



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1459/1
EHS:kjf

2019 BILL

1 **AN ACT to create** 48.9875 of the statutes; **relating to:** a minor contracting for
2 admission to a shelter facility or transitional living program.

Analysis by the Legislative Reference Bureau

Under this bill, a minor is presumed to be competent to contract for admission to a shelter facility or transitional living program if the minor is 17 years of age; a local educational agency liaison designated under the federal McKinney–Vento Homeless Assistance Act confirms that the minor is an unaccompanied youth as defined under that act; and the minor is not under the supervision of a county department of social or human services, a licensed child welfare agency, the Department of Children and Families, or the Department of Corrections under the Children’s Code or the Juvenile Justice Code or under the jurisdiction of the court assigned to exercise jurisdiction under the Children’s Code and the Juvenile Justice Code. Under the bill, a shelter facility is a temporary place of lodging for homeless individuals or families. Under the McKinney–Vento Homeless Assistance Act, an unaccompanied youth is a homeless child or youth not in the physical custody of a parent or guardian. The bill exempts this type of contract with a minor from the defense of infancy, which under current law is a defense to liability under a contract that is available to minors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL**SECTION 1**

1 **SECTION 1.** 48.9875 of the statutes is created to read:

2 **48.9875 Minor consent for housing. (1)** In this section, “shelter facility”
3 means a temporary place of lodging for homeless individuals or families.

4 **(2)** A minor shall be presumed to be qualified and competent to contract for
5 admission to a shelter facility or transitional living program, if all of the following
6 apply:

7 (a) The minor is 17 years of age.

8 (b) The minor is not under the supervision of a county department, a child
9 welfare agency, the department, or the department of corrections under this chapter
10 or ch. 938 or under the jurisdiction of the court.

11 (c) A local educational agency liaison designated under 42 USC 11432 (g) (1)
12 (J) (ii) confirms that the minor is an unaccompanied youth as defined under 42 USC
13 11434a (6).

14 **(3)** The defense of infancy does not apply to any contract with a minor under
15 sub. (2).

16 **(END)**