


Appendix A



LEGISLATIVE REFERENCE BUREAU
DRAFTING HISTORY RESEARCH APPENDIX

☞ The drafting file for 2019 LRB-3120 (For: Rep. Dittrich)
has been copied/transferred to the drafting file for
2019 LRB-3119 (For: Rep. Dittrich)



☞ Are These “Companion Bills” ?? ... No

RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

☞ Request Made By: EAW

☞ Date: 09/27/2019

2019 DRAFTING REQUEST

Bill

For: Barbara Dittrich (608) 266-8551 Drafter: ewheeler
By: Rachel Snyder Secondary Drafters:
Date: 5/1/2019 May Contact: Rachel Snyder @ Leg Council

Same as LRB:

Submit via email: YES
Requester's email: Rep.Dittrich@legis.wisconsin.gov
Carbon copy (CC) to: Rachel.Snyder@legis.wisconsin.gov
Elizabeth.Wheeler@legis.wisconsin.gov
elisabeth.shea@legis.wisconsin.gov
Anne.Sappenfield@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

TPR when parent is incarcerated

Instructions:

Create new grounds for TPR when parent is incarcerated for a substantial period of the child's minority. Include repeated incarceration. Provide that incarceration alone is not a grounds for termination of parental rights unless the time periods are met.

Drafting History:

Table with 6 columns: Vers., Drafted, Reviewed, Submitted, Jacketed, Required. It contains two rows of drafting history data.

FE Sent For: <END>

2019 DRAFTING REQUEST

Bill

For: Patrick Snyder (608) 266-0654 Drafter: ewheeler
 By: Himself Secondary Drafters:
 Date: 5/1/2019 May Contact: Rachel Snyder @ Leg Council
 Same as LRB:

Orig,
requestor

Submit via email: YES
 Requester's email: Rep.Snyder@legis.wisconsin.gov
 Carbon copy (CC) to: rep.doyle@legis.wisconsin.gov
 Rachel.Snyder@legis.wisconsin.gov
 Elizabeth.Wheeler@legis.wisconsin.gov
 elisabeth.shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

TPR when parent is incarcerated

Instructions:

Create new grounds for TPR when parent is incarcerated for a substantial period of the child's minority. Include repeated incarceration. Provide that incarceration alone is not a grounds for termination of parental rights unless the time periods are met.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 5/7/2019	ccarmich 5/10/2019			
/P1			dwalker 5/10/2019		State S&L

FE Sent For: <END>



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-31207 P1
EAW: ...
cdc

in 5/7 done 5/10

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

s/A
x-ref
s/c

1 AN ACT ^{gc} relating to ^{involuntary} termination of ^{the} parental rights ^{of} an incarcerated parent.

Analysis by the Legislative Reference Bureau

This bill creates a ground for involuntarily terminating parental rights based on parental incarceration.

Current law provides various grounds for involuntary termination of parental rights (TPR). This bill permits an involuntary TPR on the grounds of parental incarceration, which must be established by proving 1) that the child has been adjudged to be in need of protection or services and placed, or continued in a placement, outside the child's home pursuant to one or more court orders containing notice of the grounds for TPR that may be applicable and the conditions necessary for the child to be returned to the home; 2) that the parent is presently incarcerated; and 3) that the parent is likely to be incarcerated for a substantial period of the child's minority. In determining whether the parent is likely to be incarcerated for a substantial period of the child's minority, the court may consider a parent's history of repeated incarceration.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 1. 48.415 (3m) of the statutes is created to read:

1 48.415 (3m) PARENTAL INCARCERATION. Parental incarceration, which shall be
2 established by proving all of the following:

3 (a) That the child has been adjudged to be in need of protection or services and
4 placed, or continued in a placement, outside his or her home pursuant to one or more
5 court orders under s. 48.345, 48.357, 48.363, or 48.365 containing the notice required
6 under s. 48.356 (2).

7 (b) That the parent is presently incarcerated

at the time of the fact-finding hearing

8 (c) That the parent is likely to continue to be incarcerated for a substantial
9 period of the child's minority. In determining whether the parent is likely to continue
10 to be incarcerated for a substantial period of the child's minority, the court may
11 consider whether the parent has a history of repeated incarceration.

12 **SECTION 2. Nonstatutory provisions.**

13 (1) PARENTAL INCARCERATION. A court assigned to exercise jurisdiction under
14 ~~chapter 48 of the statutes~~ may terminate parental rights to a child who was ordered
15 to be placed outside the home before the effective date of this subsection on the
16 grounds specified under s. 48.415 (3m) notwithstanding that the parent was not
17 notified of those grounds under s. 48.356 (2) when that placement was ordered so
18 long as the parent is notified of those grounds under s. 48.356 (2) before the filing of
19 the termination of parental rights petition.

20 **SECTION 3. Initial applicability.**

21 (1) PARENTAL INCARCERATION. This act first applies to a petition for termination
22 of parental rights filed on the effective date of this subsection.

23 (END)

Wheeler, Elizabeth

From: Linjer, Storm
Sent: Monday, September 23, 2019 10:29 AM
To: Wheeler, Elizabeth
Cc: Matthews, Meagan
Subject: 6 foster care/adoption related bills

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Elizabeth,

I wanted to let you know that we are handing our 6 foster care/adoption related bills over to the Speaker's Task Force on Adoption. That includes LRB 3734/P2; LRB 3120/P1; LRB 3121/P1; LRB 4153/P2; LRB 3119/P2; and LRB 3123/P1.

Rachel is still working with us to figure out whether LRB 3123 is drafted in the most practical way (ensuring implementing is reasonably straightforward). You may hear from our office on an amendment yet. In the meantime, if they have questions, want to see the related file, etc. please feel free to share with Rep. Dittrich's office.

Meagan- if you don't have the latest draft of any of these, let me know and I can send it over!

Thanks!

Storm Linjer
Office of Representative Patrick Snyder
85th Assembly District
Room 307 North, State Capitol Building
608-266-0654 (office)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3120/P1
EAW:cdc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT** *to create* 48.415 (3m) of the statutes; **relating to:** involuntary
2 termination of the parental rights of an incarcerated parent.

Analysis by the Legislative Reference Bureau

This bill creates a ground for involuntarily terminating parental rights based on parental incarceration.

Current law provides various grounds for involuntary termination of parental rights (TPR). This bill permits an involuntary TPR on the grounds of parental incarceration, which must be established by proving 1) that the child has been adjudged to be in need of protection or services and placed, or continued in a placement, outside the child's home pursuant to one or more court orders containing notice of the grounds for TPR that may be applicable and the conditions necessary for the child to be returned to the home; 2) that the parent is presently incarcerated; and 3) that the parent is likely to be incarcerated for a substantial period of the child's minority. In determining whether the parent is likely to be incarcerated for a substantial period of the child's minority, the court may consider a parent's history of repeated incarceration.

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7 under s. 48.356 (2).

8 (b) That the parent is incarcerated at the time of the fact-finding hearing.

9 (c) That the parent is likely to continue to be incarcerated for a substantial
10 period of the child's minority. In determining whether the parent is likely to continue
11 to be incarcerated for a substantial period of the child's minority, the court may
12 consider whether the parent has a history of repeated incarceration.

13 **SECTION 2. Nonstatutory provisions.**

14 (1) PARENTAL INCARCERATION. A court assigned to exercise jurisdiction under ch.
15 48 may terminate parental rights to a child who was ordered to be placed outside the
16 home before the effective date of this subsection on the grounds specified under s.
17 48.415 (3m) notwithstanding that the parent was not notified of those grounds under
18 s. 48.356 (2) when that placement was ordered so long as the parent is notified of
19 those grounds under s. 48.356 (2) before the filing of the termination of parental
20 rights petition.

21 **SECTION 3. Initial applicability.**

22 (1) PARENTAL INCARCERATION. This act first applies to a petition for termination
23 of parental rights filed on the effective date of this subsection.

24

(END)