

New Legal Tools for Parents: Delegation of Parental Authority Though a Power of Attorney

Parents in Wisconsin have just been given some new legal tools to help them out in the right situation. What if you and your wife were going to be away for a few weeks, and needed to leave your children with a caretaker? You want the caretaker to be legally able to see to their school, medical and other needs? But how do you do that?

Just a few weeks ago, Governor Walker signed legislation that allows parents with legal custody of their child to delegate their parental authority to a third party (an “agent”) through a power of attorney (“POA”). The POA will give the agent the legal authority to act for your children in situations where the agent will need to work with your children’s school authorities, or need to seek medical care for them. For example: My neighbor’s wife was killed a few years ago in a car accident, and now he is the only surviving parent. His employer wants to send him out of the country for the next 8 months on a job in Germany. He has asked his sister to take care of his 7 and 8 year old boys while he is away. This POA will give his sister the legal authority to act for him. In addition to a situation like this one, parents who are facing long term rehabilitation care, hospitalization, are in the military, or have been sentenced to serve jail time, may also find the POA a good alternative while they are going to be away from home.

There are limits to the new law — for example, the delegation may not exceed one year, the POA may not be used to place a child in a foster home or group home, and both parents must sign if both have legal custody.

I’ve prepared a summary of the important features of this new legislation, and have included a copy of the form found in the new law.