



Bill Number: S.B. 1411
Wadsack Floor Amendment
Reference to: Printed Bill
Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Removes the requirement that a parent who is the primary caregiver of a minor child receiving services for developmental disabilities automatically and immediately becomes the guardian of that child on the child's 18th birthday.
2. Removes the requirement that the parent must notify the Department of Economic Security (DES) at least six months before the child's 18th birthday, if the parent does not wish to automatically and immediately become the guardian of that child on the child's 18th birthday.
3. Specifies that, if a minor child is capable of expressing their preference as to who will become guardian on the child's 18th birthday, the child's preference must take priority.
4. Requires the child and the child's parent to decide to what extent the parent will be involved as a guardian if the child and the child's parent agree that the child's parent will become the child's legal guardian.
5. Specifies that, if the child and the child's parent disagree as to who will become the child's guardian, the child and the child's parent both must retain legal counsel to assist in determining who will become the child's guardian.
6. Specifies that, if the minor child is incapable of expressing the child's preference as to who will become the child's guardian on the child's 18th birthday, the child's parent must determine who will become the child's guardian, including themselves, in a continual manner, without the use of an attorney and through developmental disability forms.
7. Requires DES to initiate the process of determining who will become the child's guardian on the child's 18th birthday at the last scheduled developmental disability meeting between DES, the child and the child's parent before the child's 17th birthday.
8. Requires DES to prescribe forms and provide the forms to the child and the child's parents for determining guardianship on the child's 18th birthday.

WADSACK FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1411
(Reference to printed bill)

1 Page 1, line 4, strike "parents; automatic" insert "child preference;
2 guardianship:"

3 Line 6, after the comma strike remainder of line

4 Line 7, strike "THE PRIMARY CAREGIVER OF" insert "IF"

5 Line 8, after "5.1" strike remainder of line

6 Line 9, strike "GUARDIAN OF THAT CHILD" insert "IS CAPABLE OF EXPRESSING THE
7 CHILD'S PREFERENCE AS TO WHO SHALL BECOME THE CHILD'S GUARDIAN"; after
8 "BIRTHDAY" insert ", THE CHILD'S PREFERENCE SHALL TAKE PRIORITY. IF THE
9 CHILD AND THE CHILD'S PARENT AGREE THAT THE CHILD'S PARENT SHALL BECOME THE
10 CHILD'S GUARDIAN, THE CHILD AND THE CHILD'S PARENT SHALL DECIDE TO WHAT
11 EXTENT THE PARENT WILL BE INVOLVED AS GUARDIAN. IF THE CHILD AND THE
12 CHILD'S PARENT DISAGREE AS TO WHO SHALL BECOME THE CHILD'S GUARDIAN, THE
13 CHILD AND THE CHILD'S PARENT SHALL RETAIN LEGAL COUNSEL TO ASSIST IN
14 DETERMINING WHO SHALL BECOME THE CHILD'S GUARDIAN"

15 Strike lines 10 through 15, insert:

16 "B. IF THE MINOR CHILD IS INCAPABLE OF EXPRESSING THE CHILD'S
17 PREFERENCE AS TO WHO SHALL BECOME THE CHILD'S GUARDIAN ON THE CHILD'S
18 EIGHTEENTH BIRTHDAY, THE CHILD'S PARENT SHALL DETERMINE WHO SHALL BECOME
19 THE CHILD'S GUARDIAN, INCLUDING THEMSELVES, IN A CONTINUAL MANNER, WITHOUT
20 THE USE OF AN ATTORNEY AND THROUGH DEVELOPMENTAL DISABILITY FORMS.

21 C. AT THE LAST SCHEDULED DEVELOPMENTAL DISABILITY MEETING BETWEEN
22 THE DEPARTMENT OF ECONOMIC SECURITY, THE CHILD AND THE CHILD'S PARENT
23 BEFORE THE CHILD'S SEVENTEENTH BIRTHDAY, THE DEPARTMENT OF ECONOMIC
24 SECURITY SHALL INITIATE THE PROCESS OF DETERMINING WHO SHALL BECOME THE
25 CHILD'S GUARDIAN ON THE CHILD'S EIGHTEENTH BIRTHDAY.

1 D. THE DEPARTMENT OF ECONOMIC SECURITY SHALL PRESCRIBE FORMS FOR
2 DETERMINING GUARDIANSHIP ON THE CHILD'S EIGHTEENTH BIRTHDAY AND SHALL
3 PROVIDE THE FORMS TO THE CHILD AND THE CHILD'S PARENTS."

4 Amend title to conform

JUSTINE WADSACK

1411FloorWADSACK2.docx
03/7/2023
8:39 AM
C: JB