

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB312)**

Received: 10/27/1999

Received By: malaigm

Wanted: Today

Identical to LRB:

For: Shirley Krug (608) 266-5813

By/Representing: Helen Forster

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: **Children - miscellaneous**  
**Health - abortion**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Parental consent for a minor's abortion; restore consent of foster parent

**Instructions:**

Restore authority of foster parent and treatment foster parent to consent to a minor's abortion.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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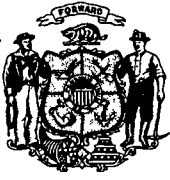
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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0849/11  
GMM.....  
CML

In 9:00 AM DN to

ASSEMBLY AMENDMENT,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 312

At the locations indicated, amend the substitute amendment as follows:

- 1. Page 4, line 6: delete lines 6 to 20 and substitute: ✓

“SECTION 11f. 48.375 (4) (a) 1. of the statutes is renumbered 48.375 (4) (a) 1. (intro.) and amended to read:

48.375 (4) (a) 1. (intro.) 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~~ the minor’s parents who has legal custody of the minor; or of the minor’s guardian or legal custodian, if one has been appointed; ~~or of an adult family member 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. All of the following shall govern the provision of consent under this subdivision by the parent, guardian, legal custodian, foster parent or treatment foster parent.

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 309.

**2.** Page 4, line 22: delete “or legal custodian” and substitute “, legal custodian, foster parent or treatment foster parent”.

**3.** Page 5, line 2: delete “or legal custodian” and substitute “, legal custodian, foster parent or treatment foster parent”.

**4.** Page 5, line 3: delete “or legal” and substitute “, legal”.

**5.** Page 5, line 4: delete “custodian” and substitute “custodian, foster parent or treatment foster parent”.

**6.** Page 6, line 10: delete lines 10 to 22 and substitute:

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

48.375 (4) (b) 3. The minor provides the person who intends to perform or induce the abortion with a written statement, signed and dated by the minor, that a parent who has legal custody of the minor, or the minor's guardian or legal custodian, if one has been appointed, ~~or an adult family member of the minor~~, or a foster parent or treatment foster parent, 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, has inflicted abuse on the minor. The person who intends to perform or induce the abortion shall place the statement in the minor's medical record. The person who

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

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 309.

**7.** Page 9, line 23: delete lines 23 to 25.

**8.** Page 10, line 1: delete lines 1 to 6 and substitute:

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

48.375 (7) (f) *Certain persons barred from proceedings.* No parent, or guardian or legal custodian, if one has been appointed, or foster parent or treatment foster parent, 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, ~~or adult family member,~~ of any minor who is seeking a court determination under this subsection may attend, intervene or give evidence in any proceeding under this subsection.”

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 309.

**9.** Page 15, line 25: delete that line.

**10.** Page 16, line 1: delete lines 1 to 9 and substitute:

“**SECTION 39f.** 809.105 (13) of the statutes is amended to read:

809.105 (13) **CERTAIN PERSONS BARRED FROM PROCEEDINGS.** No parent, or guardian or legal custodian, if one has been appointed, or foster parent or treatment foster parent, 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 of health and family services, a county department under s. 46.215, 46.22 or 46.23, the foster parent or the treatment foster parent the authority to consent to medical services or treatment on behalf of the minor, ~~or adult family member, as defined in s. 48.375 (2)~~

WFO  
please  
fix

(b), of any minor who has initiated an appeal under this section may attend or intervene in any proceeding under this section.

History: 1991 a. 263, 315; 1993 a. 213, 446, 1995 a. 27 s. 9126 (19); 1995 a. 201, 224.  
(END)

WPO  
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D-Note

This amendment restores the authority of a  
foster parent or treatment foster parent to provide  
consent.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0849/1dn  
GMM:cmh:mrc

October 27, 1999

This amendment restores the authority of a foster parent or treatment foster parent to provide consent.

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