIONS FOR YOU. IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

I (insert your name and address) appoint (insert the name and address of the person appointed, or of each

person appointed, if you want to designate more than one) as my agent to act for me in any lawful way with respect to the powers initialed below. If the person or persons appointed are unable or unwilling to act as my agent, I appoint (insert name and address of alternate person appointed) to act for me in any lawful way with respect to the powers initialed below.

TO GRANT ONE OR MORE OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

Initials

- _____ 1. Real property transactions.
- _____ 2. Tangible personal property transactions.
- _____ 3. Stock and bond transactions.
- _____ 4. Commodity and option transactions.
- _____ 5. Banking and other financial institution transactions.
- _____ 6. Business operating transactions.
- _____ 7. Insurance and annuity transactions.
- _____ 8. Estate, trust, and other beneficiary transactions.
- _____ 9. Claims and litigation.
- _____ 10. Personal and family maintenance.

1993 Senate Bill 186

11. Benefits from social security, medicare, medicaid or other governmental programs, or military service.

12. Retirement plan transactions.

13. Tax matters.

SPECIAL INSTRUCTIONS:

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

[Dotted lines for special instructions]

This power of attorney will become effective (immediately) (immediately, and is not affected by my subsequent disability, incapacity or incompetency) (when I become disabled, incapacitated or incompetent) ~~STRIKE THROUGH CIRCLE ONE.~~

I agree that any third party who receives a copy of this document may act under it. Revocation of the power of attorney is not effective as to a third party until the third party learns of the revocation. I agree to reimburse the third party for any loss resulting from claims that arise against the third party because of reliance on this power of attorney.

Signed this day of, 19..

....

(Your Signature)

....

(Your Social Security Number)

State of

County of

This document was acknowledged before me on (date) by (name of principal).

....

(Signature of Notarial Officer)

(Seal, if any)

....

(Title)

[My commission expires:]

BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

SECTION 2. 243.10 (1) (c) of the statutes is repealed.

SECTION 2m. 243.10 (2m) of the statutes is created to read:

243.10 (2m) The department of health and social services shall prepare and provide copies of the statutory power of attorney form under sub. (1) (a) for distribution in quantities to health care professionals, hospitals, nursing homes, multipurpose senior centers, county clerks and local bar associations and individually to private persons. The department of health and social services may charge a reasonable fee for the cost of preparation and distribution of the forms.

SECTION 3. 243.10 (18) of the statutes is amended to read:

243.10 (18) REVOCATION OF POWER OF ATTORNEY. A principal may revoke his or her power of attorney and invalidate the power of attorney at any time by executing a statement, in writing, that is signed and dated by the principal, expressing the principal's intent to revoke the power of attorney, and by filing that statement in the same counties where the statutory power of attorney form was filed under sub. (1) (c).

SECTION 4. Initial applicability. This act first applies to statutory power of attorney forms signed on the effective date of this SECTION.