



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs0339/1  
TJD:all

**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 487**

February 11, 2016 - Offered by Senator MOULTON.

1 **AN ACT to create** 50.085, 54.25 (1) (c) and 54.68 (2) (cm) of the statutes; **relating**  
2 **to:** visitation of residents by family members, right to receive and refuse  
3 communication, and notification of ward's change of location.

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

4 **SECTION 1.** 50.085 of the statutes is created to read:

5 **50.085 Visitation by family members. (1) DEFINITIONS.** In this section:

6 (a) "Adult child" means an individual who is at least 18 years of age and who  
7 is related to a resident biologically, through adoption, through the marriage or  
8 former marriage of the resident to the biological parent of the adult child, or by a  
9 judgment of parentage entered by a court of competent jurisdiction.

10 (am) "Family member" means any spouse, adult child, adult grandchild,  
11 parent, or sibling of a resident.

1 (b) “Resident” means an adult resident of any of the following:

2 1. A hospital, as defined in s. 50.33 (2).

3 2. A hospice, as defined in s. 50.90 (1).

4 3. A nursing home, as defined in s. 50.01 (3).

5 4. A community-based residential facility, as defined in s. 50.01 (1g).

6 5. Any home or other residential dwelling in which the resident is receiving  
7 care and services from any person.

8 (c) “Visitation” means an in-person meeting or any telephonic, written, or  
9 electronic communication.

10 **(2) PETITION FOR VISITATION.** If a family member is being denied visitation with  
11 a resident, the family member may petition a court to compel visitation with the  
12 resident. The court may not issue an order compelling visitation if the court finds  
13 any of the following:

14 (a) The resident, while having the capacity to evaluate and communicate  
15 decisions regarding visitation, expresses a desire to not have visitation with that  
16 family member.

17 (b) Visitation between the petitioning family member and the resident is not  
18 in the best interest of the resident.

19 **(3) EXPEDITED HEARING.** If the petition under sub. (2) states that the resident’s  
20 health is in significant decline or that the resident’s death may be imminent, the  
21 court shall conduct an emergency hearing on the petition under sub. (2) as soon as  
22 practicable and no later than 10 days after the date the petition is filed with the court.

23 **(4) SANCTIONS; REMEDIES.** Upon a motion or on the court’s own motion, if the  
24 court finds during a hearing on a petition under sub. (2) that a person is knowingly  
25 isolating a resident, the court shall order the person to pay court costs and reasonable

1 attorney fees of the petitioner under sub. (2) and may order other appropriate  
2 remedies. No costs, fees, or other sanctions may be paid from the resident's finances  
3 or estate.

4 **(5) RIGHT TO COMMUNICATION.** A resident has a right to receive and to refuse  
5 private and unrestricted communication including the right to receive and to refuse  
6 to receive personal mail and electronic communications from any person and to have  
7 reasonable access to a telephone for receiving private communications from any  
8 person.

9 **SECTION 2.** 54.25 (1) (c) of the statutes is created to read:

10 54.25 (1) (c) Unless a court orders otherwise, provide notice to any spouse, adult  
11 child, adult grandchild, parent, and adult sibling of the ward if the ward's location  
12 of residence changes or if the ward stays at a location other than the ward's residence.

13 **SECTION 3.** 54.68 (2) (cm) of the statutes is created to read:

14 54.68 (2) (cm) Knowingly isolating a ward from the ward's family members or  
15 violating a court order under s. 50.085 (2).

16 **(END)**