

State of Wisconsin



2015 Assembly Bill 218

Date of enactment: **March 1, 2016**
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2015 WISCONSIN ACT 224

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

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

SECTION 1. 851.21 (2) (f) of the statutes is created to read:

851.21 (2) (f) A parent who is barred from inheriting from his or her child's intestate estate under s. 852.14 (3).

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

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

- (a) Communicate with the minor.
- (b) Care for the minor as required by law or court order.
- (c) Provide for the minor's maintenance or support as required by law or court order.

(2) (a) A personal representative of a minor who died intestate who has actual knowledge or reasonable cause to believe that the minor was abandoned by a parent shall

file a petition with the probate court with jurisdiction for a determination that the parent abandoned the child.

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

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

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

SECTION 3. Initial applicability.

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

* Section 991.11, WISCONSIN STATUTES: 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."