

1991 Assembly Bill 113

Date of enactment: April 16, 1992
Date of publication*: April 30, 1992

1991 WISCONSIN ACT 191

AN ACT to amend 48.92 (2) and 785.05; and to create 48.925 of the statutes, relating to: visitation rights of certain persons following adoption of a child by a stepparent or relative.

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

SECTION 1. 48.92 (2) of the statutes is amended to read:

48.92 (2) After the order of adoption is entered the relationship of parent and child between the adopted person and his birth parents, unless the birth parent is the spouse of the adoptive parent, shall be completely altered and all the rights, duties and other legal consequences of the relationship shall cease to exist. Notwithstanding the extinction of all parental rights under this subsection, a court may order reasonable visitation under s. 48.925.

SECTION 2. 48.925 of the statutes is created to read:

48.925 Visitation rights of certain persons. (1) Upon petition by a relative who has maintained a relationship similar to a parent-child relationship with a child who has been adopted by a stepparent or relative, the court may grant reasonable visitation rights to that person if the petitioner has maintained such a relationship within 2 years prior to the filing of the petition, if the adoptive parent or parents, or, if a birth parent is the spouse of an adoptive parent, the adoptive parent and birth parent, have notice of the hearing and if the court determines all of the following:

- (a) That visitation is in the best interest of the child.
- (b) That the petitioner will not undermine the adoptive parent's or parents' relationship with the child or, if a birth parent is the spouse of an adoptive parent, the

adoptive parent's and birth parent's relationship with the child.

(c) That the petitioner will not act in a manner that is contrary to parenting decisions that are related to the child's physical, emotional, educational or spiritual welfare and that are made by the adoptive parent or parents or, if a birth parent is the spouse of an adoptive parent, by the adoptive parent and birth parent.

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

(3) This section applies to every child in this state who has been adopted, by a stepparent or relative, regardless of the date of the adoption.

(4) Any person who interferes with visitation rights granted under sub. (1) may be proceeded against for contempt of court under ch. 785, except that a court may impose only the remedial sanctions specified in s. 785.04 (1) (a) and (c) against that person.

SECTION 3m. 785.05 of the statutes is amended to read:

785.05 Limitation on imprisonment. In any case in which the contempt of court is based upon the interference with visitation rights granted under s. 48.925 (1), or upon failure to respond to ~~the a~~ citation, summons or warrant under s. 345.28 or any other failure to pay or to appear in court for a nonmoving traffic violation, the court may not impose imprisonment as a sanction under this chapter.