

New Proposed Minor Guardianship Law

In final drafting

To be proposed in Mid-November

Who is on committee:

Henry Plum –Private Attorney (Henry Plum Law Offices, Wauwatosa)

Mike Vruno – Senior Attorney at Legal Aid Society – Milwaukee

Theresa Roetter – Dane County Private Attorney (Annen Roetter, LLC, Madison)

Dyan Hafner, - ACC Dane County (guardianships)

Gordon Malaise – Legislative Reference Bureau

Sandy Lonergan – Government Relations Coordinator, State Bar of WI

Details:

- Takes minor guardianships of the person out of CH. 54 and put them in Chapter 48. *Section 48.976*

- Keep guardianships of the estate (minors) in CH. 54.

Proof: child's parents are unfit, unwilling, or unable to provide for the care, custody, and control of the child or other compelling facts and circumstances demonstrating that a full guardianship is necessary

Burden: Clear, convincing and satisfactory evidence

Provides for:

- Temporary Guardianship
 - Emergency Guardianship
 - Full Guardianship
 - Limited Guardianship
 - Child Support
 - Visitation
 - Successor Guardian
 - Standby Guardian
 - Modification of Guardianship
 - Reviewing conduct of Guardian
 - Termination of Guardianship
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- Gives GAL duties (interview guardian, visit his or her home)
 - Statement of Acts still required
 - Hearing within 45 days, trial within 30 (48.315 applies for continuances or delays)
 - Court may refer matter to county agency or private agency for investigation (reimbursement to be provided to investigating agency)
 - Addresses ICWA