



2017 ASSEMBLY BILL 629

November 10, 2017 - Introduced by Representatives SKOWRONSKI, BROSTOFF, STAFSHOLT, MEYERS, NOVAK, TITTL, KULP, MURSAU, TUSLER, OHNSTAD, MACCO, ANDERSON, BERCEAU, KITCHENS, E. BROOKS, SINICKI, R. BROOKS and HESSELBEIN, cosponsored by Senators STROEBEL, OLSEN and WIRCH. Referred to Committee on Mental Health.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 54.34 (3) (a) to (j) and 54.38 (1m); *to renumber and amend*
2 54.34 (3) (intro.); *to amend* 54.30 (1), 54.34 (1) (intro.) and 54.44 (1) (c) 1.; and
3 **to create** chapter 53 and 54.30 (4) of the statutes; **relating to:** uniform adult
4 guardianship jurisdiction.

Analysis by the Legislative Reference Bureau

In 2007, the National Conference of Commissioners of Uniform State Laws approved and recommended the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act for enactment in all states. This bill incorporates the uniform act into Wisconsin law with some modifications. Generally, the bill addresses court jurisdiction for guardianships of adults. Under the bill, an adult for whom the appointment of a guardian of the person or of the estate is sought is known as the respondent.

Subchapter I: General provisions

The bill allows a Wisconsin court to communicate with a court in another state concerning a guardianship. The Wisconsin court may allow the parties to participate in the communication and the bill specifies when and for what the court is required to make a record of that communication. Additionally, in a guardianship, a Wisconsin court may request the court of another state to do certain things including holding an evidentiary hearing, ordering a person in that state to produce evidence or give testimony, or issuing any order necessary to assure a person's appearance in a proceeding or to authorize the release of relevant information. If a court in another

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state requests that a Wisconsin court do one of the certain things specified in the bill, the bill specifies that the Wisconsin court has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request. The bill provides a means by which a person in another state may be deposed or allowed to testify in a proceeding in Wisconsin.

Subchapter II: Jurisdiction

For purposes of jurisdiction, the bill defines a respondent's home state as the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months immediately before the filing of a petition for a guardianship of the person or estate. If there is no such state, the home state is defined as the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months ending within the six months prior to the filing of the petition for guardianship. The bill defines a significant-connection state as a state, other than the home state, with which a respondent has a significant connection other than mere physical presence considering factors specified in the bill. The bill specifies a list of items a court must consider in determining whether a respondent has a significant connection with a particular state. The bill creates the exclusive basis for personal jurisdiction for a Wisconsin court to appoint a guardian of the person or the estate for an adult.

Under the bill, a Wisconsin court has personal jurisdiction to appoint a guardian of the person or the estate for a respondent if any of the following is true: 1) Wisconsin is the respondent's home state; 2) on the date the petition is filed, Wisconsin is a significant-connection state and the respondent does not have a home state, a court of the respondent's home state has declined to exercise jurisdiction because Wisconsin is a more appropriate forum, or the respondent has a home state but a petition is not pending in a court in that state and other circumstances are satisfied; 3) Wisconsin does not have jurisdiction as a home state or significant-connection state but the home state and all significant-connection states have declined to exercise jurisdiction because Wisconsin is the more appropriate forum and jurisdiction in Wisconsin is consistent with the Wisconsin and U.S. constitutions; or 4) the Wisconsin court meets the requirements for special jurisdiction. Under the bill, a Wisconsin court that otherwise lacks jurisdiction under the bill has special jurisdiction to do any of the following: 1) appoint a temporary guardian under current law standards, procedures, and time lines; 2) issue an order with respect to real or tangible personal property located in Wisconsin; or 3) appoint a guardian of the person or the estate for a person for whom a provisional order to transfer the proceeding from another state has been issued under certain procedures. The bill requires a Wisconsin court to dismiss a proceeding for appointment of a temporary guardian, either before or after the appointment of the temporary guardian, upon the request of a court of the home state, if Wisconsin was not the respondent's home state on the date the petition for appointment was filed. Except for that requirement to dismiss a proceeding on the appointment of a temporary guardian, a court that has appointed a guardian of the person or issued an order to appoint a guardian of the estate has exclusive and continuing jurisdiction over the proceeding until the court terminates the proceeding or the appointment or

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order expires. The bill requires that, if a petition for appointment of a guardianship is brought in Wisconsin but Wisconsin is not the respondent's home state, notice of the petition must be given to all of those persons who are entitled to notice under Wisconsin law and the law of the respondent's home state. The bill requires that this notice be given in the same manner as notice is required to be given in Wisconsin.

A Wisconsin court that has jurisdiction to appoint a guardian may decline to exercise its jurisdiction if it determines that another state's court is a more appropriate forum. The bill provides procedures for the Wisconsin court to decline jurisdiction and specifies factors the court must consider in determining whether it is an appropriate forum. The bill specifies actions the court may take if it determines it acquired jurisdiction to appoint a guardian of the person or issue an order to appoint a guardian of the estate because of unjustifiable conduct. In addition, the bill specifies actions the court may and must take if petitions for appointment of a guardian of the person or issuance of an order to appoint a guardian of the estate are filed in more than one state.

Subchapter III: Transfer of guardianship

Under the bill, a guardian of the person or the estate appointed in Wisconsin may petition the court to transfer the guardianship to another state. Notice of a transfer petition must be given to the persons that would be entitled to notice of a petition for the appointment of a guardian in Wisconsin. Upon request of the guardian, the individual subject to the guardianship, or a person who is required to be notified of the transfer petition or if the court so decides, the court must hold a hearing on a transfer petition. The bill requires the court to issue an order provisionally granting the transfer petition and to direct the guardian to petition for guardianship in the other state if the court is satisfied that the guardianship will be accepted by the other state's court and if other circumstances are satisfied. Upon the Wisconsin court's receipt of a provisional order accepting the proceeding from the court to which the proceeding is to be transferred and the documents required to terminate a guardianship in Wisconsin, the court must issue a final order confirming the transfer and terminating the guardianship.

Under the bill, to confirm transfer of a guardianship to Wisconsin, the guardian of the person or the estate is required to petition the Wisconsin court to accept the guardianship and include a certified copy of the other state's provisional order of transfer. The bill eliminates the list of additional information required to be included with that petition under current law. Notice of a petition to accept the transfer must be given to those persons entitled to notice of a petition for the appointment of a guardian in both Wisconsin and the state from which the guardianship would be transferred. The bill, therefore, eliminates the list of individuals entitled to notice of receipt and acceptance of a foreign guardianship under current law. Under the bill, upon request of the guardian, the individual subject to the guardianship, or a person required to be notified of the petition to accept the transfer, or on the court's own accord, the court must hold a hearing on the petition to accept the transfer. The bill requires the court to issue a provisional order granting the petition to accept transfer unless a certain objection is made or the guardian is ineligible for appointment in this state. Upon receipt of a final order from a court of another state transferring the

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1 **53.01 Purpose; construction.** This chapter applies to the process of
2 determining jurisdiction over the person for the purpose of a guardianship
3 proceeding or matter. The chapter is intended to supplement but not replace the
4 procedure for petitioning for a guardianship under ch. 54 and for protective
5 placement or services under ch. 55. The purpose of this chapter is to resolve potential
6 conflicts regarding jurisdiction between states and to make uniform the laws with
7 respect to this chapter among those states. To the extent there is a conflict in
8 procedure between this chapter and the provisions of ch. 54 or 55, the procedures in
9 ch. 54 or 55 supersede the conflicting provision of this chapter.

10 **53.02 Definitions.** In this chapter:

11 (1) “Abuse” has the meaning given in s. 46.90 (1) (a).

12 (2) “Financial exploitation” has the meaning given in s. 46.90 (1) (ed).

13 (3) “Guardian of the estate” means a person appointed by the court of any state
14 to administer the property of an adult on the basis of a finding of incapacity or
15 incompetence or on the basis of being found to be a spendthrift, including a person
16 appointed guardian of the estate under s. 54.10 (2) or (3) and including a conservator
17 appointed in another state where that term is used for a role similar to that of a
18 guardian of the estate under s. 54.10 (2) or (3). “Guardian of the estate” does not
19 include a person appointed voluntary conservator under s. 54.76 (2).

20 (4) “Guardian of the person” means a person appointed by the court to make
21 decisions regarding the person of an adult, including a guardian of the person
22 appointed under s. 54.10 (3).

23 (5) “Guardianship of the person order” means an order appointing a guardian
24 of the person.

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1 **(6)** “Guardianship of the person proceeding” means a judicial proceeding in
2 which an order for the appointment of a guardian of the person is sought or has been
3 issued.

4 **(7)** “Home state” means the state in which the respondent was physically
5 present, including any period of temporary absence, for at least 6 consecutive months
6 immediately before the filing of a petition for an order appointing a guardian of the
7 estate or the appointment of a guardian of the person; or if none, the state in which
8 the respondent was physically present, including any period of temporary absence,
9 for at least 6 consecutive months ending within the 6 months prior to the filing of the
10 petition.

11 **(8)** “Incapacity” has the meaning given in s. 54.01 (15).

12 **(9)** “Neglect” has the meaning given in s. 46.90 (1) (f).

13 **(10)** “Party” means the respondent, petitioner, guardian of the person,
14 guardian of the estate, interested person, as defined in s. 54.01 (17), or any other
15 person allowed by the court to participate in a guardianship of the person proceeding
16 or proceeding for the appointment of a guardian of the estate.

17 **(11)** “Person” has the meaning given in s. 990.01 (26).

18 **(12)** “Record” means information that is inscribed on a tangible medium or that
19 is stored in an electronic or other medium and is retrievable in perceivable form.

20 **(13)** “Residence” has the meaning given in s. 55.01 (6t).

21 **(14)** “Respondent” means an adult for whom an order appointing a guardian
22 of the estate or the appointment of a guardian of the person is sought.

23 **(15)** “Self-neglect” has the meaning given in s. 46.90 (1) (g).

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1 **(16)** “Significant-connection state” means a state, other than the home state,
2 with which a respondent has a significant connection other than mere physical
3 presence considering the factors in s. 53.21.

4 **(17)** “State,” notwithstanding s. 990.01 (40), means a state of the United States,
5 the District of Columbia, Puerto Rico, the U.S. Virgin Islands, a federally recognized
6 Indian tribe, or any territory or insular possession subject to the jurisdiction of the
7 United States.

8 **53.03 International application.** A court of this state may treat a foreign
9 country as if it were a state for the purpose of applying this subchapter and subchs.
10 II, III, and V.

11 **53.04 Communication between courts. (1)** A court of this state may
12 communicate with a court in another state concerning a proceeding arising under
13 this chapter. The court may allow the parties to participate in the communication.
14 Except as otherwise provided in sub. (2), the court shall make a record of the
15 communication. The record may be limited to the fact that the communication
16 occurred.

17 **(2)** Courts may communicate concerning schedules, calendars, court records,
18 and other administrative matters without making a record.

19 **53.05 Cooperation between courts. (1)** In a guardianship of the person
20 proceeding or proceeding for appointment of a guardian of the estate in this state,
21 a court of this state may request the appropriate court of another state to do any of
22 the following:

23 (a) Hold an evidentiary hearing.

24 (b) Order a person in that state to produce evidence or give testimony under
25 procedures of that state.

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1 (c) Order that an evaluation or assessment be made of the respondent.

2 (d) Order any appropriate investigation of a person involved in a proceeding.

3 (e) Forward to the court of this state a certified copy of the transcript or other
4 record of a hearing under par. (a) or any other proceeding, any evidence otherwise
5 produced under par. (b), and any evaluation or assessment prepared in compliance
6 with an order under par. (c) or (d).

7 (f) Issue any order necessary to assure the appearance in the proceeding of a
8 person whose presence is necessary for the court to make a determination, including
9 the respondent or the individual subject to a guardianship of the person or of the
10 estate.

11 (g) Issue an order authorizing the release of medical, financial, criminal, or
12 other relevant information in that state, including protected health information as
13 defined in 45 CFR 160.103.

14 (2) If a court of another state in which a guardianship of the person proceeding
15 or proceeding to appoint a guardianship of the estate is pending requests assistance
16 of the kind provided in sub. (1), a court of this state has jurisdiction for the limited
17 purpose of granting the request or making reasonable efforts to comply with the
18 request.

19 **53.06 Taking testimony in another state.** (1) In a guardianship of the
20 person proceeding or proceeding for the appointment of a guardian of the estate, in
21 addition to other procedures that may be available, testimony of a witness who is
22 located in another state may be offered by deposition or other means allowable in this
23 state for testimony taken in another state. The court on its own motion may order
24 that the testimony of a witness be taken in another state and may prescribe the
25 manner in which and the terms upon which the testimony is to be taken.

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1 (2) In a guardianship of the person proceeding or proceeding for the
2 appointment of a guardian of the estate, a court in this state may permit a witness
3 located in another state to be deposed or to testify by telephone or audiovisual or
4 other electronic means. A court of this state shall cooperate with the court of the
5 other state in designating an appropriate location for the deposition or testimony.

6 (3) Documentary evidence transmitted from another state to a court of this
7 state by technological means that do not produce an original writing may not be
8 excluded from evidence on an objection based on the best evidence rule.

SUBCHAPTER II

JURISDICTION

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11 **53.21 Significant-connection factors.** In determining under ss. 53.23 and
12 53.31 whether a respondent has a significant connection with a particular state, the
13 court shall consider all of the following:

14 (1) The location of and strength of connection to the respondent's family, other
15 significant social connections, and service providers.

16 (2) The location of other persons required to be notified of the guardianship of
17 the person proceeding or proceeding to appoint a guardian of the estate and the
18 location of substantial evidence relating to the respondent.

19 (3) The length of time the respondent at any time was physically present in the
20 state, past or current status as a resident, and the duration of any absence.

21 (4) The location of the resident's property.

22 (5) The extent to which the respondent has ties to the state, such as voting
23 registration, state or local tax return filing, vehicle registration, driver's license,
24 work, social relationship, and receipt of services.

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1 **53.22 Exclusive basis.** This subchapter provides the exclusive basis for
2 personal jurisdiction for a court of this state to appoint a guardian of the person or
3 issue an order appointing a guardian of the estate for an adult.

4 **53.23 Jurisdiction.** A court of this state has personal jurisdiction to appoint
5 a guardian of the person or issue an order appointing a guardian of the estate for a
6 respondent if any of the following is satisfied:

7 (1) This state is the respondent's home state.

8 (2) On the date the petition is filed, this state is a significant-connection state
9 and any of the following is satisfied:

10 (a) The respondent does not have a home state or a court of the respondent's
11 home state has declined to exercise jurisdiction because this state is a more
12 appropriate forum.

13 (b) The respondent has a home state, a petition for an appointment or order is
14 not pending in a court of that state or another significant-connection state, and
15 before the court makes the appointment or issues the order all of the following are
16 satisfied:

17 1. A petition for an appointment or order is not filed in the respondent's home
18 state.

19 2. An objection to the court's jurisdiction is not filed by a person required to be
20 notified of the proceeding, or, if an objection has been made, the objector has not
21 established that exercise of jurisdiction by the court would be contrary to the
22 interests of the respondent.

23 3. The court in this state concludes that it is an appropriate forum under the
24 factors set forth in s. 53.26.

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1 **(3)** This state does not have jurisdiction under either sub. (1) or (2), the
2 respondent's home state and all significant-connection states have declined to
3 exercise jurisdiction because this state is the more appropriate forum, and
4 jurisdiction in this state is consistent with the constitutions of this state and the
5 United States.

6 **(4)** The requirements for special jurisdiction under s. 53.24 are met.

7 **53.24 Special jurisdiction. (1)** A court of this state lacking jurisdiction
8 under s. 53.23 (1) to (3) has special jurisdiction to do any of the following:

9 (a) Appoint a temporary guardian of the person or guardian of the estate under
10 s. 54.50 in accordance with the standards and procedures and for the time periods
11 specified in s. 54.50.

12 (b) Issue an order with respect to real or tangible personal property located in
13 this state.

14 (c) Appoint a guardian of the person or guardian of the estate for an individual
15 subject to a guardianship of the person or of the estate for whom a provisional order
16 to transfer the proceeding from another state has been issued under procedures
17 similar to s. 53.31.

18 **(2)** If a petition for the appointment of a temporary guardian is brought in this
19 state and this state was not the respondent's home state on the date the petition was
20 filed, the court shall dismiss the proceeding at the request of the court of the home
21 state, if any, whether dismissal is requested before or after the appointment of a
22 temporary guardian.

23 **53.25 Exclusive and continuing jurisdiction.** Except as otherwise
24 provided in s. 53.24, a court that has appointed a guardian of the person or issued
25 an order appointing a guardian of the estate consistent with this chapter has

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1 exclusive and continuing jurisdiction over the proceeding until it is terminated by
2 the court or the appointment or order expires by its own terms.

3 **53.26 Appropriate forum. (1)** A court of this state having jurisdiction under
4 s. 53.23 to appoint a guardian of the person or issue an order appointing a guardian
5 of the estate may decline to exercise its jurisdiction if it determines at any time that
6 a court of another state is a more appropriate forum.

7 **(2)** If a court of this state declines to exercise its jurisdiction under sub. (1), it
8 shall either dismiss or stay the proceeding. The court may impose any condition the
9 court considers just and proper, including the condition that a petition for the
10 appointment of a guardian of the person or issuance of an order appointing a
11 guardian of the estate be filed promptly in another state.

12 **(3)** In determining whether it is an appropriate forum, the court shall consider
13 all relevant factors, including all of the following:

14 (a) Any expressed preference of the respondent.

15 (b) Whether abuse, neglect, self-neglect, or financial exploitation of the
16 respondent has occurred or is likely to occur and which state could best protect the
17 respondent from the abuse, neglect, self-neglect, or financial exploitation.

18 (c) The length of time the respondent was physically present in or had
19 established residence in this or another state.

20 (d) The distance of the respondent from the court in each state.

21 (e) The financial circumstances of the respondent's estate.

22 (f) The nature and location of the evidence.

23 (g) The ability of the court in each state to decide the issue expeditiously and
24 the procedures necessary to present evidence.

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1 (h) The familiarity of the court of each state with the facts and issues in the
2 proceeding.

3 (i) If an appointment is made, the court's ability to monitor the conduct of the
4 guardian of the person or guardian of the estate.

5 **53.27 Jurisdiction declined by reason of conduct.** (1) If at any time a
6 court of this state determines that it acquired jurisdiction to appoint a guardian of
7 the person or issue an order appointing a guardian of the estate because of
8 unjustifiable conduct, the court may do any of the following:

9 (a) Decline to exercise jurisdiction.

10 (b) Exercise jurisdiction for the limited purpose of fashioning an appropriate
11 remedy to ensure the health, safety, and welfare of the respondent or the protection
12 of the respondent's property or to prevent a repetition of the unjustifiable conduct,
13 including staying the proceeding until a petition for the appointment of a guardian
14 of the person or issuance of an order appointing a guardian of the estate is filed in
15 a court of another state having jurisdiction.

16 (c) Continue to exercise jurisdiction after considering all of the following:

17 1. The extent to which the respondent and all persons required to be notified
18 of the proceedings have acquiesced in the exercise of the court's jurisdiction.

19 2. Whether it is a more appropriate forum than the court of any other state
20 under the factors set forth in s. 53.26.

21 3. Whether the court of any other state would have jurisdiction under factual
22 circumstances in substantial conformity with the jurisdictional standards of s. 53.23.

23 (2) If a court of this state determines that it acquired jurisdiction to appoint a
24 guardian of the person or issue an order appointing a guardian of the estate because
25 a party seeking to invoke its jurisdiction engaged in unjustifiable conduct, it may

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1 assess against that party necessary and reasonable expenses, including attorney's
2 fees, investigative fees, court costs, communication expenses, witness fees and
3 expenses, and travel expenses. The court may not assess fees, costs, or expenses of
4 any kind against this state or a governmental subdivision, agency, or
5 instrumentality of this state unless authorized by law other than this chapter.

6 **53.28 Notice of proceeding.** If a petition for the appointment of a guardian
7 of the person or issuance of an order appointing a guardian of the estate is brought
8 in this state and this state was not the respondent's home state on the date the
9 petition was filed, in addition to complying with the notice requirements of this state,
10 notice of the petition must be given to those persons who would be entitled to notice
11 of the petition if a proceeding were brought in the respondent's home state. The
12 notice must be given in the same manner as notice is required to be given in this state.

13 **53.29 Proceedings in more than one state.** Except for a petition for the
14 appointment of a temporary guardian or issuance of an order limited to property
15 located in this state under s. 53.24 (1) (a) or (b), if a petition for the appointment of
16 a guardian of the person or issuance of an order appointing a guardian of the estate
17 is filed in this state and in another state and neither petition has been dismissed or
18 withdrawn, all of the following rules apply:

19 (1) If the court in this state has jurisdiction under s. 53.23, it may proceed with
20 the case unless a court in another state acquires jurisdiction under provisions similar
21 to s. 53.23 before the appointment or issuance of the order.

22 (2) If the court in this state does not have jurisdiction under s. 53.23, whether
23 at the time the petition is filed or at any time before the appointment or issuance of
24 the order, the court shall stay the proceeding and communicate with the court in the
25 other state. If the court in the other state has jurisdiction, the court in this state shall

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1 dismiss the petition unless the court in the other state determines that the court in
2 this state is a more appropriate forum.

SUBCHAPTER III**TRANSFER OF GUARDIANSHIP**

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5 **53.31 Transfer of guardianship to another state.** (1) A guardian of the
6 person or guardian of the estate appointed in this state may petition the court to
7 transfer the guardianship to another state.

8 (2) Notice of a petition under sub. (1) must be given to the persons that would
9 be entitled to notice of a petition in this state for the appointment of a guardian under
10 s. 54.38.

11 (3) On the court's own motion or on request of the guardian of the person or
12 guardian of the estate, the individual subject to a guardianship of the person or of
13 the estate, or other person required to be notified of the petition, the court shall hold
14 a hearing on a petition filed under sub. (1).

15 (4) The court shall issue an order provisionally granting a petition to transfer
16 a guardianship and shall direct the guardian of the person or guardian of the estate
17 to petition for guardianship in the other state if the court is satisfied that the
18 guardianship will be accepted by the court in the other state and the court finds that
19 all of the following are satisfied:

20 (a) The individual subject to the guardianship of the person or of the estate is
21 physically present in or is reasonably expected to move permanently to the other
22 state.

23 (b) An objection to the transfer has not been made or, if an objection has been
24 made, the objector has not established that the transfer would be contrary to the
25 interests of the individual subject to the guardianship of the person or of the estate.

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1 (c) For guardianship of the person, plans for care and services for the individual
2 subject to the guardianship of the person in the other state are reasonable and
3 sufficient.

4 (d) For guardianship of the estate, adequate arrangements will be made for
5 management of the property of the individual subject to a guardianship of the estate.

6 (5) The court shall issue a final order confirming the transfer and terminating
7 the guardianship upon its receipt of all of the following:

8 (a) A provisional order accepting the proceeding from the court to which the
9 proceeding is to be transferred which is issued under provisions similar to s. 53.32.

10 (b) The documents required to terminate a guardianship in this state.

11 (6) The court may at any time appoint a guardian ad litem to represent the
12 interests of the respondent. The court shall appoint a guardian ad litem if an
13 objection is made under sub. (4) (b).

14 **53.32 Accepting guardianship transferred from another state. (1)** To
15 confirm transfer of a guardianship of the person or of the estate transferred to this
16 state under provisions similar to s. 53.31, the guardian of the person or guardian of
17 the estate must petition the court in this state to accept the guardianship. The
18 petition must include a certified copy of the other state's provisional order of transfer.
19 The petition shall also include a proposed order specifying the powers to be granted
20 in this state and a sworn statement that, to the best of the petitioner's knowledge,
21 the proposed order is consistent with the authority granted to the guardian in the
22 other state.

23 (2) Notice of a petition under sub. (1) must be given to those persons that would
24 be entitled to notice if the petition were a petition for the appointment of a guardian
25 of the person or issuance of an order appointing a guardian of the estate in both the

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1 transferring state and this state. The notice must be given in the same manner as
2 notice is required to be given in this state.

3 (3) On the court's own motion or on request of the guardian of the person or
4 guardian of the estate, the individual subject to a guardianship of the person or of
5 the estate, or other person required to be notified of the proceeding, the court shall
6 hold a hearing on a petition filed under sub. (1).

7 (4) The court shall issue an order provisionally granting a petition filed under
8 sub. (1) unless any of the following circumstances occurs:

9 (a) An objection is made and the objector establishes that transfer of the
10 proceeding would be contrary to the interests of the individual subject to a
11 guardianship of the person or of the estate or that the proposed powers to be given
12 to the guardian significantly expand the powers granted to the guardian in the other
13 state.

14 (b) The guardian of the person or guardian of the estate is ineligible for
15 appointment in this state.

16 (5) The court shall issue a final order accepting the proceeding and appointing
17 the guardian of the person or guardian of the estate as guardian in this state upon
18 its receipt from the court from which the proceeding is being transferred of a final
19 order issued under provisions similar to s. 53.31 transferring the proceeding to this
20 state.

21 (6) Not later than 60 days after issuance of a final order accepting transfer of
22 a guardianship of the person or of the estate, the court shall determine whether the
23 guardianship needs to be modified to conform to the law of this state. If a petitioner
24 requests the expansion of powers that were granted to a guardian in another state,
25 a hearing shall be held that conforms to the requirements of s. 54.63.

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1 (7) In granting a petition under this section, the court shall recognize a
2 guardianship order from the other state, including the determination of incapacity
3 of the individual subject to a guardianship of the person or of the estate and the
4 appointment of the guardian of the person or guardian of the estate.

5 (8) The denial by a court of this state of a petition to accept a guardianship
6 transferred from another state does not affect the ability of the guardian of the
7 person or of the estate to seek appointment as guardian in this state under s. 54.10
8 or 54.76 if the court has jurisdiction to make an appointment other than by reason
9 of the provisional order of transfer.

10 (9) The court may at any time appoint a guardian ad litem to represent the
11 interests of the respondent or to assist the court in conforming the order to the laws
12 of this state. The court shall appoint a guardian ad litem if an objection is made
13 under sub. (4) (a).

SUBCHAPTER IV**REGISTRATION AND RECOGNITION****OF ORDERS FROM OTHER STATES**

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17 **53.41 Registration of guardianship of the person orders.** If a guardian
18 of the person has been appointed in another state and a petition for the appointment
19 of a guardian of the person is not pending in this state, the guardian of the person
20 appointed in the other state, after giving notice to the appointing court of an intent
21 to register, may register the guardianship of the person order in this state by filing
22 as a foreign judgment in a court, in any appropriate county of this state, certified
23 copies of the order and letters of office.

24 **53.42 Registration of guardianship of the estate orders.** If a guardian
25 of the estate has been appointed in another state and a petition for an order to

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1 appoint a guardian of the estate is not pending in this state, the guardian of the
2 estate appointed in the other state, after giving notice to the appointing court of an
3 intent to register, may register the order appointing the guardian of the estate in this
4 state by filing as a foreign judgment in a court of this state, in any county in which
5 property belonging to the individual subject to the guardianship of the estate is
6 located, certified copies of the order and letters of office and of any bond.

7 **53.43 Effect of registration.** (1) Upon registration of a guardianship order
8 from another state, the guardian of the person or guardian of the estate may exercise
9 in this state all powers authorized in the order of appointment except as prohibited
10 under the laws of this state, including maintaining actions and proceedings in this
11 state and, if the guardian of the person or of the estate is not a resident of this state,
12 subject to any conditions imposed upon nonresident parties.

13 (2) A court of this state may grant any relief available under this chapter and
14 other law of this state to enforce a registered order.

SUBCHAPTER V**UNIFORMITY; FEDERAL LAW**

17 **53.51 Uniformity of application and construction.** In applying and
18 construing this chapter, consideration must be given to the need to promote
19 uniformity of the law with respect to its subject matter among states that enact it.

20 **53.52 Relation to Electronic Signatures in Global and National**
21 **Commerce Act.** This chapter modifies, limits, and supersedes the federal
22 Electronic Signatures in Global and National Commerce Act, 15 USC 7001 to 7031,
23 but does not modify, limit, or supersede section 101 (c) of that act, 15 USC 7001 (c),
24 or authorize electronic delivery of any of the notices described in section 103 (b) of
25 that act, 15 USC 7003 (b).

ASSEMBLY BILL 629**SECTION 2**

1 **SECTION 2.** 54.30 (1) of the statutes is amended to read:

2 54.30 (1) JURISDICTION. Except as provided in s. 54.38 (1), the circuit court has
3 subject matter jurisdiction over all petitions for guardianship. A guardianship of the
4 estate of any individual, once granted, shall extend to all of the ward's income and
5 assets in this state and shall exclude the jurisdiction of every other circuit court,
6 except as provided in ch. 786. Jurisdiction under this subsection also extends to the
7 petition by a foreign guardian for the receipt and acceptance of a foreign
8 guardianship, except as provided in ~~s. 54.38 (1m)~~ ch. 53 and, if the petition is granted,
9 to the accepted guardianship. Personal jurisdiction is subject to ch. 53.

10 **SECTION 3.** 54.30 (4) of the statutes is created to read:

11 54.30 (4) CONFLICTS OF JURISDICTION OR VENUE. Before making a determination
12 of jurisdiction or venue under this section, the circuit court shall first make any
13 applicable determination of jurisdiction or venue under ch. 53. If any determination
14 of jurisdiction or venue made under this section conflicts with a determination made
15 under ch. 53, the court shall apply the determination made under ch. 53.

16 **SECTION 4.** 54.34 (1) (intro.) of the statutes is amended to read:

17 54.34 (1) (intro.) Any Subject to ch. 53, any person may petition for the
18 appointment of a guardian for an individual. The petition shall state all of the
19 following, if known to the petitioner:

20 **SECTION 5.** 54.34 (3) (intro.) of the statutes is renumbered 54.34 (3) and
21 amended to read:

22 54.34 (3) A petition for the receipt and acceptance by this state of a foreign
23 guardianship of a foreign ward who resides in or intends to move to this state may
24 include other petitions related to the foreign guardianship, such as a petition to
25 modify the terms of the foreign guardianship, ~~and shall include all of the following.~~

