



1995 SENATE BILL 13

January 17, 1995 - Introduced by Senators BUETTNER, RUDE, HUELSMAN, PETAK, FITZGERALD, ROSENZWEIG, BRESKE, RISSER, DARLING and DRZEWIECKI, cosponsored by Representatives LADWIG, SERATTI, NOTESTEIN, GOETSCH, HAHN, OWENS, KRUG, LAZICH, DUFF, AINSWORTH, MUSSER, DOBYNS, REYNOLDS, PLACHE, SCHNEIDERS, LEHMAN, BRANDEMUEHL, BOYLE and OTT. Referred to Committee on Health, Human Services and Aging.

1 **AN ACT to renumber and amend** 880.155; **to amend** 808.075 (4) (f) 3. and
2 880.155 (title); and **to create** 48.14 (11), 814.66 (1) (m), 880.155 (2) and 880.155
3 (4) of the statutes; **relating to:** visitation privileges of grandparents and
4 stepparents if one or both parents of a minor child are deceased.

Analysis by the Legislative Reference Bureau

Under current law, a grandparent of a minor child may petition the court for visitation privileges with the child if one or both of the child's parents are deceased. It is unclear whether the grandparent must file the petition in an existing guardianship proceeding or commence an independent action.

This bill authorizes both grandparents and stepparents of a minor child to petition for visitation privileges if one or both of the child's parents are deceased. The bill specifies that the grandparent or stepparent may file the petition in a guardianship or temporary guardianship proceeding or commence an independent action, and that the person with custody of the minor child must receive notice of the hearing. The court, whenever possible, is to consider the wishes of the child in making a visitation determination. The visitation provision applies to any minor child whose parent or parents are deceased, regardless of the date of death.

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

5 **SECTION 1.** 48.14 (11) of the statutes is created to read:
6 48.14 (11) Granting visitation privileges under s. 880.155.
7 **SECTION 2.** 808.075 (4) (f) 3. of the statutes is amended to read:

1 808.075 (4) (f) 3. Order for visitation by grandparents under s. 880.155.

2 **SECTION 3.** 814.66 (1) (m) of the statutes is created to read:

3 814.66 (1) (m) For filing a petition under s. 880.155, whether in a guardianship
4 or temporary guardianship proceeding or to commence an independent action, \$60.

5 **SECTION 4.** 880.155 (title) of the statutes is amended to read:

6 **880.155 (title) Visitation by grandparents and stepparents.**

7 **SECTION 5.** 880.155 of the statutes is renumbered 880.155 (1) and amended to
8 read:

9 880.155 (1) If one or both parents of a minor child is are deceased and the ~~minor~~
10 child is in the custody of the surviving parent or any other person, ~~any a~~ grandparent
11 or stepparent of the ~~minor~~ child may petition for visitation privileges with respect
12 to the ~~minor~~ child, whether or not the person with custody is married. The
13 grandparent or stepparent may file the petition in a guardianship or temporary
14 guardianship proceeding under this chapter that affects the minor child or may file
15 the petition to commence an independent action under this chapter. The court may
16 grant reasonable visitation privileges to a ~~grandparent~~ the grandparent or
17 stepparent if the surviving parent or other person who has custody of the child has
18 notice of the hearing and if the court determines that it visitation is in the best
19 ~~interests and welfare~~ interest of the child₇₂.

20 (3) The court may issue any necessary order to enforce the same a visitation
21 order that is granted under this section, and may from time to time modify such
22 visitation privileges or orders enforcement order upon a showing of good cause.

23 **SECTION 6.** 880.155 (2) of the statutes is created to read:

24 880.155 (2) Whenever possible, in making a determination under sub. (1), the
25 court shall consider the wishes of the child.

