

2015 Assembly Bill 218 (LRB -1699)

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

2015

05-14.	A.	Introduced by Representatives Kleefisch, Kitchens, A. Ott, Knodl, Edming and Tittl ; cosponsored by Senator Harris Dodd .	172
05-14.	A.	Read first time and referred to Committee on Children and Families	172
06-03.	A.	Public hearing held	
10-15.	A.	Representative Johnson added as a coauthor	321
10-28.	A.	Executive action taken	
11-10.	A.	Report passage recommended by Committee on Children and Families, Ayes 11, Noes 1	408
11-10.	A.	Referred to committee on Rules	408

2016

01-14.	A.	Placed on calendar 1-19-2016 by Committee on Rules	
01-19.	A.	Read a second time	509
01-19.	A.	Ordered to a third reading	509
01-19.	A.	Rules suspended	509
01-19.	A.	Read a third time and passed	509
01-19.	A.	Ordered immediately messaged	509
01-19.	S.	Received from Assembly	616
01-20.	S.	Senator Kapenga added as a cosponsor	623
01-22.	S.	Read first time and referred to committee on Judiciary and Public Safety	644
02-04.	S.	Public hearing held	
02-11.	S.	Executive action taken	
02-11.	S.	Report concurrence recommended by Committee on Judiciary and Public Safety, Ayes 4, Noes 1	
02-11.	S.	Available for scheduling	
02-15.	S.	Placed on calendar 2-16-2016 pursuant to Senate Rule 18(1)	
02-16.	S.	Read a second time	
02-16.	S.	Ordered to a third reading	
02-16.	S.	Rules suspended	
02-16.	S.	Read a third time and concurred in	
02-16.	S.	Ordered immediately messaged	
02-17.	A.	Received from Senate concurred in	708

2015
ENROLLED BILL

15en A B-218

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

15 1699 / 1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic RELATIVE CLAUSE

2/24/14
Date


Enrolling Drafter



State of Wisconsin
2015 - 2016 LEGISLATURE

CORRECTED
COPY

LRB-1699/1
FFK:kjf:kf

2015 ASSEMBLY BILL 218

May 14, 2015 - Introduced by Representatives KLEEFISCH, KITCHENS, A. OTT, KNODL, EDMING and TITTL, cosponsored by Senator HARRIS DODD. Referred to Committee on Children and Families.

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

Under current law, if a child dies intestate, the parents of the deceased child inherit the child's estate if the child was not married and did not have any children of his or her own. This bill prohibits a parent who abandoned a deceased child, as determined by a court, from inheriting the child's estate by intestate succession. Under the bill, a parent abandoned a deceased child if, for at least one year before the child's death and without cause, the parent failed to communicate with the child, care for the child, and provide for the child's maintenance and support. A parent who is prohibited from inheriting from a deceased child due to abandonment is not considered an heir of the child.

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:

ASSEMBLY BILL 218**SECTION 2**

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

4 (a) Communicate with the minor.

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

6 (c) Provide for the minor’s maintenance or support as required by law or court
7 order.

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

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

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

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

23 **SECTION 3. Initial applicability.**

