



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 785

**Assembly Amendments 1, 2,
and 3**

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2005 Assembly Bill 785 recodifies and makes numerous substantive changes to chapter 55 of the statutes, which governs protective placement and protective services for persons with disabilities. The bill also makes changes to provisions in several other chapters of the statutes relating to guardianship and services for disabled persons.

Assembly Amendment 1

Assembly Amendment 1 does all of the following:

1. Amends the definition of “developmental disability” by replacing the term “senility” with “dementia.”
2. The bill authorizes a guardian, under certain circumstances, to consent to the admission of their ward to a facility for which a protective placement would otherwise be required, for up to 60 days. The bill specifies that admissions of this type are not permitted for an individual with a primary diagnosis of mental illness or developmental disability. Assembly Amendment 1 provides that these admissions may be made for a person with a primary diagnosis of mental illness or developmental disability unless the primary purpose of admission is for treatment or services related to the individual’s mental illness or developmental disability.
3. Amends provisions in the bill that authorize the Wisconsin guardian of an out-of-state ward and the out-of-state guardian of a Wisconsin ward to consent to the types of admissions described under item 2., above and to facilities that are licensed for fewer than 16 beds. The amendment specifies that in these cases, the guardian must file a petition to transfer the foreign guardianship within 60 days after the ward’s admission.
4. The bill authorizes an emergency protective placement based on a reliable report made to law enforcement personnel and other specified officials. The amendment specifies that the person making the report must identify himself or herself.

5. The bill modifies language in current law regarding the attendance of the individual sought to be protected at the hearing on a protective services or placement petition. 2005 Senate Bill 391, which recodifies chapter 880 of the statutes which governs guardianships, also modifies this language. Assembly Amendment 1 replaces the bill's language with the language contained in Senate Bill 391.

Assembly Amendment 2

For voluntary admission to an inpatient treatment facility, in addition to other requirements, current law requires the approval of the treatment director of the treatment facility or the director of the center for the developmentally disabled and the director of the county department.

The bill deletes the requirement that these approvals be obtained.

Assembly Amendment 2 provides that the approvals under current law are not required for a person who has an identified funding source that is not obtained through the county department but that the approvals are required for all other persons.

Assembly Amendment 3

Assembly Amendment 3 specifies that the bill takes effect on the first day of the seventh month beginning after publication.

Legislative History

Assembly Amendments 1 and 2 were offered by the Assembly Committee on Aging and Long-Term Care on February 1, 2006. The committee recommended adoption of both amendments on votes of Ayes, 8; Noes, 0. Assembly Amendment 3 was offered by Representative Jeskewitz on March 2, 2006. On that date, the Assembly adopted all three amendments on voice votes and, by a voice vote, passed Assembly Bill 785, as amended.

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