



## 2005 ASSEMBLY BILL 23

January 20, 2005 - Introduced by Representatives ALBERS, AINSWORTH, HAHN, HINES, KREIBICH, MUSSER, TOWNSEND and VOS, cosponsored by Senator LASSA. Referred to Committee on Family Law.

1     **AN ACT to amend** 48.415 (4) (a) and 938.356 (1) of the statutes; **relating to:**  
2             termination of parental rights on the grounds of continuing denial of visitation  
3             under a delinquency dispositional order.

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***Analysis by the Legislative Reference Bureau***

Under current law, the parental rights of a parent to his or her child may be terminated involuntarily under various grounds including the ground of continuing denial of visitation, which is established by proving that the parent has been denied visitation under a child or juvenile in need of protection or services dispositional order, or an order revising or extending such a dispositional order, and that at least one year has elapsed since the order denying visitation was issued and the order has not subsequently been modified so as to permit visitation. This bill permits the parental rights of a parent to be terminated involuntarily based on continuing denial of visitation under a delinquency dispositional order or an order revising or extending a delinquency dispositional order.

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

4             **SECTION 1.** 48.415 (4) (a) of the statutes is amended to read:  
5             48.415 (4) (a) That the parent has been denied periods of physical placement  
6             by court order in an action affecting the family or has been denied visitation under

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1 an order under s. 48.345, 48.363, 48.365, 938.34, 938.345, 938.363, or 938.365  
2 containing the notice required by s. 48.356 (2) or 938.356 (2).

3 **SECTION 2.** 938.356 (1) of the statutes is amended to read:

4 938.356 (1) Whenever the court orders a juvenile to be placed outside his or her  
5 home or denies a parent visitation because the juvenile has been adjudged to be  
6 delinquent or in need of protection or services under s. 938.34, 938.345, 938.357,  
7 938.363, or 938.365, the court shall orally inform the parent or parents who appear  
8 in court of any grounds for termination of parental rights under s. 48.415 which may  
9 be applicable and of the conditions necessary for the juvenile to be returned to the  
10 home or for the parent to be granted visitation.

11 **SECTION 3. Initial applicability.**

12 (1) This act first applies to court orders denying a parent visitation under  
13 section 938.34 of the statutes granted on the effective date of this subsection.

14 (END)