



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 129
[2015 Senate Bill 308]

Successor Guardianship of a Child

2015 Wisconsin Act 129 (the Act) creates procedures for a successor guardianship of a child in need of protection or services and authorizes the inclusion of a successor guardian in a subsidized guardianship agreement.

BACKGROUND

State law authorizes the appointment of a guardian for a child in need of protection or services, if the parent or parents are neglecting, refusing, or unable to carry out the duties of a guardian, and if certain other requirements are met. The county, state, or tribal agency of jurisdiction is required to provide monthly subsidized guardianship payments to the guardian, or an interim caretaker of the child, in certain cases. Before payments may be made to a proposed guardian, he or she must enter into a written agreement with the county, state, or tribal agency. The agreement must specify the amount of the payment, among other items.

SUCCESSOR GUARDIAN FOR CHILD IN NEED OF PROTECTION OR SERVICES

The Act allows for the nomination of a successor guardian of a child in need of protection or services. Upon the death or incapacity of the guardian, a court may appoint the person who is nominated as a successor guardian to assume the duty and authority of the guardianship. This requires a background check of the proposed successor guardian, as well as a determination that the proposed successor guardian has a strong commitment to caring permanently for the child, in addition to other requirements.

The Act specifies that a prospective successor guardian may be named in a subsidized guardianship agreement or amended subsidized guardianship agreement. Upon the death or incapacity of the subsidized guardian, the person named as the prospective successor guardian may be eligible to receive subsidized guardianship payments. In order to be eligible for

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>.

payments, the successor must have been named in the agreement or amended agreement prior to the subsidized guardian's death or incapacity, in addition to other requirements.

Finally, the Act directs the Department of Children and Families to promulgate administrative rules, which will apply in addition to the statutory requirements summarized above, governing the payment of monthly subsidized guardianship payments to a successor guardian of a child.

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