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agent under s. 48.979.

## State of Misconsin 2011 - 2012 LEGISLATURE



## ASSEMBLY AMENDMENT 3, TO ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 2011 ASSEMBLY BILL 30

May 17, 2011 - Offered by Representatives Richards, Kessler, Vruwink, Grigsby, Pasch and Bewley.

At the locations indicated, amend the substitute amendment as follows:

Page 3, line 1: delete that line and substitute:
 "Section 1d. 48.235 (1) (h) of the statutes is created to read:
 48.235 (1) (h) The court shall appoint a guardian ad litem for any child who is
 the subject of a delegation of power regarding the care and custody of the child to an

**SECTION 1f.** 48.235 (3) (c) of the statutes is created to read:

48.235 (3) (c) In addition to any other duties and responsibilities required of a guardian ad litem, a guardian ad litem appointed for a child who is the subject of a delegation of power regarding the care and custody of the child to an agent under s. 48.979 shall do all of the following unless granted leave by the court not to do so:

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- 1. Meet with the parent who is delegating that power, interview that parent, determine that the parent has legal custody of the child, and investigate the reasons for the proposed delegation.
- 2. Personally, or through a trained designee, meet with the child and, if appropriate to the age and developmental level of the child, interview the child and determine the child's goals and concerns regarding the proposed delegation.
- 3. Interview the proposed agent, personally or through a trained designee, visit the agent's home, if appropriate, and report to the court concerning the suitability of the proposed agent to provide for the care and custody of the child.
- 4. Make clear and specific recommendations to the court regarding whether the proposed delegation is in the best interests of the child.
  - **SECTION 1h.** 48.60 (2) (a) of the statutes is amended to read:".
  - **2.** Page 11, line 21: after that line insert:

"(bm) Before a parent may delegate his or her powers regarding the care and custody of a child to an agent under par. (a), the parent or, if the delegation is facilitated by an entity specified in par. (b), the entity shall request the court to appoint a guardian ad litem for the child under s. 48.235 (1) (h). The parent may not execute the power of attorney delegating those powers until the guardian ad litem has fulfilled all of the duties and responsibilities specified in s. 48.235 (3) (c). After proper execution of the power of attorney, the guardian ad litem shall file the power of attorney with the court."

**3.** Page 16, line 9: after that line insert:

"STATEMENT OF GUARDIAN AD LITEM

I, (name and address of guardian ad litem), have met with and interviewed
(name(s) of parent(s)), (name(s) of child(ren)), and (name of agent), have
reviewed this delegation of parental powers, and, based on those interviews and that
review, have determined that (name(s) of parent(s)) have legal custody of
(name(s) of child(ren)), that (name of agent) is suitable to provide for the care and
custody of (name(s) of child(ren)), and that this delegation of parental power is in
the best interests of (names) of child(ren)).
Guardian ad litem's signature Date".
(END)