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Domestic Partnership – Chapter 50 Information Update

On June 29, 2009, Wisconsin Governor Jim Doyle signed the state budget, 2009 Wisconsin Act 28, into law. Act 28 included the creation of Wis. Stat. ch. 770, relating to domestic partnership. Domestic partnership in Wisconsin is a legal status that provides same sex couples who register as domestic partners with certain limited legal protections.

This document summarizes the rights of domestic partners in health care settings relating to accompaniment or visitation, resident rights, and consent to admission to certain facilities.

A domestic partner is defined as any individual who is in a relationship with any other individual that satisfies all of the following:

- Each individual is at least 18 years old and otherwise competent to enter into a contract.
- Neither individual is married to, or in a domestic partnership with, another individual.
- The two individuals are not related by blood in any way that would prohibit marriage under current law.

- The two individuals consider themselves to be members of each other's immediate family.
- The two individuals agree to be responsible for each other's basic living expenses.

If an adult family home, residential care apartment complex, hospital, hospice, community-based residential facility or nursing home has a policy on who may accompany or visit a patient, then these entities are required to extend the same right of accompaniment or visitation to a patient's domestic partner as is accorded the spouse of a patient under the policy.

The following statutes relating to accompaniment or visitation, resident rights and certain admissions to a nursing home, community-based residential facility or hospice specifically include a patient's domestic partner:

Accompaniment or Visitation

50.033 Licensure of certain adult family homes.

(2d) ACCOMPANIMENT OR VISITATION. If an adult family home has a policy on who may accompany or visit a patient, the adult family home shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

50.034 Residential care apartment complexes.

(3) (e) If a residential care apartment complex has a policy on who may accompany or visit a patient, the residential care apartment complex shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

50.035 Special provisions relating to regulation of community-based residential facilities.

(2d) ACCOMPANIMENT OR VISITATION. If a community-based residential facility has a policy on who may accompany or visit a patient, the community-based residential facility shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

50.36 Rules and standards.

(3j) If a hospital has a policy on who may accompany or visit a patient, the hospital shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

50.04 Special provisions applying to licensing and regulation of nursing homes.

(2d) ACCOMPANIMENT OR VISITATION. If a nursing home has a policy on who may accompany or visit a patient, the nursing home shall extend the same right of

accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

50.942 Accompaniment or visitation. If a hospice has a policy on who may accompany or visit a patient, the hospice shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

Resident Rights

50.09 Rights of residents in certain facilities. (1) RESIDENTS' RIGHTS. Every resident in a nursing home or community-based residential facility shall, except as provided in sub. (5) have the right to:

Physical and emotional privacy in treatment, living arrangements and in caring for personal needs, including, but not limited to:

1. Privacy for visits by spouse or domestic partner. If both spouses or both domestic partners under ch.770 are residents of the same facility, the spouses or domestic partners shall be permitted to share a room unless medically contraindicated as documented by the resident's physician or advanced practice nurse prescriber in the resident's medical record.

Certain Admissions to a Nursing Home, Community-Based Residential Facility or Hospice

50.06 Certain admissions to facilities. (3) The following individuals, in the following order of priority, may consent to an admission under sub. (2) (a) The spouse or domestic partner under ch. 770 of the incapacitated individual.

50.94 Admission to and care in a hospice for certain incapacitated persons. (3) The following individuals, in the following order of priority, may act under sub. (2) (a): The spouse or domestic partner under ch. 770 of the person who is incapacitated.

If you have additional questions, please contact Dinh Tran, Social Services Consultant, at 608-266-6646 or via e-mail at Dinh.Tran@dhs.wisconsin.gov.