



2013 ASSEMBLY BILL 860

March 11, 2014 – Introduced by Representatives C. TAYLOR, BERCEAU, JOHNSON, POPE, RINGHAND, SARGENT, SINICKI and ZAMARRIPA, cosponsored by Senators SHILLING, ERPENBACH, HARRIS, RISSER and L. TAYLOR. Referred to Committee on Judiciary.

- 1 **AN ACT to amend** 48.23 (2m) (b) of the statutes; **relating to:** legal representation
2 for an adult expectant mother of an unborn child who is alleged to be in need
3 of protection or services.

Analysis by the Legislative Reference Bureau

Current law grants to the court assigned to exercise jurisdiction under the Children's Code (juvenile court) jurisdiction over an unborn child alleged to be in need of protection or services that can be ordered by the juvenile court and whose expectant mother habitually lacks self-control in the use of alcohol beverages, controlled substances, or controlled substance analogs, exhibited to a severe degree, to the extent that there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered unless the expectant mother receives prompt and adequate treatment for that habitual lack of self-control. Current law also grants to the juvenile court exclusive original jurisdiction over the expectant mother of such an unborn child, and permits the juvenile court to place an adult expectant mother outside her home under certain circumstances.

Under current law, if a petition alleging an unborn child of an adult expectant mother to be in need of protection or services is contested, the adult expectant mother may not be placed outside her home unless she is represented by counsel at the hearing at which the placement is made. However, an adult expectant mother may waive counsel if the juvenile court is satisfied that the waiver is knowingly and voluntarily made.

