

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1762/P1ins  
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(INSERT 10-20)

1 SECTION 1. 48.185 (2) of the statutes is amended to read:

2 48.185 (2) In an action under s. 48.41, venue shall be in the county where the  
3 birth parent or child resides at the time that the petition is filed. Venue for any  
4 proceeding under s. 48.363, 48.365, or 48.977, or any proceeding under subch. VIII  
5 or s. 48.976 when the child has been placed outside the home pursuant to a  
6 dispositional order under s. 48.345 or, 48.347, or 938.345 shall be in the county where  
7 the dispositional order was issued, unless the child's county of residence has  
8 changed, or the parent of the child or the expectant mother of the unborn child has  
9 resided in a different county of this state for 6 months. In either case, the court may,  
10 upon a motion and for good cause shown, transfer the case, along with all appropriate  
11 records, to the county of residence of the child, parent, or expectant mother.

History: 1977 c. 354; Stats. 1977 s. 48.185; 1979 c. 330; 1989 a. 161; 1993 a. 98, 318, 491; 1995 a. 77, 275; 1997 a. 80, 292.

(END OF INSERT)

(INSERT 11-19)

12 5. To the extent necessary to make recommendations to the court concerning  
13 the best interests of the child, to report to the court concerning the suitability of the  
14 proposed guardian to serve as guardian of the child and on any other matter that the  
15 court requests, and otherwise to fulfill the duties and responsibilities required of the  
16 guardian ad litem in the proceedings, inspect reports and records relating to the  
17 child, the child's family, and the proposed guardian, including law enforcement  
18 reports and records under ss. 48.396 (1) and 938.396 (1) (a), court records under ss.  
19 48.396 (2) (a) and 938.396 (2), social welfare agency records under ss. 48.78 (2) (a)  
20 and ~~938.396~~ <sup>938.78</sup> (2) (a), abuse and neglect reports and records under s. 48.981 (7) (a) 11v.,  
21 pupil records under s. 118.125 (2) (L), mental health records under s. 51.30 (4) (b) 4.,

20  
21



1 and health care records under s. 146.82 (2) (a) 4. The court shall include in the order  
 2 appointing the guardian ad litem an order requiring the custodian of any report or  
 3 record specified in this subdivision to permit the guardian ad litem to inspect and  
 4 copy the report or record on presentation by the guardian ad litem of a copy of the  
 5 order. A guardian ad litem who obtains access to a report or record described in this  
 6 subdivision shall keep the information contained in the report or record confidential  
 7 and may use or further disclose that information only for purpose of the proceedings.

(END OF INSERT)

(4)

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Comma  
↓

(4)  
 ^48.977 (c) 1. or 48.978 (2)(c) 1.  
 \_\_\_\_\_

(INSERT 13-2)

SECTION 2. 48.299 (6) (intro.) of the statutes is amended to read:

48.299 (6) (intro.) If a man who has been given notice under s. 48.27 (3) (b) 1.

(2)  
9

48.976 (3) (b) 1. appears at any hearing for which he received the notice, alleges

that he is the father of the child, and states that he wishes to establish the paternity  
of the child, all of the following apply:

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265; 2009 a. 28, 94, 180.

SECTION 3. 48.299 (6) (d) of the statutes is amended to read:

48.299 (6) (d) The court may stay the proceedings under this chapter pending  
 the outcome of the paternity proceedings under subch. IX of ch. 767 if the court  
 determines that the paternity proceedings will not unduly delay the proceedings  
 under this chapter and the determination of paternity is necessary to the court's  
 disposition of the child if the child is found to be in need of protection or services  
 proceeding or if the court determines or has reason to know that the paternity  
 proceedings may result in a finding that the child is an Indian child and in a petition

1  
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3-2  
to insert  
13-2

by the child's parent, Indian custodian, or tribe for transfer of the proceeding to the jurisdiction of the tribe.

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 273; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265; 2009 a. 28, 94, 180.

(END OF INSERT)

(INSERT 15-25)

3 SECTION 4. 48.60 (2) (a) of the statutes is amended to read:

4 48.60 (2) (a) A relative ~~or~~, guardian, or person delegated care and custody of  
5 a child under s. 48.979 who provides care and maintenance for such children.

6 SECTION 5. 48.62 (2) of the statutes is amended to read:

7 48.62 (2) A relative ~~or~~, a guardian of a child, or a person delegated care and  
8 custody of a child under s. 48.979 who provides care and maintenance for the child  
9 is not required to obtain the license specified in this section. The department, county  
10 department, or licensed child welfare agency as provided in s. 48.75 may issue a  
11 license to operate a foster home to a relative who has no duty of support under s. 49.90  
12 (1) (a) and who requests a license to operate a foster home for a specific child who is  
13 either placed by court order or who is the subject of a voluntary placement agreement  
14 under s. 48.63. The department, a county department, or a licensed child welfare  
15 agency may, at the request of a guardian appointed under s. 48.976, 48.977, or  
16 48.978, ch. 54, 2009 stats., or ch. 880, 2003 stats., license the guardian's home as a  
17 foster home for the guardian's minor ward who is living in the home and who is placed  
18 in the home by court order. Relatives with no duty of support and guardians  
19 appointed under s. 48.976, 48.977, or 48.978, ch. 54, 2009 stats., or ch. 880, 2003  
20 stats., who are licensed to operate foster homes are subject to the department's  
21 licensing rules.

22 SECTION 6. 48.625 (3) of the statutes is amended to read:

1           48.625 (3) This section does not apply to a foster home licensed under s. 48.62  
2 (1) or to a relative or guardian of a child or a person delegated care and custody of  
3 a child under s. 48.979 who provides care and maintenance for the child.

4           **SECTION 7.** 48.63 (2) of the statutes is amended to read:

5           48.63 (2) No person may place a child or offer or hold himself or herself out as  
6 able to place a child, except as provided in this section. Enrollment of a child by a  
7 parent or guardian in an educational institution ~~shall~~ and delegation of care and  
8 custody of a child to an agent under s. 48.979 do not constitute a placement for the  
9 purposes of this section.

(END OF INSERT)

(INSERT 17-20)

10           (c) "Party" means the person petitioning for the appointment of a guardian for  
11 a child or any interested person other than a person who is alleged to the court to be  
12 the father of the child or who may, based on <sup>t</sup>the statements of the mother or other  
13 information presented to the court, be the father of the child.

(END OF INSERT)

(INSERT 17-24)

14           If the court assigned to exercise jurisdiction under this chapter has jurisdiction  
15 over a proceeding for the appointment of a guardian of the person for a child or  
16 continuing jurisdiction over such a guardianship and the court assigned to exercise  
17 probate jurisdiction has jurisdiction over a proceeding for the appointment of a  
18 guardian of the estate of the child or continuing jurisdiction over such a  
19 guardianship, the court assigned to exercise jurisdiction under this chapter may  
20 order those proceedings or guardianships to be consolidated under the jurisdiction

1 of ~~that~~ <sup>the</sup> court. Upon such consolidation, the court assigned to exercise ~~jurisdiction~~ <sup>jurisdiction under this chapter</sup>

2 under this chapter shall order all records relating to the guardianship of the estate

3 of the child to be transferred to ~~that~~ <sup>the</sup> court and that court shall retain those records

4 as required under SCR chapter 72.

(END OF INSERT)

(INSERT 21-21)

5 <sup>not</sup> and, if the proposed guardianship would change the placement of the child from

6 the home of his or her parent or Indian custodian to a placement outside that home,

7 a statement as to whether the new placement is in compliance with the order of

8 placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c) and, if

9 the new placement is not in compliance with that order, specific information showing

10 good cause, as described in s. 48.028 (7) (e), for departing from that order ✓

(END OF INSERT)

(INSERT 21-24)

11 13. If the child <sup>has</sup> been adjudged to be in need of protection or services under

12 s. 48.13 (1), (2), (3), (3m), (4), (4m), (5), (8), (9), (10), (10m), (11), or (11m) or 938.13

13 (4) or (12) or ~~had~~ been adjudged delinquent under s. 938.12, and is subject to a court

14 order under s. 48.345, 48.357, 48.363, 48.365, 938.34, 938.345, 938.357, 938.363, or

15 938.365, and the petition filed under this subsection requests a change in the

16 placement of the child or a revision of the order, the information that is required to

17 be included in a request for a change in placement under s. 48.357 (2m) (a) or 938.357

or

1 (2m) (a), whichever is applicable, or a request for a revision of the order under s.  
2 48.363 (1) (b) 938.363 (1) (b), whichever is applicable.

(END OF INSERT)

(INSERT 24-11)

3 4. If a man who has been given notice under par. (b) 1. appears at <sup>the</sup> ~~any~~ hearing  
4 ~~for which he received the notice~~ <sup>stays</sup> alleges that he is the father of the child, and states  
5 that he wished to establish the paternity of the child, s. 48.299 (6) applies.

(END OF INSERT)

(INSERT 25-11)

6 <sup>wp</sup> If the court orders the appointment of a guardian for a child described in <sup>the</sup> ~~sub.~~  
7 (3) (a) 13. and the order changes the placement of the child, the disposition shall  
8 include the applicable findings, orders, statements, and determinations specified in  
9 s. 48.357 (2m) (c) or 938.357 (2m) (c), whichever is applicable. ✓

(END OF INSERT)

par.

(INSERT 28-19)

10 (7) SUCCESSOR GUARDIAN. (a) *Appointment; original petition or during*  
11 *guardianship.* 1. As part of a petition for the original appointment of a guardian of  
12 a child or at any time after that appointment, a person may petition for the  
13 appointment of one or more successor guardians of the child to assume the duty and  
14 authority of full, limited, or temporary guardianship in the event of an occurrence  
15 specified in subd. 2. Except as provided in par. (b), if the petition for the appointment  
16 of a successor guardian is brought after the original appointment of a guardian, the  
17 petition shall be heard in the same manner and subject to the same requirements as  
18 provided under this section for an original appointment of a guardian.

2. After hearing, the court

(END OF INSERT)

(INSERT 36-16)

**SECTION 8.** 48.978 (2) (a) 1. of the statutes is amended to read:

48.978 (2) (a) 1. A parent who has legal custody of a child may file a petition for the judicial appointment of a standby guardian of the person or estate or both of the child under this subsection. A parent may include in the petition the nomination of an alternate standby guardian for the court to appoint if the person nominated as standby guardian is unfit, unwilling, or unable to serve as the child's guardian or if the court determines that appointment of the person nominated as standby guardian as the child's guardian is not in the best interests of the child. Subject to subds. 2. and 3., if a petition is filed under this subdivision, the petition shall be joined by each parent who has legal custody of the child.

History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

**SECTION 9.** 48.978 (2) (a) 2. of the statutes is amended to read:

48.978 (2) (a) 2. If a parent who has legal custody of a child cannot with reasonable diligence locate the other parent who has legal custody of the child, the parent may file a petition under subd. 1. without ~~the~~ that other parent joining in the petition and, if the parent filing the petition submits proof satisfactory to the court of that reasonable diligence, the court may grant the petition.

History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

**SECTION 10.** 48.978 (2) (a) 3. of the statutes is amended to read:

48.978 (2) (a) 3. If a parent who has legal custody of a child can locate the other parent who has legal custody of the child, but that other parent ~~refuses~~ fails to join in the petition or ~~indicates to indicate~~ that he or she is ~~unwilling or unable~~ fit, willing, and able to exercise the duty and authority of guardianship, the parent may file a

1 petition under subd. 1. without ~~the~~ that other parent joining in the petition and, if  
2 the parent filing the petition submits proof satisfactory to the court of that ~~refusal,~~  
3 ~~unwillingness or inability~~ failure, the court may grant the petition.

History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

4 **SECTION 11.** 48.978 (2) (b) 7. of the statutes is amended to read:

5 48.978 (2) (b) 7. If a parent of the child cannot with reasonable diligence locate  
6 the other parent of the child, a statement that the child has no parent, other than the  
7 petitioner, who is fit, willing, and able to exercise the duties and authority of  
8 guardianship and who, with reasonable diligence, can be located and a statement of  
9 the efforts made to locate the other parent. who has legal custody

History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

10 **SECTION 12.** 48.978 (2) (b) 8. of the statutes is amended to read:

11 48.978 (2) (b) 8. If a parent of the child can locate the other parent of the child,  
12 but that other parent refuses does not have legal custody of the child and fails to join  
13 in the petition or indicates to indicate that he or she is ~~unwilling or unable~~ fit, willing,  
14 and able to exercise the duty and authority of guardianship, a statement that the  
15 child has no parent, other than the petitioner, who is fit, willing, and able to exercise  
16 the duty and authority of guardianship and a statement that the nonpetitioning  
17 parent ~~has refused~~ does not have legal custody of the child and has failed to join in  
18 the petition or ~~has indicated~~ to indicate that he or she is ~~unwilling or unable~~ fit,  
19 willing, and able to exercise the duty and authority of guardianship.

History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

(END OF INSERT)

(INSERT 36-22)

Insert 8-20  
to insert 36-22  
→

20 **SECTION 13.** 48.978 (2) (e) 2. of the statutes is amended to read:



1           48.978 (2) (e) 2. Whether the child has any parent, other than the petitioner,  
2           who is fit, willing, and able to exercise the duty and authority of guardianship.

3           History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

3           **SECTION 14.** 48.978 (2) (e) 4. of the statutes is amended to read:

4           48.978 (2) (e) 4. If a parent who has legal custody of the child has ~~refused~~ failed  
5           to join in the petition, whether that ~~refusal~~ failure is unreasonable.

6           History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

6           **SECTION 15.** 48.978 (2) (f) 2. of the statutes is amended to read:

7           48.978 (2) (f) 2. That the child has no parent, other than the petitioner, who is  
8           fit, willing, and able to exercise the duty and authority of guardianship.

9           History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

9           **SECTION 16.** 48.978 (2) (f) 4. of the statutes is amended to read:

10          48.978 (2) (f) 4. That, if a parent who has legal custody of the child has ~~refused~~  
11          failed to join in the petition, the ~~refusal~~ failure was unreasonable.

12          History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

12          **SECTION 17.** 48.978 (2) (f) 5. of the statutes is amended to read:

13          48.978 (2) (f) 5. That the person nominated as standby guardian is fit, willing,  
14          and able to act as standby guardian or, if that person is not so fit, willing, and able,  
15          that the person nominated as alternate standby guardian is fit, willing, and able to  
16          act as standby guardian.

17          History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

17          **SECTION 18.** 48.978 (3) (b) 2. of the statutes is amended to read:

18          48.978 (3) (b) 2. A written designation of a standby guardian complies with this  
19          subsection if the written designation substantially conforms to the following form:

20                   DESIGNATION OF STANDBY GUARDIAN

21           I, .... (name and address of parent), being of sound mind, do hereby designate ....  
22           (name and address of standby guardian) as standby guardian of the person and  
23           estate of my child(ren) .... (name(s), birth date(s) and address(es) of child(ren)).

1 (You may, if you wish, provide that the duty and authority of the standby  
2 guardian shall extend only to the person, or only to the estate, of your child(ren), by  
3 crossing out "person and" or "and estate", whichever is inapplicable, above.)

4 The duty and authority of the standby guardian shall begin on one of the  
5 following events, whichever occurs first:

- 6 1. I die.
- 7 2. My doctor determines that I am mentally incapacitated, and thus unable to  
8 care for my child(ren).
- 9 3. My doctor determines that I am physically debilitated, and thus unable to  
10 care for my child(ren), and I consent in writing, before 2 witnesses, to the standby  
11 guardian's duty and authority taking effect.

12 If the person I designate above is unfit, unwilling, or unable to act as standby  
13 guardian for my child(ren), I hereby designate .... (name and address of alternate  
14 standby guardian) as standby guardian for my child(ren).

15 I also understand that the duty and authority of the standby guardian  
16 designated above will end 180 days after the day on which that duty and authority  
17 begin if the standby guardian does not petition the court within those 180 days for  
18 an order appointing him or her as standby guardian.

19 I understand that I retain full parental rights over my child(ren) even after the  
20 beginning of the standby guardianship, that I may revoke the standby guardianship  
21 at any time before the standby guardianship begins, that I may revoke the standby  
22 guardianship at any time after the standby guardianship begins, subject to the  
23 approval of the court, and that the standby guardianship will be suspended on my  
24 recovery or remission from my incapacity or debilitation.

25 Signature....

Date ....

1 STATEMENT OF WITNESSES

2 I declare that the person whose name appears above signed this document in  
3 my presence, or was physically unable to sign the document and asked another  
4 person 18 years of age or over to sign the document, who did so in my presence, and  
5 that I believe the person whose name appears above to be of sound mind. I further  
6 declare that I am 18 years of age or over and that I am not the person designated as  
7 standby guardian or alternate standby guardian.

8 Witness No. 1:

9 (print) Name ... Date ....

10 Address ....

11 Signature ....

12 Witness No. 2:

13 (print) Name .... Date ....

14 Address ....

15 Signature ....

16 STATEMENT OF STANDBY GUARDIAN

17 AND ALTERNATE STANDBY GUARDIAN

18 I .... (name and address of standby guardian), and I, .... (name and address of  
19 alternate standby guardian), understand that .... (name of parent) has designated  
20 me to be the standby guardian or alternate standby guardian of the person and estate  
21 (cross out "person and" or "and estate", if inapplicable) of his or her child(ren) if he  
22 or she dies, becomes mentally incapacitated, or becomes physically debilitated and  
23 consents, to my duty and authority taking effect. I hereby declare that I am fit,  
24 willing, and able to undertake the duty and authority of standby guardianship and  
25 I understand that within 180 days after that duty and authority begin I must petition

1 the court for an order appointing me as standby guardian. I further understand  
 2 that .... (name of parent) retains full parental rights over his or her child(ren) even  
 3 after the beginning of the standby guardianship, that he or she may revoke the  
 4 standby guardianship at any time before the standby guardianship begins, that he  
 5 or she may revoke the standby guardianship at any time after the standby  
 6 guardianship begins, subject to the approval of the court, and that the standby  
 7 guardianship will be suspended on his or her recovery or remission from his or her  
 8 incapacity or debilitation.

9 Standby guardian's signature .... Date ....

10 Address ....

11 Alternate standby guardian' signature .... Date ....

12 Address ....

13 History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

**SECTION 19.** 48.978 (3) (e) 1. of the statutes is amended to read:

14 48.978 (3) (e) 1. The written designation under par. (a) signed or consented to  
 15 by each parent of the child or, if a parent cannot with reasonable diligence be located  
 16 or has ~~refused~~ failed to consent to the designation, the written designation under par.  
 17 (a) signed by one parent and a statement of the efforts made to find the other parent  
 18 or of the fact that the other parent has ~~refused~~ failed to consent to the designation.

19 History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

**SECTION 20.** 48.978 (3) (e) 3. of the statutes is amended to read:

20 48.978 (3) (e) 3. If the petition is filed by a person who has been designated as  
 21 an alternate standby guardian, a statement that the person designated as standby  
 22 guardian is unfit, unwilling, or unable to act as standby guardian and the factual  
 23 basis for that statement.

24 History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

**SECTION 21.** 48.978 (3) (g) 3. of the statutes is amended to read:

1 48.978 (3) (g) 3. That the child has no parent who is fit, willing, and able to  
2 exercise the duty and authority of guardianship.

3 History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

**SECTION 22.** 48.978 (3) (g) 4. of the statutes is amended to read:

4 48.978 (3) (g) 4. That, if a parent cannot be located, the petitioner has made  
5 diligent efforts to locate that parent or, if a parent has ~~refused~~ failed to consent to the  
6 designation of the standby guardian, ~~the consent was unreasonably withheld that~~  
7 failure was unreasonable.

8 History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

**SECTION 23.** 48.978 (3) (g) 5. of the statutes is amended to read:

9 48.978 (3) (g) 5. That, if the petitioner is a person designated as an alternate  
10 standby guardian, the person designated as standby guardian is unfit, unwilling, or  
11 unable to act as standby guardian.

History: 1997 a. 334; 2005 a. 130, 387; 2007 a. 96; 2009 a. 94.

(END OF INSERT)

(INSERT 37-13)

That is properly executed by  
all parents who have  
legal custody of  
the child

12 **SECTION 24.** 48.979 of the statutes is created to read:

13 **48.979 Delegation of power by parent.** (1) (a) A parent who has legal  
14 custody of a child, by a ~~properly executed~~ power of attorney, may delegate to an agent,  
15 for a period not to exceed one year, any of his or her powers regarding the care and  
16 custody of the child, except the power to consent to the marriage or adoption of the  
17 child, the performance or inducement of an abortion on or for the child, the  
18 termination of parental rights to the child, or the enlistment of the child in the U.S.  
19 armed forces. A delegation of powers under this paragraph does not deprive the  
20 parent of any of his or her powers regarding the care and custody of the child.

1 (b) A parent who has legal custody of a child may not place the child in a foster  
2 home, group home, or inpatient treatment facility by means of a delegation of powers  
3 under par. (a). Those placements may be made only by means of a court order or as  
4 provided in s. 48.63 or 51.13.

5 (c) A delegation of powers under par. (a) does not prevent or supersede any of  
6 the following:

7 1. An agency, a sheriff, or a police department from receiving and investigating  
8 a report of suspected or threatened abuse or neglect of the child under s. 48.981.

9 2. The child from being taken into and held in custody under ss. 48.19 to 48.21  
10 or 938.19 to 938.21. ~~A written revocation shall be executed by all parents~~

11 3. An intake worker from conducting an intake inquiry under s. 48.24 or 938.24.

12 4. A court from exercising jurisdiction over the child under s. 48.13 or 938.13.

13 (d) A parent who has delegated his or her powers regarding the care and  
14 custody of a child under par. (a) may revoke that delegation at any time by executing  
15 a written revocation and notifying the agent in writing of the revocation. A written  
16 revocation invalidates the delegation of powers except with respect to acts already  
17 taken in reliance on the delegation of powers.

18 (2) A power of attorney complies with sub. (1) (a) if the power of attorney  
19 substantially conforms to the following form:

20 **POWER OF ATTORNEY**

21 **DELEGATING PARENTAL POWER**

22 *AUTHORIZED BY S. 48.979, WIS. STATS.*

23 NAME(S) OF CHILD(REN)

24 This P power of A attorney is for the purpose of providing for the care and custody

25 of:

1 Name, address, and date of birth of child ....

2 Name, address, and date of birth of child ....

3 Name, address, and date of birth of child ....

4 DELEGATION OF POWER TO AGENT

5 I, .... (name and address of parent), state that I have legal custody of the  
6 child(ren) named above. (*Only a parent who has legal custody may use this form.*)

7 I delegate my parental power to:

8 Name of agent ....

9 Agent's address ....

10 Agent's telephone number(s) ....

11 Agent's e-mail address ....

12 Relationship of agent to child(ren) ....

13 The parental power I am delegating is as follows:

14 FULL

15 (*Check if you want to delegate full parental power regarding the care and*  
16 *custody of the child(ren) named above.*)

17 .... Full parental power regarding the care and custody of the child(ren) named  
18 above

19 PARTIAL

20 (*Check each subject over which you want to delegate your parental power*  
21 *regarding the child(ren) named above.*)

22 .... The power to consent to all health care; or

23 .... The power to consent to only the following health care:

24 .... Ordinary or routine health care, excluding major surgical procedures,  
25 extraordinary procedures, and experimental treatment

- 1           .... Emergency blood transfusion
- 2           .... Dental care
- 3           .... Disclosure of health information about the child(ren)
- 4           .... The power to consent to educational and vocational services
- 5           .... The power to consent to the employment of the child(ren)
- 6           .... The power to consent to the disclosure of confidential information, other
- 7 than health information, about the child(ren)
- 8           .... The power to provide for the care and custody of the child(ren)
- 9           .... The power to consent to the child(ren) obtaining a motor vehicle operator's
- 10 license
- 11           .... The power to travel with the child(ren) outside the state of Wisconsin
- 12           .... The power to obtain substitute care, such as child care, for the child(ren)
- 13           .... Other specifically delegated powers or limits on delegated powers *(Fill in*
- 14 *the following space or attach a separate sheet describing any other specific powers that*
- 15 *you wish to delegate or any limits that you wish to place on the powers you are*
- 16 *delegating.) . . . .* ↙

17           This delegation of parental powers does not deprive a custodial or noncustodial

18 parent of any of his or her powers regarding the care and custody of the child,

19 whether granted by court order or force of law. child(ren)

20           THIS DOCUMENT MAY NOT BE USED TO DELEGATE THE POWER TO

21 CONSENT TO THE MARRIAGE OR ADOPTION OF THE CHILD(REN), THE

22 PERFORMANCE OR INDUCEMENT OF AN ABORTION ON OR FOR THE

23 CHILD(REN), THE TERMINATION OF PARENTAL RIGHTS TO THE

24 CHILD(REN), OR ← caps THE ENLISTMENT OF THE CHILD(REN) IN THE U.S. ARMED



1 FORCES OR TO PLACE THE CHILD(REN) IN A FOSTER HOME, GROUP HOME,  
2 OR INPATIENT TREATMENT FACILITY.

↑ but no longer

3 EFFECTIVE DATE AND TERM OF THIS DELEGATION

4 This Power of Attorney takes effect on .... and will remain in effect until .... If  
5 no termination date is given or if the termination date given is more than one year  
6 after the effective date of this Power of Attorney, this Power of Attorney will remain  
7 in effect for ~~a period of~~ one year after the effective date. This Power of Attorney may  
8 be revoked in writing at any time by a parent who has legal custody of the child(ren)  
9 and such a revocation invalidates the delegation of parental powers made by this  
10 Power of Attorney, except with respect to acts already taken in reliance on this Power  
11 of Attorney.

12 SIGNATURE(S) OF PARENT(S)

13 Signature of parent .... Date ....

14 Parent's name printed ....

15 Parent's address ....

16 Parent's telephone number ....

17 Parent's e-mail address ....

18 Signature of parent .... Date ....

19 Parent's name printed ....

20 Parent's address ....

21 Parent's telephone number ....

22 Parent's e-mail address ....

23 WITNESSING OF SIGNATURE(S) (OPTIONAL)

24 State of ....

25 County of ....

1 This document was signed before me on .... (date) by .... (name(s) of parent(s)).  
 2 Signature of notary ....  
 3 My commission expires: ....

4 STATEMENT OF AGENT

5 I, .... (name and address of agent), understand that .... (name(s) of parent(s)) has  
 6 (have) delegated to me the powers specified in this Power of Attorney regarding the  
 7 care and custody of .... (name(s) of child(ren)). I further understand that this Power  
 8 of Attorney may be revoked in writing at any time by a parent who has legal custody  
 9 of .... (name(s) of child(ren)). I hereby declare that I have read this Power of Attorney,  
 10 understand the powers delegated to me by this Power of Attorney, am fit, willing, and  
 11 able to undertake those powers, and accept those powers.

12 Agent's signature .... Date ....

13 APPENDIX

14 *(Here the parent(s) may indicate where they may be located during the term of*  
 15 *the Power of Attorney if different from the address(es) set forth above.)*

16 .... I can be located at:  
 17 Address(es) ....  
 18 Telephone number(s) ....  
 19 E-mail address(es) ....  
 20 .... Or, by contacting:  
 21 Name ....  
 22 Address ....  
 23 Telephone number ....  
 24 E-mail address ....  
 25 .... Or, I cannot be located

1           **SECTION 25.** 48.981 (2) (a) (intro.) of the statutes is amended to read:

2           48.981 (2) (a) (intro.) Any of the following persons who has reasonable cause  
3 to suspect that a child seen by the person in the course of professional duties has been  
4 abused or neglected or who has reason to believe that a child seen by the person in  
5 the course of professional duties has been threatened with abuse or neglect and that  
6 abuse or neglect of the child will occur shall, except as provided under ~~sub.~~ subs. (2m)  
7 and (2r), report as provided in sub. (3):

8           **SECTION 26.** 48.981 (2) (b) of the statutes is amended to read:

9           48.981 (2) (b) A court-appointed special advocate who has reasonable cause to  
10 suspect that a child seen in the course of activities under s. 48.236 (3) has been  
11 abused or neglected or who has reason to believe that a child seen in the course of  
12 those activities has been threatened with abuse and neglect and that abuse or neglect  
13 of the child will occur shall, except as provided in ~~sub.~~ subs. (2m) and (2r), report as  
14 provided in sub. (3).

15           **SECTION 27.** 48.981 (2) (bm) 1. (intro.) of the statutes is amended to read:

16           48.981 (2) (bm) 1. (intro.) Except as provided in subd. 3. and ~~sub.~~ subs. (2m) and  
17 (2r), a member of the clergy shall report as provided in sub. (3) if the member of the  
18 clergy has reasonable cause to suspect that a child seen by the member of the clergy  
19 in the course of his or her professional duties:

20           **SECTION 28.** 48.981 (2) (bm) 2. (intro.) of the statutes is amended to read:

21           48.981 (2) (bm) 2. (intro.) Except as provided in subd. 3. and ~~sub.~~ subs. (2m) and  
22 (2r), a member of the clergy shall report as provided in sub. (3) if the member of the  
23 clergy has reasonable cause, based on observations made or information that he or  
24 she receives, to suspect that a member of the clergy has done any of the following:

25           **SECTION 29.** 48.981 (2m) (title) of the statutes is amended to read:

1 48.981 (2m) (title) EXCEPTION TO REPORTING REQUIREMENT; HEALTH CARE SERVICES.

2 SECTION 30. 48.981 (2r) of the statutes is created to read:

3 48.981 (2r) EXCEPTION TO REPORTING REQUIREMENT; PERSON DELEGATED PARENTAL  
4 POWERS. A person delegated care and custody of a child under s. 48.979 is not required  
5 to report as provided in sub. (3) any suspected or threatened abuse or neglect of the  
6 child as required under sub. (2) (a), (b), or (bm) or (2m) (d) or (e). Such a person who  
7 has reason to suspect that the child has been abused or neglected or who has reason  
8 to believe that the child has been threatened with abuse or neglect and that abuse  
9 or neglect of the child will occur may report as provided in sub. (3).

10 SECTION 31. 48.981 (7) (a) <sup>^</sup>11v. of the statutes is created to read:

11 48.981 (7) (a) 11v. A guardian ad litem for a child who is the subject of a  
12 guardianship proceeding under s. 48.976 to the extent necessary for the guardian ad  
13 litem to make recommendations to the court concerning the best interests of the  
14 child, to report to the court concerning the suitability of the proposed guardian to  
15 serve as guardian of the child and on any other matter that the court requests, and  
16 otherwise to fulfill the duties and responsibilities required of the guardian ad litem  
17 in the proceeding.

(END OF INSERT)

~~(INSERT)~~

INS 42-4

18 SECTION 32. 55.08 (1) (b) of the statutes is amended to read:

19 55.08 (1) (b) The individual is a minor 14 years of age or over who is ~~not~~ alleged  
20 to have a developmental disability ~~and on whose behalf a petition for guardianship~~  
21 ~~has been submitted~~, or is an adult who has been determined to be incompetent by a  
22 circuit court.

1           **SECTION 33.** 55.08 (2) (a) of the statutes is amended to read:

2           55.08 (2) (a) The individual has been determined to be incompetent by a circuit  
3           court or is a minor 14 years of age or over who is alleged to have a developmental  
4           disability ~~and on whose behalf a petition for a guardianship has been submitted.~~

**History:** 2005 a. 264 ss. 119 to 122, 158; 2005 a. 387 s. 111; 2005 a. 388 s. 164; 2007 a. 45.

(END OF INSERT)

(INSERT 43-7)

5           **SECTION 34.** 118.125 (2) (L) of the statutes is amended to read:

6           118.125 (2) (L) A school board shall disclose the pupil records of a pupil in  
7           compliance with a court order under s. 48.235 (3) (c) 5., 48.236 (4) (a), 48.345 (12) (b),  
8           938.34 (7d) (b), 938.396 (1) (d), or 938.78 (2) (b) 2. after making a reasonable effort  
9           to notify the pupil's parent or legal guardian.

**History:** 1973 c. 254; 1977 c. 418; 1979 c. 205; 1981 c. 20, 273; 1983 a. 189; 1985 a. 218; 1987 a. 27, 70, 206, 285, 337, 355; 1987 a. 399 s. 491r; 1987 a. 403 ss. 123, 124, 256; 1989 a. 31, 168; 1989 a. 201 s. 36; 1989 a. 336; 1991 a. 39, 189; 1993 a. 27, 172, 334, 377, 385, 399, 450, 491; 1995 a. 27 ss. 3939, 3940, 9126 (19), 9130 (4), 9145 (1); 1995 a. 77, 173, 225, 352; 1997 a. 3, 27, 205, 237, 239; 1999 a. 9, 149; 2003 a. 82, 292; 2005 a. 344, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 2712, 9121 (6) (a); 2009 a. 11, 28, 209, 302, 309; s. 13.92 (2) (i).

(END OF INSERT)

(INSERT A-1)

- 4. Report to the juvenile court on any matter that the juvenile court requests.
- 5. Inspect reports and records relating to the child, the child's family, and the proposed guardian, including law enforcement, juvenile court, social welfare agency, child abuse and neglect, pupil, mental health, and health care records, to the extent necessary to fulfill the duties and responsibilities required of the GAL in the proceeding. The bill requires the juvenile court to include in the order appointing the GAL an order requiring the custodian of those reports or records to permit the GAL to inspect and copy those reports or records on presentation by the GAL of a copy of the order.

(END OF INSERT)

(INSERT A-2)

(nop)

← If the juvenile court orders the appointment of a guardian for a child who has been adjudged to be delinquent or in need of protection or services and the order

changes the placement of the child, the disposition must, if applicable, include certain findings, orders, statements, and determinations relating to, among other things, the welfare of the child and reasonable efforts to prevent the removal of the child from the home, that are required under current law when a juvenile court changes the placement of such a child.

(END OF INSERT)

(INSERT A-3)

no 9

← As part of a petition for the original appointment of a guardian of a child or at any time after that appointment, a person may petition for the appointment of one or more successor guardians to assume the duty and authority of full, limited, or temporary guardianship in the event of the death, unwillingness or inability to act, resignation, or removal by the juvenile court of the initially appointed guardian or during a period when the initially appointed guardian is temporarily unable to fulfill his or her duties. If the petition for the appointment of a successor guardian is brought after the original appointment of a guardian, the petition must be heard in the same manner and subject to the same requirements as provided for an original appointment of a guardian.

The juvenile court may also appoint a successor guardian after a guardian has died, been removed, or ~~resigns~~ <sup>resigned.</sup>

(END OF INSERT)

4

(INSERT A-3)

**Standby guardianships**

Under current law, a petition for the appointment of a standby guardian to assume the duty and authority of guardianship on the incapacity, death, or debilitation and consent, of a parent of a child must be joined by each parent of the child who with reasonable diligence can be located. If a parent can be located, but refuses to join in the petition or indicates that he or she is unwilling or unable to exercise the duty and authority of guardianship, the petition may be filed without the other parent joining in the petition.

This bill limits that joinder requirement to each parent *who has legal custody* of the child, which means: 1) a parent to whom a family court has granted the right and responsibility to make major decisions concerning the child; or 2) in the case of a nonmarital child, the child's mother. Accordingly, under the bill, a parent who does not have legal custody of the child is not required to join in the guardianship petition. The bill also permits one parent who has legal custody of a child to file a guardianship petition without the other parent joining in the petition if that other parent *fails*, rather than refuses, to join in the petition or to indicate that he or she is fit, willing, and able to exercise the duty and authority of guardianship.

In addition, under current law, before the juvenile court may appoint a person as the standby guardian of a child, the juvenile court must make certain findings,

properly executed by all parents  
who have legal custody of the child

including a finding that the person is willing and able to act as standby guardian. This bill requires a finding that a person is *fit*, willing, and able to act as standby guardian before the juvenile court may appoint him or her as standby guardian.

**Delegation of powers by parent**

The bill permits a parent who has legal custody of a child, by a ~~properly executed~~ power of attorney, to delegate to another person, for a period not to exceed one year, any of his or her powers regarding the care and custody of the child, except the power to consent to the marriage or adoption of the child, the performance or inducement of an abortion on or for the child, the termination of parental rights to the child, or the enlistment of the child in the U.S. armed forces. The bill provides that such a delegation of powers does not deprive the parent of any of his or her powers regarding the care and custody of the child and does not prevent or supersede: 1) an investigation of suspected or threatened abuse or neglect of the child under the child abuse and neglect reporting law; 2) the child from being taken into and held in custody under the Children's Code or the Juvenile Justice Code; 3) a juvenile court intake worker from conducting an intake inquiry to determine whether the available facts establish juvenile court jurisdiction over the child; or 4) the juvenile court from exercising its child or juvenile in need of protection or services jurisdiction over the child.

Under current law, a person who provides care and maintenance for four or fewer children must obtain a license to operate a foster home. Current law, however, permits a relative or guardian of a child to provide care and maintenance for a child without obtaining a license to operate a foster home. This bill exempts a person who is delegated care and custody of a child as provided in the bill from the requirement that the person obtain a license to operate a foster home in order to provide care and maintenance for the child. The bill, however, prohibits a parent from placing a child in a foster home, group home, or inpatient treatment facility by means of a delegation of powers as provided in the bill. Under the bill, those placements may be made only by means of a juvenile court order or a voluntary agreement or admission as provided under current law.

Under current law, certain persons who have reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or who have reason to believe that such a child has been threatened with abuse or neglect and that abuse or neglect will occur must report that suspected or threatened abuse or neglect to the county department of human services or social services, the sheriff, or the local police department. Any other person may report suspected or threatened abuse or neglect of a child. This bill exempts a person who is delegated care and custody of a child as provided in the bill from the requirement that he or she report any suspected or threatened abuse or neglect of the child. Instead, the bill *permits* such a person to report any suspected or threatened abuse or neglect of the child.

**Protective placements**

Finally, under current law, the juvenile court may order a protective placement, which is a placement for the residential care and custody of an individual, for a minor 14 years of age or over who is alleged to have a developmental disability and on whose behalf a petition for guardianship has ~~been~~ submitted. This bill eliminates the

been

requirement that a guardianship petition be submitted in order for a juvenile court to order a protective placement for a minor 14 years of age or over who is alleged to have a developmental disability.

(END OF INSERT)



Insert 3-2 to Insert 13-2

Section #. 48.299 (7) of the statutes is amended to read:

~~48.299 (7) If a man who has been given notice under s. 48.27 (3) (b) 1. appears at any hearing for which he received the notice but does not allege that he is the father of the child and state that he wishes to establish the paternity of the child or if no man to whom such notice was given appears at a hearing, the court may refer the matter to the state or to the attorney responsible for support enforcement under s. 59.53 (6) (a) for a determination, under s. 767.80, of whether an action should be brought for the purpose of determining the paternity of the child.~~

48.299 (7) If a man who has been given notice under s. 48.27 (3) (b) 1. appears at any hearing for which he received the notice but does not allege that he is the father of the child and state that he wishes to establish the paternity of the child or if no man to whom such notice was given appears at a hearing, the court may refer the matter to the state or to the attorney responsible for support enforcement under s. 59.53 (6) (a) for a determination, under s. 767.80, of whether an action should be brought for the purpose of determining the paternity of the child.

**History:** 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265; 2009 a. 28, 94, 180.

cont - 7)

48.976(3)(b)1. 48.977(4)(c)1  
or 48.978.(2)(c)1.

Insert 8-20 to Insert 36-22

48.978 (2)(d) 1m.

✓

⑨ SEC# CR; 48.978 (2)(d) 1m.

ⓑ

⑨ 48.978 (2)(d) 1m. IF a man who has been given notice under par (c) 1. appears at the hearing, alleges that he is the father of the child, and states that he wishes to establish the paternity of the child, s. 48.299 (6) applies (6) a proben.

notice under par (c) 1. appears at the hearing, alleges

states

that he is the father of the child, and states that he

s. 48.299

wishes to establish the paternity of the child, s. 48.299

(6) applies

(6) a proben.

Correct - 7)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Insert 36-6

9

SEC #. 12; 48.977 (4) (cm) Im.  
48.977 (4) (cm) Im.

A

9

48.977 (4) (cm) Im. If a man who has been  
(c)1.

given notice under par (c)1. appears at the hearing

alleges that he is the father of the child, and states that

he wishes to establish the paternity of the child

s. 48.299 (6)

s. 48.299 (6) applies

(ed. int)

**Malaise, Gordon**

**From:** Hafner, Dyann [Hafner@countyofdane.com]  
**Sent:** Monday, September 12, 2011 1:15 PM  
**To:** 'Sandy Lonergan'; 'HJPLUM@aol.com'; Malaise, Gordon; troetter@annenroetter.com; MJasmer@waukeshacounty.gov; mvruno@milwcnty.com; anita@arclawoffice.com  
**Cc:** Margaret Porco  
**Subject:** RE: juv guardianship mtg confirmed (9/16 2:00pm) & draft

Here is my list for Friday's meeting:

Dyann Hafner  
 Assistant Corporation Counsel for Dane County  
 (608) 242-6483

1. Page 12; Section 4 amending 48.023(4) to include the right to change the residence of the child from this state to another.

Comment:

1. I believe that the treatment of guardianship differs from state to state in that it is either a status granted upon a person or it is an agency of the court. (Or perhaps a mixture of both.) I also believe that Chapter 54 is different from old Chapter 880 in that guardianship now more resembles court agency than status independent of the court. So, it appears that the guardian deciding to change a child's residency should do more. Perhaps notify the parents, seek court permission and/or establish guardianship in the new state of residence. Perhaps this should also be limited to where the child will continue to live with the guardian as opposed to having the child live with another relative in another state. Also, we are seeing more and more guardianships where the parents or one of them remain in Mexico. Can the guardian take the child out of country? I'd prefer to spell this out because guardianship is a nuanced area and I'm never sure exactly what has been conveyed when speaking through a translator.

2. I think this section should also refer to s. 48.355 (CHIPS dispositional orders) so that it is clear that the CHIPS order controls when it transfers legal or physical custody.

*(No) Already done "vested in another person" covers*

3. Page 12; Section 6. referring to s. 48.14(2)(b) crossing out "ch. 54." I think it should remain to cover those guardianships in place before this Act is (hopefully) passes.

*(No) - won't be any more ch. 54 guardianships*

4. Page 13; Section 10. I think we should excuse the guardian meeting with a child who is say under the age of 6. Or perhaps its "meet or observe" the child depending upon age or the child's ability to participate in a meeting.

5. Page 16; Section 16 regarding a stay of proceedings to await a paternity determination. Would we want to provide for a temporary guardianship pending paternity determination?

*p. 29 add*

6. Page 21; Section 28 regarding s. 48.976(a)f., "through the office (?) representing the

*"diag, corp counsel, or other official..."*

interests of the public”?

6. Page 26; Section 28 regarding s. 48.976(3)(a)9. on what a petition must contain, including “9. Whether the proceedings are subject to the Uniform Child Custody Jurisdiction and Enforcement Act under ch. 822.” When would they not be subject to the UCCJA? Perhaps instead incorporate or refer to the UCCJA. *“The info required under s. 822.29(1).”  
i.e., whether any other proceedings*
7. Page 28; Section 28 regarding statement of the proposed guardian. Section 2. states, “If subd. 1. applies,” but subd. 1. will always apply because it requires information on income, assets, debts and living expenses in addition to whether the proposed guardian has been charged with/convicted of a crime. *Correct - applies only to charge, conviction, or determination*
8. P. 28; Section 28 regarding time limits for a hearing. I think the time period is too short and I’m not clear if the court could find good cause to extend. *(No) s. 48.313 - may get continuance*
9. Page 29; Section 28, section 4. on the page. There is a typo on the second line of the section the potential father “wishes” rather than “wished.” *Correct*
10. Page 30; Section 28, section (f)1. on the page. I have a problem with dismissing the petition if the court finds that the proposed guardian is not in the child’s best interest. Instead of trying the case all over assuming another guardian steps forward, the court should require the petitioner or other party to search for a different guardian, similar to section 54.44(5m), Stats. *(6)*
11. Page 34: Section (7)(a)2. on the page, line 23: Why does the successor guardian have to notify the court after being appointed? The appointment should be through the court. *Current law - appointed along w/ original guardian. When original guardian dies, etc notify ct + ct issue new letters + ship*
12. Page 36 section (8)(c) on the page: The court is responsible for notifying all interested persons. I suggest that the Petitioning Party be burdened with determining who the interested parties are and providing notification. *ct shall cause notice*
13. Page 38, section (b)3. on the page: Again, I think the duty of proper notice should fall on the petitioning party rather than the court. *(1) (1)*
14. Page 39; Section 29 referring to s. 48.977(2)(a) and adding delinquent kids appointment of guardian under that section. I think it should also include JIPS kids. *broader to all s. 48.13 + 938.13 grounds*
15. Page 49, Section 57 (Also P. 19) regarding delegation of power by the parent. I think we should make this section exactly as we would like it without regard to previously exercised political factors or we should omit it from the draft given that the section had a brief life of its own in other legislation. If we keep it, we must correct the hole of the person having been delegated parental power *= Yank*

having the ability to access and consent to the release of medical, treatment and other confidential records.

1/8. One more thing: Should we also consider amending section 757.69, Stats., to give a court commissioner the ability to grant an emergency guardianship under new section 48.976?

No - don't need it

-----Original Message-----

**From:** Sandy Lonergan [mailto:slonergan@wisbar.org]  
**Sent:** Friday, August 12, 2011 1:27 PM  
**To:** 'HJPLUM@aol.com'; Hafner, Dyann; Gordon.Malaise@legis.wisconsin.gov; troetter@annenroetter.com; MJasmer@waukeshacounty.gov; mvruno@milwcnty.com; anita@arclawoffice.com  
**Cc:** Margaret Porco  
**Subject:** juv guardianship mtg confirmed (9/16 2:00pm) & draft

**We are now confirmed for 2:00pm Friday, September 16<sup>th</sup> at the State Bar.**

**Unless Gordon says differently, the latest draft bill is attached.**

**If anyone has any comments or additional written materials, please send them to the entire group.**

**Thank you – Sandy**

Sandy Lonergan  
 Government Relations Coordinator  
 State Bar of Wisconsin  
[www.wisbar.org](http://www.wisbar.org)  
 (608) 250-6045  
 (608) 852-3603 cell  
 (800) 444-9404, ext. 6045

Also  
 (RP) 48.978 (2)(e) 4. + (f) 4.  
 i.e., delete requirement that petitioner prove nonpetitioning parent's ~~with~~ failure was unreasonable  
 (DM) 48.978 (2)(a), & (f) 1. - delete 2-year window for incapacity, death, debilitation

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**From:** HJPLUM@aol.com [mailto:HJPLUM@aol.com]  
**Sent:** Thursday, August 11, 2011 1:01 PM  
**To:** HJPLUM@aol.com; Sandy Lonergan; Hafner@countyofdane.com; Gordon.Malaise@legis.wisconsin.gov; troetter@annenroetter.com; MJasmer@waukeshacounty.gov; mvruno@milwcnty.com; anita@arclawoffice.com  
**Cc:** Margaret Porco  
**Subject:** Re: juv guardianship mtg - FOLLOW & SCHEDUING MEETING

Dear Guardianship work group,

Thank you for all of your responses. The following is the updated chart. According to your responses, this seems to be the status for meeting:

	September 9 <sup>th</sup> (Friday)	September 16 <sup>th</sup> (Friday)	September 23 <sup>rd</sup> (Friday)
Gordon	YES	YES	Yes

Sandy	Yes	YES	Yes
Molly	No	YES	No
Dyann	NO	YES	No
Theresa	NO	YES	?
Mike	Yes	No	Yes
Henry	Yes	YES	Yes

The only person unavailable to attend is Mike on the 16th. If we don't schedule soon, we will be losing momentum. In addition, it is my understanding that the Elder Law section wants to coordinate this with their recommended changes to Chapter 54. So moving forward is critical. Therefore I would recommend we go ahead with Friday September 16th. Mike can you submit any suggestions or comments in writing? Unless there is strong objection, let's set it for Friday the 16th at the Bar Center? Does 2:00 p.m. work for everybody? If not let Sandy or me know. Sandy indicated that she would reserve the room at the Bar Center.

Our goal for this meeting would be to:

1. Make any final changes to the draft. ( So if anyone has changes to recommend, it would be helpful to send those out to the group ahead of the meeting, so that we can use this time for finalization.)
2. Set a time table leading up to introduction of this legislation
3. Identify how to coordinate with Elder Law section
4. Identify the options for having this legislation introduced.
5. Identify what if any role the working group will have to assist in moving this legislation forward.

Thanks for your help, if you have any questions don't hesitate to ask.

Henry

In a message dated 8/10/2011 4:46:25 P.M. Central Daylight Time, [HJPLUM@aol.com](mailto:HJPLUM@aol.com) writes:

Dear Group,

According to your responses, these seems to be the status for meeting:

	September 9 <sup>th</sup> (Friday)	September 16 <sup>th</sup> (Friday)	September 23 <sup>rd</sup> (Friday)
Gordon	?	?	?
Sandy	Yes	Yes	Yes
Molly	No	Yes	?
Dyann	NO	?	?
Theresa	NO	Yes	?
Mike	Yes	No	?
Henry	Yes	Yes	Yes