
Wisconsin Legislative Council

ACT MEMO



Prepared by: Amber Otis, Staff Attorney

November 25, 2019

2019 Wisconsin Act 22
[2019 Assembly Bill 52]

**Consent of Minor for
Shelter Admission**

BACKGROUND

Under common law, a minor generally lacks capacity to enter into a contract. A contract with a person lacking legal capacity may be enforceable, voidable, or void, depending on the circumstances. Specifically, a contract by a minor may be void or voidable at the minor's option under "the defense of infancy," which exists under both statutory and common law.

2019 WISCONSIN ACT 22

2019 Wisconsin Act 22 creates a presumption that a minor is qualified and competent to contract for admission to a shelter facility, defined under the act as a "temporary place of lodging for individuals or families," or a transitional living program, if three conditions are met:

- The minor is 17 years of age.
- The minor is not under the supervision of a county department, a child welfare agency, the Department of Children and Families, or the Department of Corrections, or under the jurisdiction of the court under the Children's Code or Juvenile Justice Code.
- The minor is confirmed to be an unaccompanied youth by a local educational agency liaison (generally referred to as a school's homeless liaison, as designated pursuant to federal law) who has obtained the minor's consent to disclose the minor's status as an unaccompanied youth, or, if the local educational agency liaison is not available, by an employee of the shelter facility or transitional living program who conducts intake.

Under Act 22, "unaccompanied youth" is defined, as provided under the federal McKinney-Vento Homeless Assistance Act, to include "a minor who is a homeless child or youth not in the physical custody of a parent or guardian." Act 22 also provides that the defense of infancy does not apply to any contract entered into with a minor based on the presumption created under the act.

Effective date: November 21, 2019

AO:mcm;ty