

No. 300, A.]

[Published June 4, 1947.]

**CHAPTER 202.**

AN ACT to amend 100.06 (4a) of the statutes, relating to the filing of bonds by trustees under contracts by which payment for dairy products is secured to producers, and providing a penalty.

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

100.06 (4a) of the statutes is amended to read:

100.06 (4a) Contracts by which payment for dairy products is secured to some person in trust for the use of the producers shall be accepted by the department only if the person named to so act shall have been selected by the majority of such producers at least once annually, *and only if the person so selected shall first make and file with the department a fidelity bond, in such form as the department may require, and in a sum to be fixed at not less than the amount of money reasonably likely to be in his possession or under his control at any one time.*

Approved May 29, 1947.

No. 333, A.]

[Published June 4, 1947.]

**CHAPTER 203.**

AN ACT to create 319.50 of the statutes, relating to guardianship of veterans who are beneficiaries of the veterans' administration and known as the uniform veterans' guardianship act.

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

319.50 of the statutes is created to read:

319.50 UNIFORM VETERANS' GUARDIANSHIP ACT. (1) DEFINITIONS. As used in this section:

(a) "Veterans' Administration" means the veterans' administration, its predecessors or successors.

(b) "Income" means moneys received from the veterans' administration and revenue or profit from any property wholly or partially acquired therewith.

(c) "Estate" means income on hand and assets acquired partially or wholly with "Income."

(d) "Benefits" means all moneys paid or payable by the United States through the veterans' administration.

(e) "Administrator" means the administrator of veterans' affairs of the United States or his successor.

(f) "Ward" means a beneficiary of the veterans' administration.

(g) "Guardian" means any fiduciary for the person or estate of a ward.

(2) ADMINISTRATOR AS PARTY IN INTEREST. The administrator shall be a party in interest in any proceeding for the appointment or removal of a guardian or for the removal of the disability of minority or mental incapacity of a ward, and in any suit or other proceeding affecting in any manner the administration by the guardian of the estate of any present or former ward whose estate includes assets derived in whole or in part from benefits heretofore or hereafter paid by the veterans' administration. Not less than 15 days prior to hearing in such matter notice in writing of the time and place thereof shall be given by mail (unless waived in writing) to the office of the veterans' administration having jurisdiction over the area in which any such suit or any such proceeding is pending.

(3) APPLICATION. Whenever, pursuant to any law of the United States or regulation of the veterans' administration, it is necessary, prior to payment of benefits, that a guardian be appointed, the appointment may be made in the manner hereinafter provided.

(4) LIMITATION ON NUMBER OF WARDS. No person other than a bank or trust company shall be guardian of more than 5 wards at one time, unless all the wards are members of one family. Upon presentation of a petition by an attorney of the veterans' administration or other interested person, alleging that a guardian is acting in a fiduciary capacity for more than 5 wards as herein provided and requesting his discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting forthwith from such guardian and shall discharge him from guardianship in excess of 5 and forthwith appoint a successor.

**(5) APPOINTMENT OF GUARDIANS.**

(a) A petition for the appointment of a guardian may be filed by any relative or friend of the ward or by any person who is authorized by law to file such a petition. If there is no person so authorized or if the person so authorized refuses or fails to file such a petition within 30 days after mailing of notice by the veterans' administration to the last known address of the person, if any, indicating the necessity for the same, a petition for appointment may be filed by any resident of the state.

(b) The petition for appointment shall set forth the name, age, place of residence of the ward, the name and place of residence of the nearest relative, if known, and the fact that the ward is entitled to receive benefits payable by or through the veterans' administration and shall set forth the amount of moneys then due and the amount of probable future payments.

(c) The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward and the name, age, relationship, if any, occupation and address of the proposed guardian and if the nominee is a natural person, the number of wards for whom the nominee is presently acting as guardian. Notwithstanding any law as to priority of persons entitled to appointment, or the nomination in the petition, the court may appoint some other individual or a bank or trust company as guardian, if the court determines it is for the best interest of the ward.

(d) In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent by the veterans' administration on examination in accordance with the laws and regulations governing the veterans' administration.

**(6) EVIDENCE OF NECESSITY FOR GUARDIAN OF INFANT.** Where a petition is filed for the appointment of a guardian for a minor, a certificate of the administrator or his authorized representative, setting forth the age of such minor as shown by the records of the veterans' administration and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the veterans' administration shall be prima facie evidence of the necessity for such appointment.

**(7) EVIDENCE OF NECESSITY FOR GUARDIAN FOR INCOMPETENT.** Where a petition is filed for the appoint-

ment of a guardian for a mentally incompetent ward, a certificate of the administrator or his duly authorized representative, that such person has been rated incompetent by the veterans' administration on examination in accordance with the laws and regulations governing such veterans' administration and that the appointment of a guardian is a condition precedent to the payment of any moneys due such ward by the veterans' administration, shall be prima facie evidence of the necessity for such appointment.

(8) NOTICE. Upon the filing of a petition for the appointment of a guardian under this section, notice shall be given to the ward, to such other persons, and in such manner as is provided by statute, and also to the veterans' administration as provided by this section.

(9) BOND.

(a) Upon the appointment of a guardian, he shall execute and file a bond to be approved by the court in an amount not less than the estimated value of the personal estate and anticipated income of the ward during the ensuing year. The bond shall be in the form and be conditioned as required of guardians appointed under the general guardianship law. The court may from time to time require the guardian to file an additional bond.

(b) Where a bond is tendered by a guardian with personal sureties, there shall be at least 2 such sureties and they shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and shall state that each is worth the sum named in the bond as the penalty thereof over and above all his debts and liabilities and the aggregate of other bonds on which he is principal or surety and exclusive of property exempt from execution. The court may require additional security or may require a corporate surety bond, the premium thereon to be paid from the ward's estate.

(10) PETITIONS AND ACCOUNTS, NOTICES AND HEARINGS.

(a) Every guardian shall file his accounts as required by chapter 319 and shall be excused from filing accounts in the case as provided by section 319.11 (3).

(b) The guardian, at the time of filing any account, shall exhibit all securities or investments held by him to an officer

of the bank or other depository wherein said securities or investments are held for safekeeping or to an authorized representative of the corporation which is surety on his bond, or to the judge or clerk of a court of record, or, upon request of the guardian or other interested party, to any other reputable person designated by the court, who shall certify in writing that he has examined the securities or investments and identified them with those described in the account, and shall note any omissions or discrepancies. If the depository is the guardian, the certifying officer shall not be the officer verifying the account. The guardian may exhibit the securities or investments to the judge of the court, who shall endorse on the account and copy thereof a certificate that the securities or investments shown therein as held by the guardian were each in fact exhibited to him and that those exhibited to him were the same as those shown in the account, and noting any omission or discrepancy. That certificate and the certificate of an official of the bank in which are deposited any funds for which the guardian is accountable, showing the amount on deposit, shall be prepared and signed in duplicate and one of each be filed by the guardian with his account.

(c) At the time of filing in the court any account, a certified copy thereof shall be sent by the guardian to the office of the veterans' administration having jurisdiction over the area in which the court is located. A signed duplicate or a certified copy of any petition, motion or other pleading pertaining to an account, or to any matter other than an account, and which is filed in the guardianship proceedings or in any proceeding for the purpose of removing the disability of minority or mental incapacity, shall be furnished by the person filing the same to the proper office of the veterans' administration. Unless waived in writing, written notice of the time and place of any hearing shall be given the veterans' administration office concerned and the guardian and any others entitled to notice not less than 15 days prior to the date fixed for the hearing. The notice may be given by mail in which event it shall be deposited in the mails not less than 15 days prior to said date. The court, or clerk thereof, shall mail to said veterans' administration office a copy of each order entered in any guardianship proceeding wherein the administrator is an interested party.

(d) If the guardian is accountable for property derived

from sources other than the veterans' administration, he shall be accountable as required under the applicable law of this state pertaining to the property of minors or persons of unsound mind who are not beneficiaries of the veterans' administration, and as to such other property shall be entitled to the compensation provided by such law. The account for other property may be combined with the account filed in accordance with this section.

(11) PENALTY FOR FAILURE TO ACCOUNT. If any guardian shall fail to file with the court any account as required by this section, or by an order of the court, when any account is due or within 30 days after citation issues as provided by law, or shall fail to furnish the veterans' administration a true copy of any account, petition or pleading as required by this section, such failure may in the discretion of the court be ground for his removal.

(12) COMPENSATION OF GUARDIANS. Guardians shall be compensated as provided in section 319.37.

(13) INVESTMENTS. Every guardian shall invest the surplus funds of his ward's estate in such securities or property as authorized under the laws of this state but only upon prior order of the court; except that the funds may be invested, without prior court authorization, in direct unconditional interest-bearing obligations of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States. A signed duplicate or certified copy of the petition for authority to invest shall be furnished the proper office of the veterans' administration, and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account.

(14) MAINTENANCE AND SUPPORT. A guardian shall not apply any portion of the income or the estate for the support or maintenance of any person other than the ward, the spouse and the minor children of the ward, except upon petition to and prior order of the court after a hearing. A signed duplicate or certified copy of said petition shall be furnished the proper office of the veterans' administration and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account or other pleading.

(15) PURCHASE OF HOME FOR WARD.

(a) The court may authorize the purchase of the entire fee

simple title to real estate in this state in which the guardian has no interest, but only as a home for the ward, or to protect his interest, or, if he is not a minor as a home for his dependent family. Such purchase of real estate shall not be made except upon the entry of an order of the court after hearing upon verified petition. A copy of the petition shall be furnished the proper office of the veterans' administration and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account.

(b) Before authorizing such investment the court shall require written evidence of value and of title and of the advisability of acquiring such real estate. Title shall be taken in the ward's name. This subsection does not limit the right of the guardian on behalf of his ward to bid and to become the purchaser of real estate at a sale thereof pursuant to decree of foreclosure of lien held by the ward, or at a trustee's sale, to protect the ward's right in the property so foreclosed or sold; nor does it limit the right of the guardian, if such be necessary to protect the ward's interest and upon prior order of the court in which the guardianship is pending, to agree with co-tenants of the ward for a partition in kind, or to purchase from co-tenants the entire undivided interests held by them, or to bid and purchase the same at a sale under a partition decree, or to compromise adverse claims of title to the ward's realty.

(16) COPIES OF PUBLIC RECORDS TO BE FURNISHED. When a copy of any public record is required by the veterans' administration to be used in determining the eligibility of any person to participate in benefits made available by the veterans' administration, the official custodian of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the authorized representative of the veterans' administration with a certified copy of such record.

(17) DISCHARGE OF GUARDIAN AND RELEASE OF SURETIES. In addition to any other provisions of law relating to judicial restoration and discharge of guardian, a certificate by the veterans' administration showing that a minor ward has attained majority, or that an incompetent ward has been rated competent by the veterans' administration upon examination in accordance with law shall be prima facie evidence that the ward has attained majority, or has recovered his com-

petency. Upon hearing after notice as provided by this section and the determination by the court that the ward has attained majority or has recovered his competency, an order shall be entered to that effect, and the guardian shall file a final account. Upon hearing after notice to the former ward and to the veterans' administration as in case of other accounts, upon approval of the final account, and upon delivery to the ward of the assets due him from the guardian, the guardian shall be discharged and his sureties released.

(18) LIBERAL CONSTRUCTION. This section shall be so construed to make uniform the law of those states which enact it.

(19) SHORT TITLE. This section may be cited as the "Uniform Veterans' Guardianship Act."

(20) MODIFICATION OF OTHER STATUTES. Except where inconsistent with this section, the statutes relating to guardian and ward and the judicial practice relating thereto, including the right to trial by jury and the right of appeal, shall be applicable to beneficiaries and their estates.

(21) APPLICATION OF ACT. The provisions of this section relating to surety bonds and the administration of estates of wards shall apply to all "income" and "estate" as defined in subsection (1) whether the guardian shall have been appointed under this section or under any other law of this state, special or general, prior or subsequent to the enactment hereof.

Approved May 29, 1947.

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#### CHAPTER 204.

AN ACT to amend 289.71 (1) of the statutes, relating to disposition of articles left for laundering.

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

289.71 (1) of the statutes is amended to read:

289.71. DISPOSITION OF ARTICLES LEFT FOR LAUNDERING, DRY CLEANING, REPAIR, STORAGE. (1) Any garment, clothing, wearing apparel or household goods remaining in the possession of a person, firm, partnership or corporation, on which