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**ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 312**

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1 AN ACT *to repeal* 48.375 (2) (b), 48.375 (2) (em), 48.375 (4) (b) 1m. and 48.375 (7)  
2 (bm); *to renumber and amend* 48.375 (4) (a) 1.; *to amend* 46.24, 48.23 (1)  
3 (cm), 48.257 (1) (h), 48.257 (4), 48.27 (9), 48.273 (4) (b), 48.375 (2) (c), 48.375 (4)  
4 (b) 1., 48.375 (4) (b) 3., 48.375 (6), 48.375 (7) (a) (intro.), 48.375 (7) (a) 4., 48.375  
5 (7) (b) (intro.), 48.375 (7) (d), 48.375 (7) (f), 69.186 (1) (j), 809.105 (2), 809.105  
6 (3) (a), 809.105 (3) (d), 809.105 (5), 809.105 (8), 809.105 (8m), 809.105 (9),  
7 809.105 (10), 809.105 (11) (a) (intro.), 809.105 (11) (a) 3., 809.105 (11) (cm),  
8 809.105 (11) (d), 809.105 (11) (e), 809.105 (13) and 895.037 (3) (a); and *to create*  
9 48.375 (4) (a) 1. a. and 48.375 (4) (a) 1. b. of the statutes; **relating to:** the  
10 requirement that an unemancipated minor obtain parental or other consent or  
11 a judicial waiver of that consent requirement before she may have an abortion.

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

12 **SECTION 1.** 46.24 of the statutes is amended to read:

1           **46.24 Assistance to minors concerning parental consent for abortion.**

2           If a minor who is contemplating an abortion requests assistance from a county  
3           department under s. 46.215, 46.22 or 46.23 in seeking the consent of the minor's  
4           parent, guardian or legal custodian, ~~or in seeking the consent of an adult family~~  
5           ~~member, as defined in s. 48.375 (2) (b), for the contemplated abortion or in seeking~~  
6           a waiver from the circuit court, the county department shall provide assistance,  
7           **including, if so requested, accompanying the minor as appropriate.**

8           **SECTION 2.** 48.23 (1) (cm) of the statutes is amended to read:

9           48.23 (1) (cm) Any minor who is subject to the jurisdiction of the circuit court  
10          under s. 48.16 ~~and who is required to appear in court~~ shall be represented by counsel.

11          **SECTION 3.** 48.257 (1) (h) of the statutes is amended to read:

12          48.257 (1) (h) If the minor is not represented by counsel, the place where and  
13          the manner in which the minor wishes to be notified of proceedings under s. 48.375  
14          (7) until appointment of counsel under s. 48.375 (7) (a) 1. ~~If the petition is filed by~~  
15          ~~a member of the clergy on behalf of the minor, the place where and manner in which~~  
16          ~~the member of the clergy wishes to be notified of proceedings under s. 48.375 (7).~~

17          **SECTION 4.** 48.257 (4) of the statutes is amended to read:

18          48.257 (4) The clerk of circuit court shall give a copy of the petition to the minor  
19          ~~or to the member of the clergy who files a petition on behalf of the minor if any.~~

20          **SECTION 5.** 48.27 (9) of the statutes is amended to read:

21          48.27 (9) Subsections (1) to (8) do not apply in any proceeding under s. 48.375  
22          (7). For proceedings under s. 48.375 (7), the circuit court shall provide notice only  
23          to the minor, her counsel & ~~any, the member of the clergy who filed the petition on~~  
24          ~~behalf of the minor, if any,~~ and her guardian ad litem, ~~if any.~~ The notice shall contain  
25          the title and case number of the proceeding, and the nature, location, date and time

(1 plain)

1 of the hearing or other proceeding. Notice to the minor ~~or to the member of the clergy,~~  
2 ~~if any,~~ shall be provided as requested under s. 48.257 (1) (h) and, after appointment  
3 of the minor's counsel, ~~if any,~~ by her counsel.

4 **SECTION 6.** 48.273 (4) (b) of the statutes is amended to read:

5 48.273 (4) (b) Personal service is required for notice of all proceedings under  
6 s. 48.375 (7), except that, if the minor is not represented by counsel, notice to the  
7 minor shall be in the manner and at the place designated by the minor in the petition  
8 under s. 48.257 (1) until appointment of the minor's counsel- under s. 48.375  
9 (7) (a) 1. Notice shall be served immediately for any proceeding under s. 48.375 (7)  
10 unless the minor waives the immediate notice. If the minor waives the immediate  
11 notice, the notice shall be served at least 24 hours before the time of the hearing  
12 under s. 48.375 (7) (b) or any other proceeding under s. 48.375 (7). A minor may, in  
13 acknowledging receipt of service of the notice, sign the name "Jane Doe" in lieu of  
14 providing the minor's full signature.

15 **SECTION 7.** 48.375 (2) (b) of the statutes is repealed.

16 **SECTION 8.** 48.375 (2) (c) of the statutes is amended to read:

17 48.375 (2) (c) "Counselor" means a physician including a physician specializing  
18 in psychiatry, a licensed psychologist, as defined in s. 455.01 (4), or an ordained  
19 member of the clergy, as defined in s. 765.002 (1). "Counselor" does not include any  
20 person who is employed by or otherwise affiliated with a reproductive health care  
21 facility, a family planning clinic or a family planning agency; any person affiliated  
22 with the performance of abortions, except abortions performed to save the life of the  
23 mother; or any person who may profit from giving advice to seek an abortion.

**SECTION 9.** 48.375 (2) (em) of the statutes is repealed.

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who has legal custody of the minor

1 SECTION 10. 48.375 (4) (a) 1. of the statutes is renumbered 48.375 (4) (a) 1.  
2 (intro.) and amended to read:

3 48.375 (4) (a) 1. (intro.) The person or the person's agent has, either directly  
4 or through a referring physician or his or her agent, received and made part of the  
5 minor's medical record, under the requirements of s. 253.10, the voluntary and  
6 informed written consent of the minor and the voluntary and informed written  
7 consent of one of her parents; or of the minor's guardian or legal custodian, if one has  
8 been appointed; or of an adult family member of the minor; or of one of the minor's  
9 foster parents or treatment foster parents, if the minor has been placed in a foster  
10 home or treatment foster home and the minor's parent has signed a waiver granting  
11 the department, a county department, the foster parent or the treatment foster  
12 parent the authority to consent to medical services or treatment on behalf of the  
13 minor, ~~except that if there has been a determination of legal custody of the minor~~

14 ~~under ch. 767 a parent who does not have legal custody, as defined in s. 767.001 (2)~~  
15 ~~(a), of the minor may not consent to the performance or inducement of an abortion~~  
16 ~~on or for the minor. The following procedure shall govern the provision of consent~~  
17 ~~under this subdivision by <sup>the</sup> parent, guardian or legal custodian of a minor:~~

18 SECTION 11. 48.375 (4) (a) 1. a. of the statutes is created to read:

19 48.375 (4) (a) 1. a. The parent, guardian or legal custodian shall sign <sup>and acknowledge</sup> the  
20 consent document before a notary public, who shall determine, either from personal  
21 knowledge or from satisfactory evidence consisting of one or more forms of  
22 identification, that ~~the signature on the consent document is that~~ of the person  
23 appearing before the notary public ~~and named in the signature.~~ The parent,  
24 guardian or legal custodian shall also verify upon oath or affirmation before the  
25 notary public that he or she is the parent, guardian or legal custodian of the minor,

and making the acknowledgement is the person whose signature is on the consent document

an acknowledgement and

or foreign (use twice)

1 and the notary public shall determine, either from personal knowledge or from  
 2 satisfactory evidence consisting of one or more forms of identification, that the  
 3 person appearing before the notary public and making the verification is the person  
 4 whose true signature is on the statement verified. For purposes of this subd. 1. a.,  
 5 a form of identification constitutes satisfactory evidence of a person's identity if it  
 6 contains the name, address, signature and photograph of the person identified and  
 7 if it has been issued by a federal, state, ~~or~~ local governmental agency. Forms of  
 8 identification that constitute satisfactory evidence of a person's identity, when they  
 9 contain the name, address, signature and photograph of the person identified,  
 10 include a valid operator's license issued under ch. 343 or under the laws of any other  
 11 state, an identification card issued under s. 343.50, a military identification card, a  
 12 valid passport, an alien registration card or any other identification document issued  
 13 by a federal, state <sup>1</sup> or local governmental agency. A notary public who witnesses a  
 14 signature or who takes a verification upon oath or affirmation under this subd. 1. a.  
 15 shall keep confidential any information acquired in witnessing the signature or in  
 16 acknowledgement and taking the verification. Any person who under oath or affirmation makes a  
 17 statement under this subd. 1. a. that the person does not believe is true is subject to  
 18 prosecution for a violation of s. 946.32 ~~(1)~~

SECTION 12. 48.375 (4) (a) 1. b. of the statutes is created to read:

20 48.375 (4) (a) 1. b. The person signing the consent document and verification  
 21 upon oath or affirmation shall provide the consent document and verification to the  
 22 person who intends to perform or induce the abortion or the person's agent, who shall  
 23 place the consent document and verification in the minor's medical record. In  
 24 addition, the person signing the consent document and verification shall provide a  
 25 copy of the minor's birth certificate, a court order appointing that person as the

1 guardian or legal custodian of the minor or some other documentary evidence  
 2 showing that the person is the parent, guardian or legal custodian of the minor to the  
 3 person who intends to perform or induce the abortion or the person's agent. The  
 4 person or the person's agent shall verify that the person signing the consent  
 5 document and verification is the parent, guardian or legal custodian of the minor and  
 shall place the documentary evidence provided under this subd. 1. b. in the minor's  
 medical record.

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8 SECTION 13. 48.375 (4) (b) 1. of the statutes is amended to read:

9 48.375 (4) (b) 1. ~~The person who intends to perform or induce the abortion~~  
 10 ~~believes, to the best of his or her medical judgment based on the facts of the case~~  
 11 ~~before him or her, that a~~ A ~~medical emergency, as defined in s. 253.10 (2) (d), exists~~  
 12 ~~that complicates the pregnancy so as to require an immediate abortion~~

13 SECTION 14. 48.375 (4) (b) 1m. of the statutes is repealed.

14 SECTION 15. 48.375 (4) (b) 3. of the statutes is amended to read:

15 48.375 (4) (b) 3. The minor provides the person who intends to perform or  
 16 induce the abortion with a written statement, signed and dated by the minor, that  
 17 a parent who has legal custody of the minor, or the minor's guardian or legal  
 18 custodian, if one has been appointed, ~~or an adult family member of the minor, or a~~  
 19 ~~foster parent or treatment foster parent, if the minor has been placed in a foster home~~  
 20 ~~or treatment foster home and the minor's parent has signed a waiver granting the~~  
 21 ~~department, a county department, the foster parent or the treatment foster parent~~  
 22 ~~the authority to consent to medical services or treatment on behalf of the minor, has~~  
 23 inflicted abuse on the minor. The person who intends to perform or induce the  
 24 abortion shall place the statement in the minor's medical record. The person who

1 intends to perform or induce the abortion shall report the abuse as required under  
2 s. 48.981 (2).

3 **SECTION 16. 48.375 (6)** of the statutes is amended to read:

4 **48.375 (6) RIGHT TO PETITION COURT FOR WAIVER.** Any pregnant minor who is  
5 s e e k i n g a n a b o r t i o n i n t h i s s t a t e s  
6 may file a petition specified under s. 48.257 with any court for a waiver of the  
7 parental consent requirement under sub. (4) (a) 1.

8 **SECTION 17. 48.375 (7) (a) (intro.)** of the statutes is amended to read:

9 **48.375 (7) (a) Receipt of petition; initial appearance.** (intro.) On the date that  
10 a petition under s. **48.257** is filed, or if it is impossible to do so on that day, on the next  
11 calendar day, the court shall hold an initial appearance in chambers at which the  
12 minor ~~or the member of the clergy who filed the petition on behalf of the minor, if any,~~  
13 is present and shall do all of the following:

14 **SECTION 18. 48.375 (7) (a) 4.** of the statutes is amended to read:

15 48.375 (7) (a) 4. Notify the minor, the minor's counsel-  
16 clergy who filed the petition on behalf of the minor, if any, and the minor's guardian  
17 ad litem, <sup>(plaintiff)</sup> if any, of the time, date and place of the hearing.

18 **SECTION 19. 48.375 (7) (b) (intro.)** of the statutes is amended to read:

19 **48.375 (7) (b) Hearing; evidence.** (intro.) The court shall hold a confidential  
20 hearing on a the petition ~~that is filed by a minor.~~ The hearing shall be held in  
21 chambers, unless a public fact-finding hearing is demanded by the minor through  
22 her counsel. At the hearing, the court shall consider the report of the guardian ad  
23 litem, <sup>(plaintiff)</sup> if any, and hear evidence relating to all of the following:

24 **SECTION 20. 48.375 (7) (bm)** of the statutes is repealed.

25 **SECTION 21. 48.375 (7) (d)** of the statutes is amended to read:

1           **48.375 (7) (d) Time limit.** 1. The court shall make the determination under par.  
 2 (c) and issue an order within 3 calendar days after the initial appearance unless the  
 3 m i n o r a n d h e r c o u n s e l  
 4 ~~of the minor, if any,~~ consent to an extension of the time period. The order shall be  
 5 effective immediately. The court shall prepare and file with the clerk of court  
 6 findings of fact, conclusions of law and a final order granting or denying the petition  
 7 within 24 hours after making the determination and order. If the court grants the  
 8 petition, the court shall immediately so notify the minor by personal service on her  
 9 c o u n s e l  
 10 ~~any,~~ of a certified copy of the court's order granting the petition. If the court denies  
 11 the petition, the court shall immediately so notify the minor by personal service on  
 12 her counsel, ~~or the member of the clergy who filed the petition on behalf of the minor,~~  
 13 ~~if any,~~ of a copy of the court's order denying the petition and shall also notify the minor  
 14 by her counsel, ~~or the member of the clergy who filed the petition on behalf of the~~  
 15 ~~minor, if any,~~ that she has a right to initiate an appeal under s. 809.105.

16           lm. Except as provided under s. 48.3 15 (1) (b), (c) and (f), if the court fails to  
 17 comply with the time limits specified under subd. 1. without the prior consent of the  
 18 m i n o r a n d t h e m i n o r ' s c o u n s e l , i f  
 19 ~~petition on behalf of the minor, if any,~~ the minor and the minor's counsel, ~~if any,~~ ~~or~~  
 20 ~~the member of the clergy, if any,~~ shall select a temporary reserve judge, as defined  
 21 in s. 753.075 (1) (b), to make the determination under par. (c) and issue an order  
 22 granting or denying the petition and the chief judge of the judicial administrative  
 23 district in which the court is located shall assign the temporary reserve judge  
 24 selected by the minor and the minor's counsel ~~- of the clergy, if~~  
 25 ~~any,~~ to make the determination and issue the order. A temporary reserve judge



1 assigned under this subdivision to make a determination under par. (c) and issue an  
2 order granting or denying a petition shall make the determination and issue the  
3 order within 2 calendar days after the assignment, unless the minor and her counsel,  
4 ~~if any, or the member of the clergy who filed the petition on behalf of the minor, if any,~~  
5 consent to an extension of that time period. The order shall be effective immediately.  
6 The court shall prepare and file with the clerk of court findings of fact, conclusions  
7 of law and a final order granting or denying the petition, and shall notify the minor  
8 of the court's order, as provided under subd. 1.

9 2 . C o u n s e l f o r t h e m i n o r -  
10 ~~behalf of the minor, if any,~~ shall immediately, upon notification under subd. 1. or 1 m.  
11 that the court has granted or denied the petition, notify the minor. If the court has  
12 granted the petition, counsel for the minor, ~~or the member of the clergy who filed the~~  
13 ~~petition on behalf of the minor, if any,~~ shall hand deliver a certified copy of the court  
14 order to the person who intends to perform or induce the abortion. If with reasonable  
15 diligence the person who intends to perform or induce the abortion cannot be located  
16 for delivery, then counsel for the minor, ~~or the member of the clergy who filed the~~  
17 ~~petition on behalf of the minor, if any,~~ shall leave a certified copy of the order with  
18 the person's agent at the person's principal place of business. If a clinic or medical  
19 facility is specified in the petition as the corporation, limited liability company,  
20 partnership or other unincorporated association that employs the person who  
21 intends to perform or induce the abortion, then counsel for the minor, ~~or the member~~  
22 ~~of the clergy who filed the petition on behalf of the minor, if any,~~ shall hand deliver  
23 a certified copy of the order to an agent of the corporation, limited liability company,  
24 partnership or other unincorporated association at its principal place of business.  
25 There may be no service by mail or publication. The person or agent who receives

1 the certified copy of the order under this subdivision shall place the copy in the  
2 minor's medical record.

3 **SECTION 22.** 48.375 (7) (f) of the statutes is amended to read:

4 48.375 (7) (f) ***Certain persons barred from proceedings.*** No parent, or guardian  
5 or legal custodian, if one has been appointed, ~~or foster parent or treatment foster~~  
6 ~~parent, if the minor has been placed in a foster home or treatment foster home and~~  
7 ~~the minor's parent has signed a waiver granting the department, a county~~  
8 ~~department, the foster parent or the treatment foster parent the authority to consent~~  
9 ~~to medical procedures or treatment on behalf of the minor, or adult family member, of~~  
10 any minor who is seeking a court determination under this subsection may attend,  
11 intervene or give evidence in any proceeding under this subsection.

12 **SECTION 23.** 69.186 (1) (j) of the statutes is amended to read:

13 69.186 (1) (j) If the patient is a minor, whether consent was provided under s.  
14 48.375 (4) (a) 1. for the abortion and, if so, the relationship of the individual providing  
15 consent to the minor; or, if consent under s. 48.375 (4) (a) 1. was not provided, on  
16 which of the bases under s. 48.375 (4) (a) 2. or (b) 1., lg., ~~1m.~~, 2. or 3. the abortion was  
17 performed.

18 **SECTION 24.** 809.105 (2) of the statutes is amended to read:

19 809.105 (2) INITIATING AN APPEAL. Only a minor may initiate an appeal under  
20 this section. The minor shall initiate the appeal by filing, ~~or by a member of the clergy~~  
21 ~~filing on the minor's behalf,~~ notice of appeal with the clerk of the trial court in which  
22 the order appealed from was entered and shall specify in the notice of appeal the  
23 order appealed from. At the same time, the minor ~~or member of the clergy~~ shall notify  
24 the court of appeals of the filing of the appeal by sending a copy of the notice of appeal  
25 to the clerk of the court of appeals. The clerk of the trial court shall assist thk minor

1 ~~or member of the clergy~~ in sending a copy of the notice of appeal to the clerk of the  
2 court of appeals. The minor may use the name "Jane Doe" instead of her name on  
3 the notice of appeal and all other papers filed with the court of appeals.

4 **SECTION 25.** 809.105 (3) (a) of the statutes is amended to read:

5 809.105 (3) (a) Fee. No fee for filing an appeal in the court of appeals under this  
6 section may be required of a minor ~~or of a member of the clergy who files an appeal~~  
7 ~~under this section on behalf of the minor.~~

8 **SECTION 26.** 809.105 (3) (d) of the statutes is amended to read:

9 **809.105 (3) (d) Statement on transcript.** A minor ~~or member of the clergy~~ may  
10 not be required to file a statement on transcript in an appeal under this section.

11 **SECTION 27.** 809.105 (5) of the statutes is amended to read:

12 809.105 (5) **TRANSCRIPT OF REPORTER'S NOTES.** At the time that a minor ~~or~~  
13 ~~member of the clergy~~ files a notice of appeal, the minor ~~or member of the clergy~~ shall  
14 make arrangements with the reporter for the preparation of a transcript of the  
15 reporter's notes of the proceedings under s. 48.375 (7). The reporter shall file the  
16 transcript with the trial court within 2 calendar days after the notice of appeal is  
17 filed. The county of the court that held the proceeding under s. 48.375 (7) shall pay  
18 the expense of transcript preparation under this subsection.

19 **SECTION 28.** 809.105 (8) of the statutes is amended to read:

20 809.105 (8) **ASSIGNMENT AND ADVANCEMENT OF CASES.** The court of appeals shall  
21 take cases appealed under this section in an order that ensures that a judgment is  
22 made within 4 calendar days after the appeal has been filed in the court of appeals.  
23 The time limit under this subsection may be extended with the consent of the minor  
24 ~~a n d h e r c o u n s e l ' f o r t h e c l e r g y w h o i n i t i a t e d t h e a p p e a l u n d e r~~  
25 ~~this section, if any.~~

1           **SECTION 29.** 809.105 (8m) of the statutes is amended to read:

2           809.105 (8m) **OWL ARGUMENT.** If the court of appeals determines that a case  
3 appealed under this section is to be submitted with oral argument, the oral argument  
4 shall be held in chambers or, on motion of the minor through her counsel ~~or through~~  
5 ~~the member of the clergy who filed the appeal under this section, if any,~~ or on the  
6 court of appeals' own motion, by telephone, unless the minor through her counsel ~~or~~  
7 ~~the member of the clergy~~ demands that the oral argument be held in open court.

8           **SECTION 30.** 809.105 (9) of the statutes is amended to read:

9           809.105 (9) **COSTS .** The court of appeals may not assess costs against a minor  
10 ~~or member of the clergy~~ in an appeal under this section.

11           **SECTION 31.** 809.105 (10) of the statutes is amended to read:

12           809.105 (10) **REMITTITUR.** (a) A judgment by the court of appeals under this  
13 section is effective immediately, without transmittal to the trial court, as an order  
14 either granting or denying the petition. If the court of appeals reverses a trial court  
15 order denying a petition under s. 48.375 (7), the court of appeals shall immediately  
16 so notify the minor by personal service on her counsel ~~or th~~ ~~ember of th~~ ~~clergy~~  
17 ~~who initiated the appeal under this section, if any,~~ of a certified copy of the order of  
18 the court of appeals granting the minor's petition. If the court of appeals affirms the  
19 trial court order, it shall immediately so notify the minor by personal service on her  
20 counsel ~~or the member of the clergy who initiated the appeal under this section, if~~  
21 ~~any,~~ of a copy of the order of the court of appeals denying the petition and shall also  
22 notify the minor by her counsel ~~or the member of the clergy who initiated the appeal~~  
23 ~~under this section on behalf of the minor, if any,~~ that she may, under sub. (11), file  
24 a petition for review with the supreme court under s. 809.62. The court of appeals  
25 shall pay the expenses of service of notice under this subsection. The clerk of the

1 court of appeals shall transmit to the trial court the judgment and opinion of the court  
2 of appeals and the record in the case filed under sub. (4), within 31 days after the date  
3 that the judgment and opinion of the court of appeals are filed. If a petition for review  
4 is filed under sub. (11), the transmittal shall be made within 31 days after the date  
5 that the supreme court rules on the petition for review.

6 (b) Counsel for the minor, ~~if any, or the member of the clergy who initiated the~~  
7 ~~appeal under this section, if any,~~ shall immediately, upon notification under par. (a)  
8 that the court of appeals has granted or denied the petition, notify the minor. If the  
9 court of appeals has granted the petition, counsel for the minor  
10 ~~of the clergy who initiated the appeal under this section, if any,~~ shall hand deliver  
11 a certified copy of the order of the court of appeals to the person who intends to  
12 perform or induce the abortion. If with reasonable diligence the person who intends  
13 to perform or induce the abortion cannot be located for delivery, then counsel for the  
14 minor, ~~if any, or the member of the clergy who initiated the appeal under this section,~~  
15 ~~if any,~~ shall leave a certified copy of the order with the person's agent at the person's  
16 principal place of business. If a clinic or medical facility is specified in the petition  
17 as the corporation, limited liability company, partnership or other unincorporated  
18 association that employs the person who intends to perform or induce the abortion,  
19 then counsel for the minor ~~& any, or the member of the clergy who initiated the~~  
20 ~~appeal under this section, if any,~~ shall hand deliver a certified copy of the order to an  
21 agent of the corporation, limited liability company, partnership or other  
22 unincorporated association at its principal place of business. There may be no  
23 service by mail or publication. The person or agent who receives the certified copy  
24 of the order under this paragraph shall place the copy in the minor's medical record.

25 **SECTION 32.** 809.105 (11) (a) (intro.) of the statutes is amended to read:

1           809.105 (11) (a) (intro.) Only a minor ~~or the member of the clergy who initiated~~  
2 ~~the appeal under this section, if any,~~ may initiate a review of an appeal under this  
3 section. The petition for review of an appeal in the supreme court shall contain:

4           **SECTION 33.** 809.105 (11) (a) 3. of the statutes is amended to read:

5           809.105 (11) (a) 3. The judgment and opinion of the court of appeals, and the  
6 findings of fact, conclusions of law and final order of the trial court that were  
7 furnished to the court of appeals. The court of appeals shall provide a copy of these  
8 papers to the minor, ~~if any, the member of the clergy who initiated the appeal under~~  
9 ~~this section, if any,~~ her counsel or her guardian ad litem, ~~if any,~~ <sup>(plaintiff)</sup> immediately upon  
10 request.

11           **SECTION 34.** 809.105 (11) (cm) of the statutes is amended to read:

12           809.105 (11) (cm) If the supreme court determines that a case reviewed under  
13 this subsection is to be submitted with oral argument, the oral argument shall be  
14 held in chambers or, on motion of the minor through her counsel ~~or through the~~  
15 ~~member of the clergy who initiated the appeal under this section, if any,~~ or on the  
16 supreme court's own motion, by telephone, unless the minor through her counsel ~~or~~  
17 ~~the member of the clergy~~ demands that the oral argument be held in open court.

18           **SECTION 35.** 809.105 (11) (d) of the statutes is amended to read:

19           809.105 (11) (d) A judgment or decision by the supreme court under this section  
20 is effective immediately, without transmittal to the trial court, as an order either  
21 granting or denying the petition. If the supreme court reverses a court of appeals  
22 order affirming a trial court order denying a petition under s. 48.375 (7), the supreme  
23 court shall immediately so notify the minor by personal service on her counsel-  
24 ~~or on the member of the clergy who initiated the appeal under this section, if any, of~~  
25 a certified copy of the order of the supreme court granting the minor's petition. If the

1 supreme court affirms the order of the court of appeals, it shall immediately so notify  
2 the minor by her counsel ~~or by the member of the clergy who initiated the appeal~~  
3 ~~under this section, if any.~~ The clerk of the supreme court shall transmit to the trial  
4 court the judgment, or decision, and opinion of the supreme court and the complete  
5 record in the case within 31 days after the date that the judgment, or decision, and  
6 opinion of the supreme court are filed. The supreme court shall pay the expense of  
7 service of notice under this subsection.

8 **SECTION 36.** 809.105 (11) (e) of the statutes is amended to read:

9 809.105 ( 11 ) (e) Counsel for the minor, ~~if any, or the member of the clergy who~~  
10 ~~initiated the appeal under this section, if any,~~ shall immediately, upon notification  
11 under par. (d) that the supreme court has granted or denied the petition, notify the  
12 minor. If the supreme court has granted the petition, counsel for the minor, ~~if any,~~  
13 ~~or the member of the clergy who initiated the appeal under this section, if any,~~ shall  
14 hand deliver a certified copy of the order of the supreme court to the person who  
15 intends to perform or induce the abortion. If with reasonable diligence the person  
16 who intends to perform or induce the abortion cannot be located for delivery, then  
17 counsel for the minor, ~~if any, or the member of the clergy who initiated the appeal~~  
18 ~~under this section, if any,~~ shall leave a certified copy of the order with the person's  
19 agent at the person's principal place of business. If a clinic or medical facility is  
20 specified in the petition as the corporation, limited liability company, partnership or  
21 other unincorporated association that employs the person who intends to perform or  
22 induce the abortion, then counsel for the minor, ~~if any, or the member of the clergy~~  
23 ~~who initiated the appeal under this section, if any,~~ shall hand deliver a certified copy  
24 of the order to an agent of the corporation, limited liability company, partnership or  
25 other unincorporated association at its principal place of business. There may be no

1 service by mail or publication. The person or agent who receives the certified copy  
2 of the order under this paragraph shall place the order in the minor's medical record.

3 **SECTION 37.** 809.105 (13) of the statutes is amended to read:

4 809.105 (13) **CERTAIN PERSONS BARRED FROM PROCEEDINGS.** No parent, or  
5 guardian or legal custodian, if one has been appointed, ~~or foster parent or treatment~~  
6 ~~foster parent, if the minor has been placed in a foster home or treatment foster home,~~  
7 ~~and the minor's parent has signed a waiver granting the department of health and~~  
8 ~~family services, a county department under s. 46.215, 46.22 or 46.23, the foster~~  
9 ~~parent or the treatment foster parent the authority to consent to medical services or~~  
10 ~~treatment on behalf of the minor, or adult family member, as defined in s. 48.375 (2)~~  
11 ~~(b),~~ of any minor who has initiated an appeal under this section may attend or  
12 intervene in any proceeding under this section.

13 **SECTION 38.** 895.037 (3) (a) of the statutes is amended to read:

14 895.037 (3) (a) A person who **intentionally** violates s. 48.375 (4) is liable to the  
15 minor on or for whom the abortion was performed or induced and to the minor's  
16 parent, guardian and legal custodian for damages arising out of the performance or  
17 inducement of the abortion including, but not limited to, damages for personal injury  
18 and emotional and psychological distress.

(fm) and

19 **SECTION 39. Initial applicability.**

20 (1) **ABORTIONS PERFORMED OR INDUCED.** The treatment of sections 46.24, 48.375  
21 (2) (b) and (4) (b) 1., 1m. and 3., 69.186 (1) (j) and 895.037 (3) (a) of the statutes, the  
22 renumbering and amendment of section 48.375 (4) (a) 1. of the statutes and the  
23 creation of section 48.375 (4) (a) 1. a. and b. of the statutes first apply to abortions  
24 performed or induced on the effective date of this subsection.

c. and d.



1

(2) **WAIVER PETITIONS FILED.** The **treatment** of sections 48.23 (1) (cm), 48.257 (1)

2

(h) and (4), 48.27 (9), 48.273 (4) (b), 48.375 (2) (c) ~~and (em)~~ (6) and (7) (a) (intro.) and

3

4., (b) (intro.), (bm), (d) and (f) and 809.105 (2), (3) (a) and (d), (5), (8), (8m), (9), (lo),

4

(11) (a) (intro.) and 3., (cm), (d) and (e) and (13) of the statutes first applies to petitions

5

filed to initiate a proceeding under section 48.375 (7) of the statutes, as affected by

6

this act, on the effective date of this subsection.

7

(END)

Stat  
g  
and (em)

INSERT 6-7

SECTION ~~1.~~ 48.375 (2) (fm) of the statutes is created to read:

48.375 (2) (fm) "Parent who <sup>has</sup> legal custody of the minor" means a parent who has the right and responsibility to make major decisions concerning the minor, whether that right and responsibility are derived from common law, statute or court order.

SECTION ~~4.~~ 48.375 (4) (a) 1. of the statutes is renumbered 48.375 (4) (a) 1. a. and amended to read:

48.375 (4) (a) 1. a. The person or the person's agent has, either directly or through a referring physician or his or her agent, received and made part of the minor's medical record, under the requirements of s. 253.10, the voluntary and informed written consent of the minor and the voluntary and informed written consent of one of ~~her~~ <sup>the minor's</sup> parents who has legal custody of the minor or of the minor's guardian or legal custodian, if one has been appointed ~~of the minor; or of one of the minor's foster parents or treatment foster parents, if the minor has been placed in a foster home or treatment foster home and the minor's parent has signed a waiver granting the department, a county department, the foster parent or the treatment foster parent the authority to consent to medical services or treatment on behalf of the minor.~~ The procedure specified in subd. 1. b. shall govern the provision of consent under this subd. 1. a! by the parent, guardian or legal custodian of a minor. <sup>plain period</sup>

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 30.

SECTION ~~3.~~ 48.375 (4) (a) 1. b. of the statutes is created to read:

48.375 (4) (a) 1. b. The parent, guardian or legal custodian shall sign and acknowledge the consent document before a notary public, who shall determine,

either from personal knowledge or from satisfactory evidence consisting of one or more forms of identification, that the person appearing before the notary public and making the acknowledgment is the person whose signature is on the consent document. The parent, guardian or legal custodian shall also verify upon oath or affirmation before the notary public that he or she is the parent, guardian or legal custodian of the minor, and the notary public shall determine, either from personal knowledge or from satisfactory evidence consisting of one or more forms of identification, that the person appearing before the notary public and making the verification is the person whose true signature is on the statement verified. The person signing the consent document and verification upon oath or affirmation shall provide the consent document and verification to the person who intends to perform or induce the abortion or the person's agent, who shall place the consent document and verification in the minor's medical record.

**SECTION ~~14~~<sup>#</sup>.** 48.375 (4) (a) 1.c.<sup>✓</sup> of the statutes is created to read:

48.375 (4) (a) 1. c. For purposes of subd. 1. b.,<sup>✓</sup> a form of identification constitutes satisfactory evidence of a person's identity if it contains the name, address, signature and photograph of the person identified and if it has been issued by a federal, state, local or foreign governmental agency. Forms of identification that constitute satisfactory evidence of a person's identity, when they contain the name, address, signature and photograph of the person identified, include a valid operator's license issued under ch. 343<sup>✓</sup> or under the laws of any other state, an identification card issued under s. 343.50,<sup>✓</sup> a military identification card, a valid passport, an alien registration card or any other identification document issued by a federal, state, local or foreign governmental agency.

**SECTION ~~15~~<sup>#</sup>.** 48.375 (4) (a) 1. d.<sup>✓</sup> of the statutes is created to read:

\*

48.375 (4) (a) 1. d. A notary public who takes an acknowledgement and a verification upon oath or affirmation under subd. 1. b. shall keep confidential any information acquired in taking the acknowledgement and verification. Any person who under oath or affirmation makes a statement that the person does not believe is true is subject to prosecution for a violation of s. 946.32.

**(END OF INSERT)**

Soon  
(pp 5, 6 & 16)

**ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 312**

Reg No 116

1 **AN ACT** ~~to repeal~~ **48.375 (2)** (b), 48.375 (2) (em), 48.375 (4) (b) lm. and 48.375 (7)

2 (bm); **to renumber and amend 48.375 (4)** (a) 1.; **to amend 46.24, 48.23** (1)

3 (cm), 48.257 (1) (h), 48.257 (4), 48.27 (9), 48.273 (4) (b), 48.375 (2) (c), 48.375 (4)

4 (b) 1., 48.375 (4) (b) 3., 48.375 (6), 48.375 (7) (a) (intro.), 48.375 (7) (a) 4., 48.375

5 (7) (b) (intro.), 48.375 (7) (d), 48.375 (7) (f), 69.186 (1) (j), 809.105 (2), 809.105

6 (3) (a), 809.105 (3) (d), 809.105 (5), 809.105 (8), 809.105 (8m), 809.105 (9),

7 809.105 (10), 809.105 (11) (a) (intro.), 809.105 (11) (a) 3., 809.105 (11) (cm),

8 809.105 (11) (d), 809.105 (11) (e), 809.105 (13) and 895.037 (3) (a); and **to create**

9 48.375 (2) (fm), 48.375 (4) (a) 1. b., 48.375 (4) (a) 1. c. and 48.375 (4) (a) 1. d. of

10 the statutes; **relating to:** the requirement that an unemancipated minor

11 obtain parental or other consent or a judicial waiver of that consent

12 requirement before she may have an abortion.

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

1           **SECTION 1.** 46.24 of the statutes is amended to read:

2           **46.24 Assistance to minors concerning parental consent for abortion.**

3           If a minor who is contemplating an abortion requests assistance from a county  
4           department under s. 46.215, 46.22 or 46.23 in seeking the consent of the minor's  
5           parent, guardian or legal custodian, ~~or in seeking the consent of an adult family~~  
6           ~~member, as defined in s. 48.375 (2) (b),~~ for the contemplated abortion or in seeking  
7           a waiver from the circuit court, the county department shall provide assistance,  
8           including, if so requested, accompanying the minor as appropriate.

9           **SECTION 2.** 48.23 (1) (cm) of the statutes is amended to read:

10           48.23 (1) (cm) Any minor who is subject to the jurisdiction of the circuit court  
11           under s. 48.16 ~~and who is required to appear in court~~ shall be represented by counsel.

12           **SECTION 3.** 48.257 (1) (h) of the statutes is amended to read:

13           48.257 (1) (h) If the minor is not represented by counsel, the place where and  
14           the manner in which the minor wishes to be notified of proceedings under s. 48.375  
15           (7) until appointment of counsel under s. 48.375 (7) (a) 1. ~~If the petition is filed by~~  
16           ~~a member of the clergy on behalf of the minor, the place where and manner in which~~  
17           ~~the member of the clergy wishes to be notified of proceedings under s. 48.375 (7).~~

18           **SECTION 4.** 48.257 (4) of the statutes is amended to read:

19           48.257 (4) The clerk of circuit court shall give a copy of the petition to the minor  
20           ~~or to the member of the clergy who files a petition on behalf of the minor, if any.~~

21           **SECTION 5.** 48.27 (9) of the statutes is amended to read:

22           48.27 (9) Subsections (1) to (8) do not apply in any proceeding under s. 48.375  
23           (7). For proceedings under s. 48.375 (7), the circuit court shall provide notice only  
24           t o t h e m i n o r , h e r c o u n s e l <  
25           ~~behalf of the minor, if any,~~ and her guardian ad litem, if any. The notice shall contain

1 the title and case number of the proceeding, and the nature, location, date and time  
2 of the hearing or other proceeding. Notice to the minor ~~or to the member of the clergy,~~  
3 ~~if any,~~ shall be provided as requested under s. 48.257 (1) (h) and, after appointment  
4 of the minor's counsel, ~~if any,~~ by her counsel.

5 **SECTION 6.** 48.273 (4) (b) of the statutes is amended to read:

6 48.273 (4) (b) Personal service is required for notice of all proceedings under  
7 s. 48.375 (7), except that, if the minor is not represented by counsel, notice to the  
8 minor shall be in the manner and at the place designated by the minor in the petition  
9 under s. 48.257 (1) until appointment of the minor's counsel- under s. 48.375  
10 (7) (a) 1. Notice shall be served immediately for any proceeding under s. 48.375 (7)  
11 unless the minor waives the immediate notice. If the minor waives the immediate  
12 notice, the notice shall be served at least 24 hours before the time of the hearing  
13 under s. 48.375 (7) (b) or any other proceeding under s. 48.375 (7). A minor may, in  
14 acknowledging receipt of service of the notice, sign the name "Jane Doe" in lieu of  
15 providing the minor's full signature.

16 **SECTION 7.** 48.375 (2) (b) of the statutes is repealed.

17 **SECTION 8.** 48.375 (2) (c) of the statutes is amended to read:

18 48.375 (2) (c) "Counselor" means a physician including a physician specializing  
19 in psychiatry, a licensed psychologist, as defined in s. 455.01 (4), or an ordained  
20 member of the clergy, as defined in s. 765.002 (1). "Counselor" does not include any  
21 person who is employed by or otherwise affiliated with a reproductive health care  
22 facility, a family planning clinic or a family planning agency; any person affiliated  
23 with the performance of abortions, except abortions performed to save the life of the  
24 mother; or any person who may profit from giving advice to seek an abortion.

25 **SECTION 9.** 48.375 (2) (em) of the statutes is repealed.

1 SECTION 10. 48.375 (2) (fm) of the statutes is created to read:

2 48.375 (2) (fm) "Parent who has legal custody of the minor" means a parent who  
3 has the right and responsibility to make major decisions concerning the minor,  
4 whether that right and responsibility are derived from common law, statute or court  
5 order.

6 SECTION 11. 48.375 (4) (a) 1. of the statutes is renumbered 48.375 (4) (a) 1. <sup>(Intro.)</sup>

7 and amended to read: <sup>(Intro.)</sup> All of the following

8 48.375 (4) (a) 1. <sup>(Intro.)</sup> The person <sup>or</sup> the person's agent has, either directly or  
9 through a referring physician or his or her agent, received and made part of the  
10 minor's medical record, under the requirements of s. 253.10, the voluntary and  
11 informed written consent of the minor and the voluntary and informed written  
12 consent of one of ~~her~~ the minor's parents+ who has legal custody of the minor or of the  
13 minor's guardian or legal custodian, if one has been appointed; ~~or of an adult family~~  
14 ~~member of the minor; or of one of the minor's foster parents or treatment foster~~  
15 ~~parents, if the minor has been placed in a foster home or treatment foster home and~~  
16 ~~the minor's parent has signed a waiver granting the department, a county~~  
17 ~~department, the foster parent or the treatment foster parent the authority to consent~~  
18 ~~to medical services or treatment on behalf of the minor.~~ <sup>strike (intro)</sup> The procedure specified in  
19 ~~subd. 1. shall govern the provision of consent under this subd. 1. a) by the parent,~~  
20 guardian or legal custodian of a minor. <sup>(Intro.)</sup> Subdivision

21 SECTION 12. 48.375 (4) (a) 1. <sup>a.</sup> of the statutes is created to read:

22 48.375 (4) (a) 1. <sup>a.</sup> The parent, guardian or legal custodian shall sign and  
23 acknowledge the consent document before a notary public, who shall determine,  
24 either from personal knowledge or from satisfactory evidence consisting of one or  
25 more forms of identification, that the person appearing before the notary public and



1 making the acknowledgment is the person whose signature is on the consent  
 2 document. The parent, guardian or legal custodian shall also verify upon oath or  
 3 affirmation before the notary public that he or she is the parent, guardian or legal  
 4 custodian of the minor, and the notary public shall determine, either from personal  
 5 knowledge or from satisfactory evidence consisting of one or more forms of  
 6 identification, that the person appearing before the notary public and making the  
 7 verification is the person whose true signature is on the statement verified. The  
 8 person signing the consent document and verification upon oath or affirmation shall  
 9 provide the consent document and verification to the person who intends to perform  
 10 or induce the abortion or the person's agent, who shall place the consent document  
 11 and verification in the minor's medical record.

12 **SECTION 13.** 48.375 (4) (a) 1. <sup>b,</sup> ~~c.~~ of the statutes is created to read:

13 48.375 (4) (a) 1. <sup>b,</sup> ~~a.~~ For purposes of subd. 1. <sup>a,</sup> ~~b.~~, a form of identification constitutes  
 14 satisfactory evidence of a person's identity if it contains the name, address, signature  
 15 and photograph of the person identified and if it has been issued by a federal, state,  
 16 local or foreign governmental agency. Forms of identification that constitute  
 17 satisfactory evidence of a person's identity, when they contain the name, address,  
 18 signature and photograph of the person identified, include a valid operator's license  
 19 issued under ch. 343 or under the laws of any other state, an identification card  
 20 issued under s. 343.50, a military identification card, a valid passport, an alien  
 21 registration card or any other identification document issued by a federal, state, local  
 22 or foreign governmental agency. <sup>c,</sup>

23 **SECTION 14.** 48.375 (4) (a) 1. <sup>c,</sup> ~~a.~~ of the statutes is created to read:

24 48.375 (4) (a) 1. <sup>c,</sup> ~~a.~~ A notary public who takes an acknowledgement and a  
 25 verification upon oath or affirmation under subd. 1. <sup>a,</sup> ~~b.~~ shall keep confidential any

a

1 information acquired in taking the acknowledgement and verification. Any person  
2 who under oath or affirmation makes a statement under subd. 1. ~~b.~~ that the person  
3 does not believe is true is subject to prosecution for a violation of s. 946.32.

4 SECTION 15. 48.375 (4) (b) 1. of the statutes is amended to read:

5 48.375 (4) (b) 1. ~~The person who intends to perform or induce the abortion~~  
6 ~~believes, to the best of his or her medical judgment based on the facts of the case~~  
7 ~~before him or her, that a A medical emergency, as defined in s. 253.10 (2) (d), exists~~  
8 ~~that complicates the pregnancy so as to require an immediate abortion~~

9 SECTION 16. 48.375 (4) (b) 1m. of the statutes is repealed.

10 SECTION 17. 48.375 (4) (b) 3. of the statutes is amended to read:

11 48.375 (4) (b) 3. The minor provides the person who intends to perform or  
12 induce the abortion with a written statement, signed and dated by the minor, that  
13 a parent who has legal custody of the minor, or the minor's guardian or legal  
14 custodian, if one has been appointed, ~~or an adult family member of the minor, or a~~  
15 ~~foster parent or treatment foster parent, if the minor has been placed in a foster home~~  
16 ~~or treatment foster home and the minor's parent has signed a waiver granting the~~  
17 ~~department, a county department, the foster parent or the treatment foster parent~~  
18 ~~the authority to consent to medical services or treatment on behalf of the minor, has~~  
19 inflicted abuse on the minor. The person who intends to perform or induce the  
20 abortion shall place the statement in the minor's medical record. The person who  
21 intends to perform or induce the abortion shall report the abuse as required under  
22 s. 48.981 (2).

23 SECTION 18. 48.375 (6) of the statutes is amended to read:

24 48.375 (6) **RIGHT TO PETITION COURT FOR WAIVER.** Any pregnant minor who is  
25 seeking an abortion in this state, ~~and any member of the clergy on the minor's behalf,~~

1 may file a petition specified under s. 48.257 with any court for a waiver of the  
2 parental consent requirement under sub. (4) (a) 1.

3 **SECTION 19.** 48.375 (7) (a) (intro.) of the statutes is amended to read:

4 48.375 (7) (a) *Receipt of petition; initial appearance.* (intro.) On the date that  
5 a petition under s. 48.257 is filed, or if it is impossible to do so on that day, on the next  
6 calendar day, the court shall hold an initial appearance in chambers at which the  
7 minor ~~or the member of the clergy who filed the petition on behalf of the minor, if any,~~  
8 is present and shall do all of the following:

9 **SECTION 20.** 48.375 (7) (a) 4. of the statutes is amended to read:

10 48.375 (7) (a) 4. Notify the minor, the minor's counsel if  
11 ~~clergy who filed the petition on behalf of the minor, if any,~~ and the minor's guardian  
12 ad litem, if any, of the time, date and place of the hearing.

13 **SECTION 21.** 48.375 (7) (b) (intro.) of the statutes is amended to read:

14 **48.375 (7) (b) *Hearing; evidence.*** (intro.) The court shall hold a confidential  
15 hearing on a ~~The petition that is filed by a minor~~ l l b e h e l d i n  
16 chambers, unless a public fact-finding hearing is demanded by the minor through  
17 her counsel. At the hearing, the court shall consider the report of the guardian ad  
18 litem, if any, and hear evidence relating to all of the following:

19 **SECTION 22.** 48.375 (7) (bm) of the statutes is repealed.

20 **SECTION 23.** 48.375 (7) (d) of the statutes is amended to read:

21 48.375 (7) (d) Time ***limit.*** 1. The court shall make the determination under par.  
22 (c) and issue an order within 3 calendar days after the initial appearance unless the  
23 minor and her counsel, ~~or the member of the clergy who filed the petition on behalf~~  
24 ~~of the minor, if any,~~ consent to an extension of the time period. The order shall be  
25 effective immediately, The court shall prepare and file with the clerk of court

1 findings of fact, conclusions of law and a final order granting or denying the petition  
 2 within 24 hours after making the determination and order. If the court grants the  
 3 petition, the court shall immediately so notify the minor by personal service on her  
 4 counsel, ~~or the member of the clergy who filed the petition on behalf of the minor, if~~  
 5 ~~any~~, of a certified copy of the court's order granting the petition. If the court denies  
 6 the petition, the court shall immediately so notify the minor by personal service on  
 7 h e r c o u n s e l ]  
 8 ~~if any~~, of a copy of the court's order denying the petition and shall also notify the minor  
 9 by her counsel, ~~or the member of the clergy who filed the petition on behalf of the~~  
 10 ~~minor, if any~~, that she has a right to initiate an appeal under s. 809.105.

11 lm. Except as provided under s. 48.3 15 (1) (b), (c) and (f), if the court fails to  
 12 comply with the time limits specified under subd. 1. without the prior consent of the  
 13 minor and the minor's counsel, ~~if any, or the member of the clergy who filed the~~  
 14 ~~petition on behalf of the minor, if any~~, the minor and the minor's counsel, ~~if any, or~~  
 15 ~~the member of the clergy, if any~~, shall select a temporary reserve judge, as defined  
 16 in s. 753.075 (1) (b), to make the determination under par. (c) and issue an order  
 17 granting or denying the petition and the chief judge of the judicial administrative  
 18 district in which the court is located shall assign the temporary reserve judge  
 19 selected by the minor and the minor's counsel, ~~if any, or the member of the clergy, if~~  
 20 ~~any~~, to make the determination and issue the order. A temporary reserve judge  
 21 assigned under this subdivision to make a determination under par. (c) and issue an  
 22 order granting or denying a petition shall make the determination and issue the  
 23 order within 2 calendar days after the assignment, unless the minor and her counsel,  
 24 ~~if any, or the member of the clergy who filed the petition on behalf of the minor, if any,~~  
 25 consent to an extension of that time period. The order shall be effective immediately.

1 The court shall prepare and file with the clerk of court findings of fact, conclusions  
2 of law and a final order granting or denying the petition, and shall notify the minor  
3 of the court's order, as provided under subd. 1.

4 2 . C o u n s e l f o r t h e m i n o r - 1  
5 ~~behalf of the minor, if any,~~ shall immediately, upon notification under subd. 1. or lm.  
6 that the court has granted or denied the petition, notify the minor. If the court has  
7 granted the petition, counsel for the minor, ~~or the member of the clergy who filed the~~  
8 ~~petition on behalf of the minor, if any,~~ shall hand deliver a certified copy of the court  
9 order to the person who intends to perform or induce the abortion. If with reasonable  
10 diligence the person who intends to perform or induce the abortion cannot be located  
11 for delivery, then counsel for the minor, ~~or the member of the clergy who filed the~~  
12 ~~petition on behalf of the minor, if any,~~ shall leave a certified copy of the order with  
13 the person's agent at the person's principal place of business. If a clinic or medical  
14 facility is specified in the petition as the corporation, limited liability company,  
15 partnership or other unincorporated association that employs the person who  
16 intends to perform or induce the abortion, then counsel for the minor, ~~or the member~~  
17 ~~of the clergy who filed the petition on behalf of the minor, if any,~~ shall hand deliver  
18 a certified copy of the order to an agent of the corporation, limited liability company,  
19 partnership or other unincorporated association at its principal place of business.  
20 There may be no service by mail or publication. The person or agent who receives  
21 the certified copy of the order under this subdivision shall place the copy in the  
22 minor's medical record.

23 **SECTION 24. 48.375 (7) (f)** of the statutes is amended to read:

24 **48.375 (7) (f) *Certain persons barred from proceedings.*** No parent, or guardian  
25 or legal custodian, if one has been appointed, ~~or foster parent or treatment foster~~

1 ~~parent, if the minor has been placed in a foster home or treatment foster home and~~  
2 ~~the minor's parent has signed a waiver granting the department, a county~~  
3 ~~department, the foster parent or the treatment foster parent the authority to consent~~  
4 ~~to medical services or treatment on behalf of the minor, or adult family member, of~~  
5 any minor who is seeking a court determination under this subsection may attend,  
6 intervene or give evidence in any proceeding under this subsection.

7 SECTION 25. 69.186 (1) (j) of the statutes is amended to read:

8 69.186 (1) (j) If the patient is a minor, whether consent was provided under s.  
9 48.375 (4) (a) 1. for the abortion and, if so, the relationship of the individual providing  
10 consent to the minor; or, if consent under s. 48.375 (4) (a) 1. was not provided, on  
11 which of the bases under s. 48.375 (4) (a) 2. or (b) 1., lg., ~~1m.~~ 2. or 3. the abortion was  
12 performed.

13 SECTION 26. 809.105 (2) of the statutes is amended to read:

14 809.105 (2) **INITIATING AN APPEAL.** Only a minor may initiate an appeal under  
15 this section. The minor shall initiate the appeal by filing, ~~or by a member of the clergy~~  
16 ~~filing on the minor's behalf,~~ a notice of appeal with the clerk of the trial court in which  
17 the order appealed from was entered and shall specify in the notice of appeal the  
18 order appealed from. At the same time, the minor ~~or member of the clergy~~ shall notify  
19 the court of appeals of the, filing of the appeal by sending a copy of the notice of appeal  
20 to the clerk of the court of appeals. The clerk of the trial court shall assist the minor  
21 ~~or member of the clergy~~ in sending a copy of the notice of appeal to the clerk of the  
22 court of appeals. The minor may use the name "Jane Doe" instead of her name on  
23 the notice of appeal and all other papers filed with the court of appeals.

24 SECTION 27. 809.105 (3) (a) of the statutes is amended to read:

1           809.105 (3) (a) Fee. No fee for filing an appeal in the court of appeals under this  
2 section may be required of a minor ~~or of a member of the clergy who files an appeal~~  
3 ~~under this section on behalf of the minor.~~

4           **SECTION 28.** 809.105 (3) (d) of the statutes is amended to read:

5           **809.105 (3) (d) Statement on transcript.** A minor ~~or member of the clergy~~ may  
6 not be required to file a statement on transcript in an appeal under this section.

7           **SECTION 29.** 809.105 (5) of the statutes is amended to read:

8           809.105 (5) ~~TRANSCRIPT OF REPORTER'S NOTES.~~ At the time that a minor ~~or~~  
9 ~~member of the clergy~~ files a notice of appeal, the minor ~~or member of the clergy~~ shall  
10 make arrangements with the reporter for the preparation of a transcript of the  
11 reporter's notes of the proceedings under s. 48.375 (7). The reporter shall file the  
12 transcript with the trial court within 2 calendar days after the notice of appeal is  
13 filed. The county of the court that held the proceeding under s. 48.375 (7) shall pay  
14 the expense of transcript preparation under this subsection.

15           **SECTION 30.** 809.105 (8) of the statutes is amended to read:

16           809.105 (8) ~~ASSIGNMENT AND ADVANCEMENT OF CASES.~~ The court of appeals shall  
17 take cases appealed under this section in an order that ensures that a judgment is  
18 made within 4 calendar days after the appeal has been filed in the court of appeals.  
19 The time limit under this subsection may be extended with the consent of the minor  
20 and her counsel, ~~if any, or the member of the clergy who initiated the appeal under~~  
21 ~~this section, if any.~~

22           **SECTION 31.** 809.105 (8m) of the statutes is amended to read:

23           809.105 (8m) **ORAL ARGUMENT.** If the court of appeals determines that a case  
24 appealed under this section is to be submitted with oral argument, the oral argument  
25 shall be held in chambers or, on motion of the minor through her counsel ~~or through~~

1 ~~the member of the clergy who filed the appeal under this section, if any,~~ or on the  
2 court of appeals' own motion, by telephone, unless the minor through her counsel ~~or~~  
3 ~~the member of the clergy~~ demands that the oral argument be held in open court.

4 SECTION 32. 809.105 (9) of the statutes is amended to read:

5 809.105 (9) COSTS. The court of appeals may not assess costs against a minor  
6 ~~or member of the clergy~~ in an appeal under this section.

7 SECTION 33. 809.105 (10) of the statutes is amended to read:

8 809.105 (10) REMITTITUR. (a) A judgment by the court of appeals under this  
9 section is effective immediately, without transmittal to the trial court, as an order  
10 either granting or denying the petition. If the court of appeals reverses a trial court  
11 order denying a petition under s. 48.375 (7), the court of appeals shall immediately  
12 so notify the minor by personal service on her counsel ~~or the member of the clergy~~  
13 ~~who initiated the appeal under this section, if any,~~ of a certified copy of the order of  
14 the court of appeals granting the minor's petition. If the court of appeals affirms the  
15 trial court order, it shall immediately so notify the minor by personal service on her  
16 counsel ~~or the member of the clergy who initiated the appeal under this section, if~~  
17 ~~any,~~ of a copy of the order of the court of appeals denying the petition and shall also  
18 notify the minor by her counsel ~~or the member of the clergy who initiated the appeal~~  
19 ~~under this section on behalf of the minor, if any,~~ that she may, under sub. (11). file  
20 a petition for review with the supreme court under s. 809.62. The court of appeals  
21 shall pay the expenses of service of notice under this subsection. The clerk of the  
22 court of appeals shall transmit to the trial court the judgment and opinion of the court  
23 of appeals and the record in the case filed under sub. (4), within 31 days after the date  
24 that the judgment and opinion of the court of appeals are filed. If a petition for review



1 is filed under sub. (1 l), the transmittal shall be made within 31 days after the date  
2 that the supreme court rules on the petition for review.

3 (b) Counsel for the minor, ~~if any, or the member of the clergy who initiated the~~  
4 ~~appeal under this section, if any,~~ shall immediately, upon notification under par. (a)  
5 that the court of appeals has granted or denied the petition, notify the minor. If the  
6 court of appeals has granted the petition, counsel for the minor, ~~if any, or the member~~  
7 ~~of the clergy who initiated the appeal under this section, if any,~~ shall hand deliver  
8 a certified copy of the order of the court of appeals to the person who intends to  
9 perform or induce the abortion. If with reasonable diligence the person who intends  
10 to perform or induce the abortion cannot be located for delivery, then counsel for the  
11 minor, ~~if any, or the member of the clergy who initiated the appeal under this section,~~  
12 ~~if any,~~ shall leave a certified copy of the order with the person's Agent at the person's  
13 principal place of business. If a clinic or medical facility is specified in the petition  
14 as the corporation, limited liability company, partnership or other unincorporated  
15 association that employs the person who intends to perform or induce the abortion,  
16 then counsel for the minor ~~& any, or the member of the clergy who initiated the~~  
17 ~~appeal under this section, if any,~~ shall hand deliver a certified copy of the order to an  
18 agent of the corporation, limited liability company, partnership or other  
19 unincorporated association at its principal place of business. There may be no  
20 service by mail or publication. The person or agent who receives the certified copy  
21 of the order under this paragraph shall place the copy in the minor's medical record.

22 **SECTION 34.** 809.105 (11) (a) (intro.) of the statutes is amended to read:

23 809.105 (11) (a) (intro.) Only a minor ~~or the member of the clergy who initiated~~  
24 ~~the appeal under this section, if any,~~ may initiate a review of an appeal under this  
25 section. The petition for review of an appeal in the supreme court shall contain:

1           **SECTION 35.** 809.105 (11) (a) 3. of the statutes is amended to read:

2           809.105 **(11)** (a) 3. The judgment and opinion of the court of appeals, and the  
3 findings of fact, conclusions of law and final order of the trial court that were  
4 furnished to the court of appeals. The court of appeals shall provide a copy of these  
5 p a p e r s t o t h e m i n o r ]  
6 ~~this section, if any,~~ her counsel or her guardian ad litem, if any, immediately upon  
7 request.

8           **SECTION 36.** 809.105 (11) (cm) of the statutes is amended to read:

9           809.105 **(11)** (cm) If the supreme court determines that a case reviewed under  
10 this subsection is to be submitted with oral argument, the oral argument shall be  
11 held in chambers or, on motion of the minor through her counsel ~~or through the~~  
12 ~~member of the clergy who initiated the appeal under this section, if any,~~ or on the  
13 supreme court's own motion, by telephone, unless the minor through her counsel ~~or~~  
14 ~~the member of the clergy~~ demands that the oral argument be held in open court.

15           **SECTION 37.** 809.105 (11) (d) of the statutes is amended to read:

16           809.105 **(11)** (d) A judgment or decision by the supreme court under this section  
17 is effective immediately, without transmittal to the trial court, as an order either  
18 granting or denying the petition. If the supreme court reverses a court of appeals  
19 order affirming a trial court order denying a petition under s. 48.375 (7), the supreme  
20 court shall immediately so notify the minor by personal service on her counsel-  
21 ~~or on the member of the clergy who initiated the appeal under this section, if any,~~ of  
22 a certified copy of the order of the supreme court granting the minor's petition. If the  
23 supreme court affirms the order of the court of appeals, it shall immediately so notify  
24 the minor by her counsel ~~or by the member of the clergy who initiated the appeal~~  
25 ~~under this section, if any.~~ The clerk of the supreme court shall transmit to the trial

1 court the judgment, or decision, and opinion of the supreme court and the complete  
2 record in the case within 31 days after the date that the judgment, or decision, and  
3 opinion of the supreme court are filed. The supreme court shall pay the expense of  
4 service of notice under this subsection.

5 SECTION 38. 809.105 (11) (e) of the statutes is amended to read:

6 809.105 (11) (e) Counsel for the minor, ~~if any, or the member of the clergy who~~  
7 ~~initiated the appeal under this section, if any,~~ shall immediately, upon notification  
8 under par. (d) that the supreme court has granted or denied the petition, notify the  
9 minor. If the supreme court has granted the petition, counsel for the minor-  
10 ~~or the member of the clergy who initiated the appeal under this section, if any,~~ shall  
11 hand deliver a certified copy of the order of the supreme court to the person who  
12 intends to perform or induce the abortion. If with reasonable diligence the person  
13 who intends to perform or induce the abortion cannot be located for delivery, then  
14 counsel for the minor, ~~if any, or the member of the clergy who initiated the appeal~~  
15 ~~under this section, if any,~~ shall leave a certified copy of the order with the person's  
16 agent at the person's principal place of business. If a clinic or medical facility is  
17 specified in the petition as the corporation, limited liability company, partnership or  
1 8 other unincorporated association that employs the person who intends to perform or  
19 induce the abortion, then counsel for the minor, ~~if any, or the member of the clergy~~  
20 ~~who initiated the appeal under this section, if any,~~ shall hand deliver a certified copy  
21 of the order to an agent of the corporation, limited liability company, partnership or  
22 other unincorporated association at its principal place of business. There may be no  
23 service by mail or publication. The person or agent who receives the certified copy  
24 of the order under this paragraph shall place the order in the minor's medical record.

25 SECTION 39. 809.105 (13) of the statutes is amended to read:

1           809.105 (13) **CERTAIN PERSONS BARRED FROM PROCEEDINGS.** No parent, or  
 2 guardian or legal custodian, if one has been appointed, ~~or foster parent or treatment~~  
 3 ~~foster parent, if the minor has been placed in a foster home or treatment foster home,~~  
 4 ~~and the minor's parent has signed a waiver granting the department of health and~~  
 5 ~~family services, a county department under s. 46.215, 46.22 or 46.23, the foster~~  
 6 ~~parent or the treatment foster parent the authority to consent to medical services or~~  
 7 ~~treatment on behalf of the minor, or adult family member, as defined in s. 48.375 (2)~~  
 8 ~~(b),~~ of any minor who has initiated an appeal under this section may attend or  
 9 intervene in any proceeding under this section.

10           **SECTION 40.** 895.037 (3) (a) of the statutes is amended to read:

11           895.037 (3) (a) A person who **intentionally** violates s. 48.375 (4) is liable to the  
 12 minor on or for whom the abortion was performed or induced and to the minor's  
 13 parent, guardian and legal custodian for damages arising out of the performance or  
 14 inducement of the abortion including, but not limited to, damages for personal injury  
 15 and emotional and psychological distress.

16           **SECTION 41. Initial applicability.**

17           (1) **ABORTIONS PERFORMED OR INDUCED.** The treatment of sections 46.24, 48.375  
 18 (2) (b) and (fm) and (4) (b) 1., 1 m. and 3., 69.186 (1) (j) and 895.037 (3) (a) of the  
 19 statutes, the renumbering and amendment of section 48.375 (4) (a) 1. of the statutes  
 20 and the creation of section 48.375 (4) (a) 1. ~~b, c and d.~~ of the statutes first apply to  
 21 abortions performed or induced on the effective date of this subsection.

22           (2) **WAIVER PETITIONS FILED.** The treatment of sections 48.23 (1) (cm), 48.257 (1)  
 23 (h) and (4), 48.27 (9), 48.273 (4) (b), 48:375 (2) (c) and (em), (6) and (7) (a) (intro.) and  
 24 4., (b) (intro.), (bm), (d) and (f) and 809.105 (2), (3) (a) and (d), (5), (8), (8m), (9), (10) ;  
 25 (11) (a) (intro.) and 3., (cm), (d) and (e) and (13) of the statutes first applies to petitions

a, b, and c

1 filed to initiate a proceeding under section 48.375 (7) of the statutes, as affected by  
2 this act, on the effective date of this subsection.

3 (END)

TODAY

~~CAROLINE:~~ PLEASE PREPARE AND RETURN ALL  
COPIES TO KMG. THANKS.

CORRECTIONS IN: CCC (LRB <sup>50111/4</sup> ~~04881~~)  
<sup>9 ASK 1 TO</sup> 1997 ASSEMBLY BILL ~~319~~ 312  
(~~ASSEMBLY AMENDMENT 1~~)

Prepared by the Legislative Reference Bureau  
(March 20, 1998)

~~In enrolling,~~ the following correction was made:

- ~~1. Page 1, line 5: after "services" insert a period.~~
- 1. Page 4, line 18: delete "All of the following" and ~~insert~~ substitute ". All of the following".

CMH  
KMG:  
.....