



WISCONSIN LEGISLATIVE COUNCIL

CHILD GUARDIANSHIP AND CUSTODY

Room 201 Southeast, State Capitol
Madison, Wisconsin

December 14, 2004
10:00 a.m. - 10:50 p.m.

[The following is a summary of the December 14, 2004 meeting of the Special Committee on Child Guardianship and Custody. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2004studies.htm>.]

Call to Order and Roll Call

Chair Lasee called the meeting to order. The roll was called and a quorum was present.

COMMITTEE MEMBERS PRESENT: Sen. Alan Lasee, Chair; Sen. Robert Jauch; Reps. Sheryl Albers, Stephen Nass, Ann Nischke, Jeffrey Wood, and Bob Ziegelbauer; and Public Members Rosemary Albrecht, Thomas Donegan, Sandra Cardo Gorsuch, Mary Kasperek, and Patti Seger.

COMMITTEE MEMBER ABSENT: Public Member Betty Klug.

COUNCIL STAFF PRESENT: Russ Whitesel, Senior Staff Attorney; Philip Cardis, Staff Attorney; and Rachel Veum, Support Staff.

***ATTENTION:** This was the final meeting of the Special Committee on Child Guardianship and Custody. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.

Approval of the Minutes of the October 20, 2004 Meeting

Representative Albers stated that she would like it indicated that she brought up the issue of “removal of guardians” other than for cause at the October 20, 2004 meeting of the committee.

Representative Albers moved, seconded by Representative Nischke, to approve the minutes of the committee’s October 20, 2004 meeting. The motion carried on a voice vote.

Chairperson’s Remarks--Discussion of Committee Assignment

Chair Lasee stated that he had an opportunity to review several issues regarding the committee’s assignment with staff since our last meeting. Chair Lasee stated that he had hoped that the committee might be able to address the broader child guardianship issue within our short time frame. However, he said that he did not think it would be possible to complete the needed revisions before the next legislative session beginning in January. Chair Lasee concluded that a separate statute for juvenile guardians, although needed, is a much larger project that he anticipated.

Therefore, Chair Lasee decided to proceed with the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and defer the work on child guardians until either another group addresses the need or perhaps a Legislative Council committee is established next session to deal exclusively with the issue. Chair Lasee stated that it may be that interested members of this committee would be part of a core group to take on that task. Chair Lasee stated that he was pleased that the committee could consider the UCCJEA for introduction. Chair Lasee noted that the proposal has a great deal of merit and that it would be an important update to our laws dealing with interstate disputes.

Description and Discussion of LRB-0556/1, Uniform Child Custody Jurisdiction and Enforcement Act

Mr. Whitesel, Senior Staff Attorney, Legislative Council staff, provided a description of LRB-0556/1, which puts the UCCJEA into Wisconsin statutory format. Mr. Whitesel described the draft and highlighted changes in the draft from the previous meeting and the variations from the Uniform Act language.

The committee specifically discussed the effective date provision in the bill draft, and whether the committee wanted to have a delayed effective date in the draft. After that discussion, the committee decided that an immediate effective date was appropriate.

After reviewing the draft, the committee decided to vote to recommend for introduction by the Joint Legislative Council the bill draft relating to the UCCJEA.

Representative Albers moved, seconded by Ms. Seger, to vote to recommend for introduction by the Joint Legislative Council LRB-0556/1. The motion carried on a vote of Ayes, 12; Noes, 0.

After the vote, the committee recommended that if the bill draft was introduced by the Joint Legislative Council, then the bill draft should be sent to the Special Committee on State Tribal Relations for notification purposes.

Other Business

Senator Jauch stated that the issue of ADHD should be addressed in the statutes in child placement matters. Senator Jauch stated that he would like it to be a factor specifically considered by a court in making those placement decisions. After committee discussion, Senator Jauch stated that he would be introducing separate legislation that addressed his concerns.

Chair Lasee thanked the committee members for their service on the committee. Mr. Whitesel briefly described the process that will be used to present the recommendations of the committee to the Joint Legislative Council. He also described the legislative process for considering the proposal following the Joint Legislative Council introduction of the bill.

Adjournment

The meeting was adjourned at 10:50 a.m.

PGC:jal