



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 73

**Assembly Substitute
Amendment 1**

Memo published: May 28, 2003

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Under current law, a parent of a child who is under 72 hours of age (newborn child) may confidentially relinquish custody of the newborn child to certain health care providers or law enforcement.

Assembly Bill 73 provides that the juvenile court must transfer guardianship and legal custody of such a child to the Department of Health and Family Services (DHFS) or to a child welfare agency or county department of human or social services that is authorized to accept guardianship of children and to place children for adoption at the child's initial custody hearing. The court must also order the agency with guardianship to place the newborn child for adoption in a licensed foster home under the bill.

If a court has found that a parent of a child relinquished custody of the child, an agency (i.e., DHFS, a county department, or a licensed child welfare agency) or the district attorney (DA), corporation counsel, or other appropriate official designated by the county board of supervisors to represent the interests of the public must file a petition to terminate the child's parents' parental rights or join in a TPR petition that has already been filed. The petition must be filed or joined no earlier than 30 days after the date on which the child was relinquished and no later than 60 days after the date on which the juvenile court found the child was relinquished.

The substitute amendment does the following:

- a. Specifies that the juvenile court has jurisdiction over the appointment and removal of a guardian for a child found to be in protection or services because custody of the child has been relinquished.
- b. Provides that venue for juvenile court proceedings relating to the relinquishment of a newborn child is the county in which the relinquishment occurred. (Under current law, the venue is the county where the child resides or is present.)

- c. Requires the court to include in the guardianship and custody order, described above, a finding that there is probable cause to believe that a parent of the child has relinquished custody of the child.
- d. Provides that the DA, corporation counsel, or other appropriate official, not an agency, must file or join the TPR petition. In addition, the petition must be filed no later than 60 days after the date on which the juvenile court found probable cause to believe that the child was relinquished, as described above.

The Assembly Committee on Children and Families introduced and voted unanimously to recommend adoption of Assembly Substitute Amendment 1 on May 28, 2003. The committee also voted unanimously to recommend passage of the bill as amended.

AS:ksm