

2011 DRAFTING REQUEST

Senate Amendment (SA-AB30)

Received: **06/14/2011**

Received By: **gmalaise**

Wanted: **Today**

Companion to LRB:

For: **Dale Kooyenga (608) 266-9180**

By/Representing: **Bill Neville**

May Contact:

Drafter: **gmalaise**

Subject: **Children - out-of-home placement**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kooyenga@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Powers of attorney for care of children; Indian child welfare compliance; children in need of protection or services ineligible without court approval

Instructions:

Redraft a1207 (lost stripes)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 06/14/2011	kfollett 06/14/2011		_____			
/1			jfrantze 06/14/2011	_____	mbarman 06/14/2011	mbarman 06/14/2011	
/2	gmalaise 06/15/2011	kfollett 06/15/2011	jfrantze 06/15/2011	_____	ggodwin 06/15/2011	ggodwin 06/15/2011	

FE Sent For:

<END>

2011 DRAFTING REQUEST

Senate Amendment (SA-AB30)

Received: **06/14/2011**

Received By: **gmalaise**

Wanted: **Today**

Companion to LRB:

For: **Dale Kooyenga (608) 266-9180**

By/Representing: **Bill Neville**

May Contact:

Drafter: **gmalaise**

Subject: **Children - out-of-home placement**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kooyenga@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given



Topic:

✓ Powers of attorney for care of children; Indian child welfare compliance; children in need of protection or services ineligible without court approval

Instructions:

Redraft a1207 (lost stripes)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 06/14/2011	kfollett 06/14/2011		<u>6/15</u>			
/1			jfrantze 06/14/2011	_____	mbarman 06/14/2011	mbarman 06/14/2011	

FE Sent For:

<END>

2011 DRAFTING REQUEST

Senate Amendment (SA-AB30)

Received: 06/14/2011

Received By: **gmalaise**

Wanted: **Today**

Companion to LRB:

For: **Dale Kooyenga (608) 266-9180**

By/Representing: **Bill Neville**

May Contact:

Drafter: **gmalaise**

Subject: **Children - out-of-home placement**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kooyenga@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Powers of attorney for care of children; Indian child welfare compliance; children in need of protection or services ineligible without court approval

Instructions:

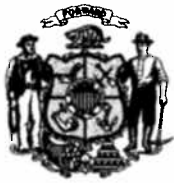
Redraft a1207 (lost stripes)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	gmalaise	11/5f 6/14	To	6/14			

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa12074

GMM:kjf:jf

9/28/11

In 6/14
Today

SENATE AMENDMENT ,
TO 2011 ASSEMBLY BILL 30

(No change - lost stripes)

1 At the locations indicated, amend the bill as follows:
2 **1.** Page 3, line 1: delete that line and substitute:
3 "SECTION 1d. 48.028 (5) (a) of the statutes is amended to read:
4 48.028 (5) (a) *Out-of-home care placement.* A voluntary consent by a parent
5 or Indian custodian to an out-of-home care placement of an Indian child under s.
6 48.63 (1) or (5) (b) or a delegation of powers by a parent regarding the care and
7 custody of an Indian child under s. 48.979 is not valid unless the consent or
8 delegation is executed in writing, recorded before a judge, and accompanied by a
9 written certification by the judge that the terms and consequences of the consent or
10 delegation were fully explained in detail to and were fully understood by the parent
11 or Indian custodian. The judge shall also certify that the parent or Indian custodian
12 fully understood the explanation in English or that the explanation was interpreted
13 into a language that the parent or Indian custodian understood. Any consent or

1 delegation of powers given under this paragraph prior to or within 10 days after the
2 birth of the Indian child is not valid. A parent or Indian custodian who has executed
3 a consent or delegation of powers under this paragraph may withdraw the consent
4 or delegation for any reason at any time, and the Indian child shall be returned to
5 the parent or Indian custodian. A parent or Indian custodian who has executed a
6 consent or delegation of powers under this paragraph may also move to invalidate
7 the out-of-home care placement or delegation of powers under sub. (6).

8 **SECTION 1g.** 48.028 (6) of the statutes is amended to read:

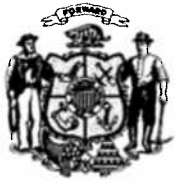
9 48.028 (6) INVALIDATION OF ACTION. Any Indian child who is the subject of an
10 out-of-home care placement, of a delegation of powers under s. 48.979, or of a
11 termination of parental rights proceeding, any parent or Indian custodian from
12 whose custody that Indian child was removed, or the Indian child's tribe may move
13 the court to invalidate that out-of-home care placement, delegation of powers, or
14 termination of parental rights on the grounds that the out-of-home care placement
15 or delegation of powers was made or the termination of parental rights was ordered
16 in violation of 25 USC 1911, 1912, or 1913. If the court finds that those grounds exist,
17 the court shall invalidate the out-of-home care placement, delegation of powers, or
18 termination of parental rights.

19 **SECTION 1m.** 48.60 (2) (a) of the statutes is amended to read:".

20 **2.** Page 11, line 21: after that line insert:

21 "(bm) A parent may not delegate under par. (a) his or her powers regarding the
22 care and custody of a child who is subject to the jurisdiction of the court under s.
23 48.13, 48.14, 938.12, 938.13, or 938.14 unless the court approves the delegation.".

24 **3.** Page 12, line 9: delete lines 9 and 10 and substitute:



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1289/1

GMM:kjfjf

IN 6/15
Now

2
RMR

SENATE AMENDMENT,
TO 2011 ASSEMBLY BILL 30

CPs - request
fix sheet
please

, as shown by assembly substitute
amendment 1,

1

At the locations indicated, amend the bill as follows:

2

1. Page 3, line 1: delete that line and substitute:

3

“SECTION 1d. 48.028 (5) (a) of the statutes is amended to read:

4

48.028 (5) (a) *Out-of-home care placement.* A voluntary consent by a parent

5

or Indian custodian to an out-of-home care placement of an Indian child under s.

6

48.63 (1) or (5) (b) or a delegation of powers by a parent regarding the care and

7

custody of an Indian child under s. 48.979 is not valid unless the consent or

8

delegation is executed in writing, recorded before a judge, and accompanied by a

9

written certification by the judge that the terms and consequences of the consent or

10

delegation were fully explained in detail to and were fully understood by the parent

11

or Indian custodian. The judge shall also certify that the parent or Indian custodian

12

fully understood the explanation in English or that the explanation was interpreted

13

into a language that the parent or Indian custodian understood. Any consent or

1 delegation of powers given under this paragraph prior to or within 10 days after the
2 birth of the Indian child is not valid. A parent or Indian custodian who has executed
3 a consent or delegation of powers under this paragraph may withdraw the consent
4 or delegation for any reason at any time, and the Indian child shall be returned to
5 the parent or Indian custodian. A parent or Indian custodian who has executed a
6 consent or delegation of powers under this paragraph may also move to invalidate
7 the out-of-home care placement or delegation of powers under sub. (6).

8 **SECTION 1g.** 48.028 (6) of the statutes is amended to read:

9 48.028 (6) INVALIDATION OF ACTION. Any Indian child who is the subject of an
10 out-of-home care placement, of a delegation of powers under s. 48.979, or of a
11 termination of parental rights proceeding, any parent or Indian custodian from
12 whose custody that Indian child was removed, or the Indian child's tribe may move
13 the court to invalidate that out-of-home care placement, delegation of powers, or
14 termination of parental rights on the grounds that the out-of-home care placement
15 or delegation of powers was made or the termination of parental rights was ordered
16 in violation of 25 USC 1911, 1912, or 1913. If the court finds that those grounds exist,
17 the court shall invalidate the out-of-home care placement, delegation of powers, or
18 termination of parental rights.

19 **SECTION 1m.** 48.60 (2) (a) of the statutes is amended to read:"

20 **2.** Page 11, line 21: after that line insert:

21 "(bm) A parent may not delegate under par. (a) his or her powers regarding the
22 care and custody of a child who is subject to the jurisdiction of the court under s.
23 48.13, 48.14, 938.12, 938.13, or 938.14 unless the court approves the delegation."

24 **3.** Page 12, line 9: delete lines 9 and 10 and substitute:

