

2011 DRAFTING REQUEST

Bill

Received: **01/26/2011**

Received By: **gmalaise**

Wanted: **Today**

Companion to LRB:

For: **Dale Kooyenga (608) 266-9180**

By/Representing: **Bill Neville**

May Contact:

Drafter: **gmalaise**

Subject: **Children - out-of-home placement**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kooyenga@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Power of attorney for care and custody of child

Instructions:

See attached--draft companion to -0848/1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 01/26/2011	csicilia 01/26/2011		_____			S&L
/1			rschlue 01/26/2011	_____	sbasford 01/26/2011	sbasford 01/26/2011	S&L
/2	gmalaise 02/08/2011	csicilia 02/09/2011	phenry 02/09/2011	_____	lparisi 02/09/2011	lparisi 02/09/2011	

FE Sent For:

Sent for at intro
2/23/11
~~2/24/11~~ llc

<END>

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ph
2/9

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2/9

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1/?	gmalaise	1ijs	1/26/11				

FE Sent For:

<END>

Malaise, Gordon

From: Neville, William
Sent: Tuesday, January 25, 2011 3:55 PM
To: Malaise, Gordon
Cc: Knutson, Tryg
Subject: LRB 0848/1

Gordon,

Representative Kooyenga would like an Assembly version jacketed. Thank you.

Bill Neville
Rep. Kooyenga's Office
608.266.9180

From: Knutson, Tryg
Sent: Tuesday, January 25, 2011 12:19 PM
To: Malaise, Gordon
Cc: Neville, William; Rep.Kooyenga
Subject:

Hi Gordon –

Rep. Kooyenga is going to author LRB 0848/1 in the Assembly – could you have the email to generate the jacket sent their way?

Thanks much.

Tryg Knutson
Sen. Erpenbach's Office
266-6670

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Sent: Tuesday, January 25, 2011 12:19 PM
To: Malaise, Gordon
Cc: Neville, William; Rep.Kooyenga

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Tryg Knutson
Sen. Erpenbach's Office
266-6670



State of Wisconsin
2011 - 2012 LEGISLATURE



1176/1

LRB-0848/1
GMM:cjs:jf

Ln 1126

2011 BILL

stays

Today
(Companion - no change)

Cor Cat

SN

1 AN ACT to amend 48.60 (2) (a), 48.62 (2), 48.625 (3) and 48.63 (2); and to create
2 48.979 of the statutes; relating to: delegation by a parent, guardian, or legal
3 custodian of a child of powers regarding the care and custody of the child by a
4 power of attorney.

Analysis by the Legislative Reference Bureau

Under current law, the court assigned to exercise jurisdiction under the Children's Code (juvenile court) may, under certain circumstances appoint a legal custodian for a child, which confers on the legal custodian the right and duty to protect, train, and discipline the child and to provide food, shelter, legal services, education, and ordinary medical and dental care for the child. The juvenile court may also, under certain circumstances, appoint a guardian for a child, which confers on the guardian the rights and duties of a legal custodian, plus the duty and authority to make important decisions in matters having a permanent effect on the life and development of the child, including the authority to consent to marriage, enlistment in the U.S. armed forces, major medical, psychiatric, and surgical treatment, and obtaining a motor vehicle operator's license.

This bill permits a parent, guardian, or legal custodian 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 or the termination of parental rights to the child. The bill provides that such a delegation of powers does

BILL

not deprive the parent, guardian, or legal custodian of any of his or her powers regarding the care and custody of 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.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 48.60 (2) (a) of the statutes is amended to read:

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

4 **SECTION 2.** 48.62 (2) of the statutes is amended to read:

5 48.62 (2) A relative or, a guardian of a child, or a person delegated care and
6 custody of a child under s. 48.979 who provides care and maintenance for the child
7 is not required to obtain the license specified in this section. The department, county
8 department, or licensed child welfare agency as provided in s. 48.75 may issue a
9 license to operate a foster home to a relative who has no duty of support under s. 49.90
10 (1) (a) and who requests a license to operate a foster home for a specific child who is
11 either placed by court order or who is the subject of a voluntary placement agreement
12 under s. 48.63. The department, a county department, or a licensed child welfare
13 agency may, at the request of a guardian appointed under s. 48.977 or 48.978, ch. 54,
14 or ch. 880, 2003 stats., license the guardian's home as a foster home for the guardian's
15 minor ward who is living in the home and who is placed in the home by court order.
16 Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978,

BILL

1 ch. 54, or ch. 880, 2003 stats., who are licensed to operate foster homes are subject
2 to the department's licensing rules.

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

4 48.625 (3) This section does not apply to a foster home licensed under s. 48.62
5 (1) or to a relative or guardian of a child or a person delegated care and custody of
6 a child under s. 48.979 who provides care and maintenance for the child.

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

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

13 **SECTION 5.** 48.979 of the statutes is created to read:

14 **48.979 Delegation of power by parent, guardian, or legal custodian.** A
15 parent, guardian, or legal custodian of a child, by a properly executed power of
16 attorney, may delegate to another person, for a period not to exceed one year, any of
17 his or her powers regarding the care and custody of the child, except the power to
18 consent to the marriage or adoption of the child or the termination of parental rights
19 to the child. A delegation of powers under this section does not deprive the parent,
20 guardian, or legal custodian of any of his or her powers regarding the care and
21 custody of the child.

22 (END)

Basford, Sarah

From: Neville, William
Sent: Wednesday, January 26, 2011 1:00 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-1176/1 Topic: Power of attorney for care and custody of child

Please Jacket LRB 11-1176/1 for the ASSEMBLY.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

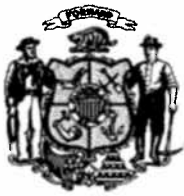
Legal (608-266-3561)

LRB

12 Bill Neville / Rep Kozlowski

Exempt power to consent to abortion

from power of power of attorney



State of Wisconsin
2011 - 2012 LEGISLATURE

In 2/8
soon



LRB-1176/1
GMM:cjs:rs

RM2

Stays

2011 BILL

SAW

Con Cat

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2 48.979 of the statutes; **relating to:** delegation by a parent, guardian, or legal
3 custodian of a child of powers regarding the care and custody of the child by a
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This bill permits a parent, guardian, or legal custodian 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, or the termination of parental rights to the child. The bill provides that such a delegation of powers does

↑ the performance or inducement of an abortion on or for the child,
or inducement of an abortion on or for the child,

BILL

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22 (END)

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