
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 122 [2021 Senate Bill 395]

Response to Reports Relating to Elder-Adults-at-Risk and Adults- at-Risk

BACKGROUND

Under prior law, if an elder-adult-at-risk agency¹ or adult-at-risk agency² had reason to believe that an elder-adult-at-risk³ or adult-at-risk⁴ has been the subject of abuse, financial exploitation, neglect, or self-neglect, the elder-adult-at-risk agency or adult-at-risk agency was authorized, but not required, to respond, including by conducting an investigation to determine whether the elder-adult-at-risk or adult-at-risk is in need of protective services.

2021 WISCONSIN ACT 122

2021 Wisconsin Act 122 requires that, upon receiving a report of alleged abuse, financial exploitation, neglect, or self-neglect of an elder-adult-at-risk or adult-at-risk, an elder-adult-at-risk or adult-at-risk agency's response must include at least one of the six methods of investigation provided under current law.

2021 Wisconsin Act 122 also requires that, upon receiving a report of alleged abuse, financial exploitation, neglect, or self-neglect of an adult-at-risk, the adult-at-risk agency must respond. Under the act, if the agency has reason to believe there is abuse, financial exploitation, neglect, or self-neglect of an adult-at-risk, and the person suspected of perpetrating the abuse is a caregiver or nonclient resident, the adult-at-risk agency must commence investigation and refer the report to the Department of Health Services (DHS) within 24 hours, excluding Saturdays, Sundays, and legal holidays. DHS must coordinate its investigation with other agencies or authorities as appropriate.

Effective date: February 4, 2022

RB:jal

¹ “Elder-adult-at-risk agency” means the agency designated by the county board of supervisors to receive, respond to, and investigate reports of abuse, neglect, self-neglect, and financial exploitation. [s. 46.90 (1) (bt), Stats.]

² An “adult-at-risk agency” means the agency designated by the county board of supervisors to receive, respond to, and investigate reports of abuse, neglect, self-neglect, and financial exploitation of adults at risk. [ss. 55.01(1f) and 55.043, Stats.]

³ “Elder adult at risk” means any person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation. [s. 46.90 (1) (br), Stats.]

⁴ An “adult at risk” means any adult who has a physical or mental condition that substantially impairs their ability to care for their needs and who has experiences, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation. [s. 55.01 (1e), Stats.]