

# State of Wisconsin



1995 Assembly Bill 470

Date of enactment: **June 24, 1996**

Date of publication\*: **July 8, 1996**

Revised date of publication\*: **June 28, 1996**

## 1995 WISCONSIN ACT 443

**AN ACT** to repeal 48.89 (1) (a); to consolidate, renumber and amend 48.89 (1) (intro.) and (b); to amend 48.551 (1), 48.57 (1) (hm), 48.89 (3), 48.91 (3) and 48.97; and to repeal and recreate 48.551 (1) of the statutes; relating to: the adoption of a nonmarital child, the readoption of a foreign adoptive child, county adoption services, the state adoption center and making an appropriation.

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

**SECTION 1.** 48.551 (1) of the statutes is amended to read:

48.551 (1) The department shall establish a state adoption center for the purposes of increasing public knowledge of adoption and promoting to adolescents and pregnant women the availability of adoption services. From the appropriation under s. 20.435 (6) (dg), the department may ~~contract with~~ provide not more than \$75,000 in grants in each fiscal year to individuals and private agencies to operate the adoption center.

**SECTION 1m.** 48.551 (1) of the statutes, as affected by 1995 Wisconsin Acts 27 and .... (this act), is repealed and recreated to read:

48.551 (1) The department shall establish a state adoption center for the purposes of increasing public knowledge of adoption and promoting to adolescents and pregnant women the availability of adoption services. From the appropriation under s. 20.435 (3) (dg), the department may provide not more than \$75,000 in grants in each fiscal year to individuals and private agencies to operate the adoption center.

**SECTION 2.** 48.57 (1) (hm) of the statutes is amended to read:

48.57 (1) (hm) If a county department in a county with a population of less than 500,000 ~~and licensed by the department to do so~~, to accept guardianship ~~of children~~, when appointed by the court, of a child whom the county department has placed in a foster home or treatment foster home under a court order or voluntary agreement under s. 48.63 and to place ~~children that child~~ under its guardianship for adoption by the foster parent or treatment foster parent.

**SECTION 3.** 48.89 (1) (intro.) and (b) of the statutes are consolidated, renumbered 48.89 (1) and amended to read:

48.89 (1) The recommendation of the department is required for the adoption ~~of the following children: (b) A child who has no living parents or whose parents have had their rights legally terminated~~ if the child is not under the guardianship of a county department under s. 48.57 (1) (e) or (hm) or a child welfare agency under s. 48.61 (5).

**SECTION 4.** 48.89 (1) (a) of the statutes is repealed.

**SECTION 5.** 48.89 (3) of the statutes is amended to read:

\* Section 991.11, WISCONSIN STATUTES 1993-94: 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].

48.89 (3) The recommendation of the department shall not be required if the recommendation of the department, a licensed child welfare agency or a county department under s. 48.57 (1) (e) or (hm) is required by s. 48.841, if a report of an investigation by the department, a county department under s. 48.57 (1) (e) or (hm) or a licensed child welfare agency is required by s. 48.88 (2) (a) 2. or if one of the petitioners is a ~~step~~parent relative of the child.

**SECTION 6.** 48.91 (3) of the statutes is amended to read:

48.91 (3) If after the hearing and a study of the report required by s. 48.88 and the recommendation required by s. 48.841 or 48.89, the court is satisfied that the necessary consents or recommendations have been filed and that the adoption is in the best interests of the child, the court shall make an order granting the adoption. The order may change the name of the minor to that requested by petitioners.

**SECTION 7.** 48.97 of the statutes is amended to read:

**48.97 Adoption orders of other jurisdictions.** When the relationship of parent and child has been created by an order of adoption of a court of any other state or nation, the rights and obligations of the parties as to matters within the jurisdiction of this state shall be determined by s. 48.92. If the adoptive parents were residents of this state at the time of the foreign adoption, the

preceding sentence applies only if the department has approved the placement. A child whose adoption would otherwise be valid under this section may be readopted in accordance with this chapter ~~if readoption is necessary under federal law to permit the child to enter this country.~~

**SECTION 7m. Appropriation changes; health and social services.**

(1) STATE ADOPTION CENTER.

(a) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (6) (dg) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$10,000 for fiscal year 1995-96 to increase funding for the purpose for which the appropriation is made.

(b) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (3) (dg) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$10,000 for fiscal year 1996-97 to increase funding for the purpose for which the appropriation is made.

**SECTION 7p. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) STATE ADOPTION CENTER. The repeal and recreation of section 48.551 (1) of the statutes takes effect on July 1, 1996.