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# JOEL KLEEFISCH

STATE REPRESENTATIVE • 38<sup>TH</sup> ASSEMBLY DISTRICT

## **Assembly Bill 218: Courtney's Law Relating to inheritance by a parent who abandons a child**

*Assembly Committee on Children and Families*

Thank you Chairman Rodriguez and members of the Committee for holding a hearing today on Assembly Bill 218, Courtney's Law, which relates to inheritance by a parent who abandons a child. I introduced this legislation on behalf of one of my constituents who lost her daughter, Courtney, in a devastating car crash in 2012. Courtney's mother, Jennifer, is here today.

Under current law, if an individual dies and does not have an established will at the time of their death, their estate shall be divided among their surviving heirs. According to state law, the estate passes to the individual's spouse, and if there is not one, to the individual's parents.

When Courtney died, she did not have a living will. Upon her death, Courtney's estate passed to both of her parents. Courtney's parents had been divorced for nearly all of her life, and her father had been living in another state for a majority of that time.

Jennifer, Courtney's mother, felt it was unfair that Courtney's father received half of her daughter's estate, even though he did not play a significant role in her daughter's life. Unfortunately, current law does not provide an avenue by which a parent can petition the court in instances where they feel their child's estate is being unfairly distributed.

Assembly Bill 218 creates a process by which one parent could petition a court if they believe the other parent has **abandoned** their minor child, and therefore should not be entitled to any of the estate in question.

For purposes of the bill, the term **abandoned** means that the parent in question had failed to communicate with the minor for at least one year before their death, failed to care for the minor as required by court order, and failed to pay child support as required by court order.

I am happy to be joined today by Jennifer Laack, Courtney's mother, who is here today to tell her story.



#5210

Jennifer Laack <jlaack72@gmail.com>

Good afternoon. I would like first of all to than

1 message

Jennifer Laack

Wed, Jun 3, 2015 at 10:07 AM

To:

Good afternoon. I would like first of all to thank you all for allowing me to share my story and introduce my daughter Courtney to you. (photo)

My name is Jennifer Laack and I was a single, custodial parent holding total parental responsibility for my daughter Courtney who I alone had the profound privilege of raising until September 14, 2012 when she was tragically killed in an automobile accident.

Currently there is a lawsuit pending my daughter's accident, and there has been an estate set up in her name. Losing my daughter has been an absolutely horrific experience, one I would hope no other parent would ever have to go through, but then to learn of Wisconsin's intestate succession law, which splits an estate equally between parents, whether or not one parent had abandoned the child leaves me devastated, not only for myself but for my daughter. I never would have imagined that the law would not be on my side, but on the side of an absent parent.

My story begins before Courtney was a year old. Her father and I had separated and visitations with her father were few and far between in those early years. Court ordered child support was not paid during those years because, although he was working, he somehow managed to show no income.

Courtney's father then moved to Las Vegas when she was 6 years old and he never came back to Wisconsin again. Court ordered child support was sporadic and because he lived out of state it made it very difficult for child support services to locate him in order to garnish his wages and he was held in contempt of court numerous times. He was out of state for 14 years and again never came back to Wisconsin once to see his daughter. There were no cards for birthdays or holidays, let alone a phone call. My daughter had to live with the unfortunate experience of not having a father here to take her to a father/daughter dance, never having her father at one soccer practice or cheering her on from the sidelines during a soccer game, or watching her as a cheerleader during a high school football game. Honestly, I'm not sure at what point to stop listing the things he missed out on because he missed her entire life. but she had me... we had each other... and I worked diligently for 21 years to support my daughter not only financially, but emotionally and I worked even harder to create a safe and loving home for her without becoming a statistic of the system.

We can all recognize the significant parental obligation and responsibility for the daily supervision, education, protection and emotional support it takes to raise a child. It is my hope that you will help me address this issue for my daughter and for the multitude of single parents who may be affected.

Currently there are 16 other states that have written or revised their intestate succession law in which either do not allow an abandoning parent to inherit from their children or at the minimum give the custodial parent the opportunity to petition the court and have an estate apportioned by a judge in proper shares. Eight of these 16 states recognize adult children under this law.

I want to tell you that recompense for my parental obligation is not my concern here, though I do have trouble understanding why an absent parent is entitled to it. Rather, what horrifies me is the knowledge of how much it would hurt my daughter to know that a man who never had any interest in her whatsoever, who never acknowledged her birthday or graduation, who never bandaged a wounded knee or wrapped a sprained ankle, who rejected her for her whole short life of 21 years will actually be compensated for her death. She

living  
a hell  
life

and  
my loving  
family

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would be horrified and angry. The knowledge of that adds immeasurably to my own grief over my loss of her. It is because of this law, that Courtney's father went from being an unwilling parent to an entitled parent.

There are over 400,000 single parent homes in our state. I understand that while changing this law will never help me in my situation, but it is my hope that it will help another single parent and child who could be a victim of an absent parent in the future.

Again, thank you for allowing me to share my story.

Sent from my iPad