



JOHN SPIROS

State Representative • 86th Assembly District

Assembly Bill 674

January 27, 2016

Testimony from Rep. Spiros

Good morning and thank you Chair and members of the Assembly Committee on Children and Families for allowing me to have the opportunity to talk to you today regarding Assembly Bill 674, a bill that would allow an adult child who is being prevented from visiting or communicating with his or her parent to petition a court for visitation.

Currently adult children have few to no legal rights when it comes to their ailing parents. All rights relating to the care of ailing individuals belong to their spouse or power of attorney. This leaves the children of these individuals without the basic rights to visit their parents. Imagine being denied access to visit an ailing parent, whom you care for most in the world, during their time of need.

You may be familiar with the story of Casey Kasem, a famous radio personality who battled illness and later passed away in 2014. Due to his condition, Casey was no longer able to speak during his final months. As his health worsened in 2013, Casey's wife prevented any contact with her husband, particularly from his children by his first marriage, even going so far as to conceal his whereabouts from his loved ones. As a result of this horrific experience, Casey's daughter Kerri founded KasemCares to prevent elder abuse and ensure that families have the right to visit ailing loved ones.

This bill creates a legal path for family members to petition a court to rule on visitation without incurring the enormous expenses of time and money necessary to challenge the guardianship or conservatorship. It would create a channel for the adult children of an ailing individual to petition a court to rule on visitation when the parent in question is unable to make their own decisions regarding visitation.

Elder abuse is a silent epidemic affecting thousands of people across the country and this type of abuse happens far more often than it should. This legislation will help to end the isolation that allows elder abuse. This bill has been passed in Iowa, Texas, and California, and introduced in others.

Thank you again for allowing me the opportunity to testify in support of this bill, and I would welcome any questions.



TERRY MOULTON



WISCONSIN STATE SENATOR

23RD SENATE DISTRICT

From: Senator Terry Moulton

To: Assembly Committee on Children and Families

Re: **Testimony on Assembly Bill 674**
Relating to: visitation of residents of certain facilities by adult children.

Date: **January 27, 2016**

Madam Chair and committee members, thank you for the opportunity to speak to you today about Assembly Bill 674, which address the visitation of residents of hospital, hospice, nursing home, or community-based residential facilities by adult children.

This bill will allow an adult child who is being prevented from visiting or communicating with his or her parent to petition a court for visitation. This bill applies only to a parent who is a resident of a hospital, hospice, nursing home, or community-based residential facility.

This issue was brought to our attention by the Kasem Cares foundation, and addresses circumstances where an aging adult is unable to make their own decisions due to illness while staying in one of the facilities denoted above. In some circumstances, the power of attorney for the aging adult or the facility itself has barred the patient's adult children from seeing their parents.

Put simply, this bill creates a legal path for family members to petition a court to rule on visitation without incurring the enormous expenses of time and money necessary to challenge guardianship or conservatorship. Some have expressed concern that this bill would allow a court to overrule the patient's wishes or best interests. To be clear, this bill prevents a court from granting a petition for visitation if "the resident, while having the capacity to evaluate and communicate decisions regarding visitation, expresses a desire to not have visitation with that adult child." This bill also prevents a court from granting a petition for visitation if the court finds that the visitation would not be in the patient's best interest.

With an aging population and a rising number of Wisconsinites in community-based residential care facilities, the issue of visitation rights for adults children is especially important. If patients are cut off from their children, they can become more vulnerable to elder abuse. This bill will ensure the visitation rights of adult children and guarantee that the wishes and interests of patients remain the number one concern.

I ask you to please consider the passage of Assembly Bill 674. Thank you again for allowing me to testify today.

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