



2015 ASSEMBLY BILL 218

May 14, 2015 – Introduced by Representatives KLEEFISCH, KITCHENS, A. OTT, KNODL, EDMING and TITTL, cosponsored by Senator HARRIS DODD. Referred to Committee on Children and Families.

1 **AN ACT** *to create* 851.21 (2) (f) and 852.14 of the statutes; **relating to:**
2 inheritance by a parent who abandons a child.

Analysis by the Legislative Reference Bureau

Under current law, if a child dies intestate, the parents of the deceased child inherit the child's estate if the child was not married and did not have any children of his or her own. This bill prohibits a parent who abandoned a deceased child, as determined by a court, from inheriting the child's estate by intestate succession. Under the bill, a parent abandoned a deceased child if, for at least one year before the child's death and without cause, the parent failed to communicate with the child, care for the child, and provide for the child's maintenance and support. A parent who is prohibited from inheriting from a deceased child due to abandonment is not considered an heir of the child.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 851.21 (2) (f) of the statutes is created to read:
4 851.21 (2) (f) A parent who is barred from inheriting from his or her child's
5 intestate estate under s. 852.14 (3).

6 **SECTION 2.** 852.14 of the statutes is created to read:

ASSEMBLY BILL 218**SECTION 2**

1 **852.14 Inheritance by a parent who abandons a child.** (1) In this section,
2 “abandoned” means failed without cause to do all of the following for at least one year
3 immediately before the death of a minor child:

4 (a) Communicate with the minor.

5 (b) Care for the minor as required by law or court order.

6 (c) Provide for the minor’s maintenance or support as required by law or court
7 order.

8 (2) (a) A personal representative of a minor who died intestate who has actual
9 knowledge or reasonable cause to believe that the minor was abandoned by a parent
10 shall file a petition with the probate court with jurisdiction for a determination that
11 the parent abandoned the child.

12 (b) Any interested person may file a petition with a probate court with
13 jurisdiction for a determination that a parent of a minor who died intestate
14 abandoned the minor.

15 (3) Notwithstanding s. 852.01 (1), if a court determines that a parent
16 abandoned his or her minor child and the child died intestate while a minor, the
17 parent may not inherit from the child’s estate under s. 852.01. If a parent is barred
18 from inheriting from a child’s estate under this section, the child’s estate passes
19 under s. 852.01 as if the parent predeceased the child.

20 (4) A parent who is barred from inheriting from a child’s estate under sub. (3)
21 is not considered an heir of the child beginning on the date a court determined that
22 the parent abandoned the child.

23 **SECTION 3. Initial applicability.**

