

# State of Wisconsin



2005 Assembly Bill 660

Date of enactment: **April 10, 2006**  
Date of publication\*: **April 20, 2006**

## 2005 WISCONSIN ACT 296

AN ACT *to amend* 48.43 (7) and 48.485 of the statutes; **relating to:** legal custody of a child who was initially taken into custody under circumstances in which the child's parent relinquished custody of the child and whose parents' parental rights to the child have been terminated.

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

**SECTION 1.** 48.43 (7) of the statutes is amended to read:

48.43 (7) If the agency specified under sub. (1) (a) is the department and a permanent adoptive placement is not in progress 2 years after entry of the order, the department may petition the court to transfer legal custody of the child to a county department, except that the department may not petition the court to transfer to a county department legal custody of a child who was initially taken into custody under s. 48.195 (1). The court shall transfer the child's legal custody to the county department specified in the petition. The department shall remain the child's guardian.

**SECTION 2.** 48.485 of the statutes is amended to read:  
**48.485 Transfer of tribal children to department for adoption.** If the department accepts guardianship or

legal custody or both from an American Indian tribal court under s. 48.48 (3m), the department shall seek a permanent adoptive placement for the child. If a permanent adoptive placement is not in progress within 2 years after entry of the termination of parental rights order by the tribal court, the department may petition the tribal court to transfer legal custody or guardianship of the child back to the tribe, except that the department may not petition the tribal court to transfer back to a tribe legal custody or guardianship of a child who was initially taken into custody under s. 48.195 (1).

**SECTION 3. Nonstatutory provisions.**

(1) LEGAL CUSTODY OF RELINQUISHED CHILD AFTER TERMINATION OF PARENTAL RIGHTS. This act first applies to petitions filed under section 48.43 (7) or 48.485 of the statutes, as affected by this act, on the effective date of this subsection.

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\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].