



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2017 Wisconsin Act 187**  
[2017 Assembly Bill 629]

**Uniform Adult Guardianship  
Jurisdiction**

2017 Wisconsin Act 187 creates ch. 53, Stats., which applies to processes for determining jurisdiction for the purpose of a guardianship proceeding or matter. The Act incorporates into Wisconsin law, with some modifications, the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, as approved and recommended for enactment in all states by the National Conference of Commissioners of Uniform State Laws.

The Act establishes general procedures through which a Wisconsin court may communicate with a court in another state concerning a guardianship. It authorizes the Wisconsin court to request certain actions of the other court, including holding an evidentiary hearing, or authorizing the release of certain information. The Act states that the chapter is intended to supplement, but not replace, the procedures for guardianship and protective placement under chs. 54 and 55, Stats. The purpose of the chapter is to resolve potential conflicts regarding jurisdiction between states and to make uniform the applicable laws among the states, as provided in the Act.

The Act provides that a court in Wisconsin has personal jurisdiction to appoint a guardian for a respondent when Wisconsin is the respondent's home state, when the respondent has a significant connection to Wisconsin, and in certain other cases, as specified in the Act. In a case where Wisconsin does not have personal jurisdiction, the Act authorizes a court in Wisconsin to exercise special jurisdiction to take limited actions, such as appointing a guardian when a provisional order to transfer a proceeding from another state has been issued.

The Act establishes procedures that apply when a petition is filed to transfer a guardianship from Wisconsin to another state, or vice versa. The court must hold a hearing on the petition upon request of the guardian, the individual subject to the guardianship, or a person required to be notified of the petition, or the court may hold a hearing on its own accord. The court must determine whether a guardianship transferred to Wisconsin must be modified to conform to Wisconsin law, among other requirements. The court may also appoint a guardian

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

ad litem at any time to represent the respondent's interests, and it must do so if there is an objection to a transfer from Wisconsin to another state, or vice versa.

In a case where guardianship has been established in another state, and there is not a petition pending in Wisconsin with respect to the guardianship, the guardian may register the guardianship in Wisconsin by filing a foreign judgment in Wisconsin court, under procedures specified in the Act. The registration authorizes the guardian to exercise the powers of the guardianship appointment, including maintaining actions and proceedings in this state, subject to conditions specified in the Act. Under the Act, a Wisconsin court may grant relief to enforce a registered order.

*Effective date:* April 5, 2018

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