

# State of Wisconsin



1995 Senate Bill 13

Date of enactment: **August 9, 1995**  
Date of publication\*: **August 23, 1995**

## 1995 WISCONSIN ACT 38

AN ACT to renumber and amend 880.155; to amend 808.075 (4) (f) 3. and 880.155 (title); and to create 48.14 (11), 814.66 (1) (m), 880.155 (1), 880.155 (3) and 880.155 (5) of the statutes; relating to: visitation privileges of grandparents and stepparents if one or both parents of a minor child are deceased.

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

**SECTION 1.** 48.14 (11) of the statutes is created to read:

48.14 (11) Granting visitation privileges under s. 880.155.

**SECTION 2.** 808.075 (4) (f) 3. of the statutes is amended to read:

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

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

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

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

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

**SECTION 5.** 880.155 of the statutes is renumbered 880.155 (2) and amended to read:

880.155 (2) If one or both parents of a minor child is are deceased and the minor child is in the custody of the surviving parent or any other person, any a grandparent or stepparent of the minor child may petition for visitation privileges with respect to the minor child, whether or not the person with custody is married. The grandparent

or stepparent may file the petition in a guardianship or temporary guardianship proceeding under this chapter that affects the minor child or may file the petition to commence an independent action under this chapter. The court may grant reasonable visitation privileges to a grandparent the grandparent or stepparent if the surviving parent or other person who has custody of the child has notice of the hearing and if the court determines that it visitation is in the best interests and welfare interest of the child.

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

**SECTION 5m.** 880.155 (1) of the statutes is created to read:

880.155 (1) In this section, "stepparent" means the surviving spouse of a deceased parent of a minor child, whether or not the surviving spouse has remarried.

**SECTION 6.** 880.155 (3) of the statutes is created to read:

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

**SECTION 7.** 880.155 (5) of the statutes is created to read:

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

880.155 (5) This section applies to every minor child in this state whose parent or parents are deceased, regardless of the date of death of the parent or parents.

---