



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 314**  
[2013 Assembly Bill 581]

**Advertising for Adoption;  
Delegation of Parental Powers**

2013 Wisconsin Act 314 revises prior law that limits advertising related to adoption of a child and a delegation of parental powers.

### ADVERTISING RELATED TO ADOPTION

Under prior law, with certain exceptions, advertising to either find a child to adopt, or to find an adoptive home for a child, is prohibited. The Act expands those restrictions as follows:

- The Act specifies that “advertising” includes communications by any computerized communication system, including by electronic mail, Internet site, Internet profile, or any similar medium of communication provided via the Internet.
- The Act specifies that restrictions on advertising related to “adoption” of a child also apply to any other permanent physical placement of a child.
- The Act removes the allowance given under prior law for a parent to advertise for the placement of the parent’s own child for adoption.

### DELEGATION OF PARENTAL POWERS

Under prior law, a parent could delegate powers regarding the care and custody of a child to an agent, by a power of attorney, if the delegation was for one year or less. The Act permits a delegation of powers regarding care and custody of a child to remain in effect for longer than one year if:

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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>.

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- The delegation is made to a relative (or to an “extended family member” as defined by the law or custom of an Indian child’s tribe); or
- The delegation is approved by a court under the procedure given in the Act.

Among the given procedures, the Act specifies that, if a court receives notice that a child who is the subject of a petition for court approval of a delegation of parental powers for over one year may be an American Indian child, the court is required to apply the provisions of the Wisconsin Indian Child Welfare Act in its consideration of the matter. Accordingly, a court is required to provide notice to an Indian child’s tribe, to allow the tribe to intervene in the action or take jurisdiction, and to consider a specific ordering of placement preferences as for an adoptive placement of an Indian child.

### **OTHER PROVISIONS**

Lastly, the Act creates a misdemeanor for an unauthorized interstate placement of a child, and requests a Joint Legislative Council study in the 2014 interim on adoption disruption and dissolution.

*Effective date:* 2013 Wisconsin Act 314 is effective April 18, 2014.

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