



2015 ASSEMBLY BILL 218

1 **AN ACT** *to create* 851.21 (2) (f) and 852.14 of the statutes; **relating to:**
2 inheritance by a parent who abandons a child.

Analysis by the Legislative Reference Bureau

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

3 **SECTION 1.** 851.21 (2) (f) of the statutes is created to read:
4 851.21 (2) (f) A parent who is barred from inheriting from his or her child's
5 intestate estate under s. 852.14 (3).

6 **SECTION 2.** 852.14 of the statutes is created to read:

7 **852.14 Inheritance by a parent who abandons a child.** (1) In this section,
8 "abandoned" means failed without cause to do all of the following for at least one year
9 immediately before the death of a minor child:

10 (a) Communicate with the minor.

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1 (b) Care for the minor as required by law or court order.

2 (c) Provide for the minor's maintenance or support as required by law or court
3 order.

4 (2) (a) A personal representative of a minor who died intestate who has actual
5 knowledge or reasonable cause to believe that the minor was abandoned by a parent
6 shall file a petition with the probate court with jurisdiction for a determination that
7 the parent abandoned the child.

8 (b) Any interested person may file a petition with a probate court with
9 jurisdiction for a determination that a parent of a minor who died intestate
10 abandoned the minor.

11 (3) Notwithstanding s. 852.01 (1), if a court determines that a parent
12 abandoned his or her minor child and the child died intestate while a minor, the
13 parent may not inherit from the child's estate under s. 852.01. If a parent is barred
14 from inheriting from a child's estate under this section, the child's estate passes
15 under s. 852.01 as if the parent predeceased the child.

16 (4) A parent who is barred from inheriting from a child's estate under sub. (3)
17 is not considered an heir of the child beginning on the date a court determined that
18 the parent abandoned the child.

19 **SECTION 3. Initial applicability.**

20 (1) This act first applies to the estate of a minor whose death occurs on the
21 effective date of this subsection.

22 (END)