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1 minor, that the petitioner is a suitable adoptive parent for the minor and that all of
2 the following requirements have been met:

3 1. At least 90 days have elapsed since the filing of the petition for adoption,
4 unless the court, for good cause shown, waives this requirement.

5 2. The adoptee has been in the physical custody of the petitioner for at least 90
6 days, unless the court, for good cause shown, waives this requirement.

7 3. Notice of the proceeding for adoption has been served on, or dispensed with
8 as to, any person entitled to receive notice under s. 48.89. ✓

9 4. Every necessary consent to the adoption, relinquishment, waiver, disclaimer
10 of parental interest and judicial order terminating parental rights, including an
11 order issued under s. 48.90, ✓ has been obtained and filed with the court.

12 5. Any evaluation required under this subchapter has been filed with and
13 considered by the court.

14 6. If applicable, any requirement of this subchapter governing an interstate or
15 intercountry placement for adoption has been met.

16 7. If applicable, the requirements of the federal Indian Child Welfare Act, 25
17 USC 1901 to 1963, have been met or, if not applicable, the court has determined that
18 the minor is not subject to that act.

19 8. The court has reviewed the accounting and affidavits required under sub.
20 (2), and the court has denied, modified or ordered reimbursement of any payment or
21 disbursement that is not authorized under s. 48.96 ✓ or that is unreasonable or
22 unnecessary when compared with the expenses customarily incurred in connection
23 with an adoption.

24 9. The petitioner has received each report required under s. 48.82 (6). ✓

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1 10. Any document signed under s. 48.85 (4) (e) concerning the release of a
2 former parent's identity to the adoptee after the adoptee attains the age of 18 years
3 has been filed with the court.

4 (b) Notwithstanding a finding by the court that an activity prohibited under
5 ~~this subchapter~~ has occurred, if the court makes the determinations required under
6 par. (a), the court shall grant the petition for adoption and report the violation to the
7 appropriate authorities.

8 (c) Except as otherwise provided in s. 48.94 (3) (b) 2., the court shall inform the
9 petitioner and any other person affected by an order for visitation or communication
10 with the adoptee existing at the time that the decree of adoption is entered that the
11 decree of adoption terminates any such existing order for visitation or
12 communication.

13 (4) DENIAL OF PETITION FOR ADOPTION. If the court denies a petition for the
14 adoption of a minor, the court shall dismiss the proceeding and issue an appropriate
15 order for the legal custody and physical custody of the minor. If the court denies the
16 petition for adoption because a consent to the adoption or a relinquishment is
17 revoked or set aside under s. 48.85 (8) or (9), the court shall determine the legal
18 custody and physical custody of the minor as provided in those subsections. If the
19 court denies the petition for adoption for any other reason, the court shall determine
20 the legal custody and physical custody of the minor according to the best interest of
21 the minor.

22 (5) DECREE OF ADOPTION. (a) A decree of adoption shall state or contain all of
23 the following:

24 1. The original name of the adoptee, if the adoptive parent is a stepparent or
25 relative and, in all other adoptions, the original name of the adoptee or a pseudonym.

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- 1 2. The name of the petitioner for adoption.
- 2 3. Whether the petitioner is married or unmarried.
- 3 4. Whether the petitioner is a stepparent of the adoptee.
- 4 5. The name by which the adoptee is to be known and the date on which the
5 name takes effect.
- 6 6. Information to be incorporated into a new birth certificate to be issued by the
7 state registrar of vital statistics, unless the petitioner or an adoptee who has attained
8 12 years of age requests that a new birth certificate not be issued.
- 9 7. The adoptee's date and place of birth, if known, or, in the case of an adoptee
10 born outside the United States, the adoptee's date and place of birth as determined
11 under par. (b).
- 12 8. The effect of the decree of adoption as specified in s. 48.81 (4) to (6).[✓]
- 13 9. That the adoption is in the best interest of the adoptee.
- 14 (b) In determining the date and place of birth of an adoptee born outside the
15 United States, the court shall do as follows:
 - 16 1. Enter the date and place of birth as specified in the birth certificate from the
17 country of origin, the U.S. state department's report of birth abroad or the documents
18 of the U.S. immigration and naturalization service.
 - 19 2. If the exact place of birth is unknown, enter the information that is known
20 and designate a place of birth according to the best information known with respect
21 to the country of origin.
 - 22 3. If the exact date of birth is unknown, determine a date of birth based on
23 medical evidence as to the probable age of the adoptee and other evidence that the
24 court considers appropriate.

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1 4. If the documents described in subd. 1. are not available, determine the date
2 and place of birth based on evidence that the court finds appropriate to consider.

3 (c) Unless a petitioner requests otherwise ~~and the former parent agrees~~, the
4 decree of adoption may not name a former parent of the adoptee.

5 (d) Except for a decree of adoption of a minor by a stepparent issued under s.
6 48.94 (12)^v, a decree of adoption of a minor shall contain a statement that the adoption
7 terminates any order for visitation or communication with the minor that was in
8 effect before the decree is issued.

9 (e) A decree of adoption that substantially complies with this subsection may
10 not be challenged solely because one or more of the items required under this
11 subsection are not contained in the decree.

12 (6) **FINALITY OF DECREE.** A decree of adoption issued under this subchapter is
13 a final order for purposes of appeal when it is entered and becomes final for other
14 purposes on the expiration of the time for filing an appeal, if no appeal is filed, or on
15 the denial or dismissal of any appeal filed within the time for filing an appeal.

16 (7) **CHALLENGES TO DECREE.** (a) The court of appeals and the supreme court shall
17 hear an appeal from a decree of adoption or other appealable order issued under this
18 subchapter expeditiously.

19 (b) A decree or order issued under this subchapter may not be vacated or
20 annulled on the application of a person who waived notice of any proceeding under
21 this subchapter or who was properly served with notice of a proceeding under this
22 subchapter and who failed to respond or appear, file an answer or file a claim of
23 paternity within ~~the time allowed.~~

20 days after service of the notice

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1 (c) No person may challenge the validity of a decree of adoption issued under
2 this subchapter on the ground that a person has failed to comply with an agreement
3 for visitation or communication with an adoptee.

4 (d) No person may bring a challenge to the validity of a decree of adoption or
5 other order issued under this subchapter more than 6 months after the date on which
6 the decree or order is entered. If a challenge is brought by a person whose parental
7 rights to an adoptee have been terminated by a decree or order issued under this
8 subchapter, the court shall deny the challenge, unless the court finds, by clear and
9 convincing evidence, that the decree or order is not in the best interest of the adoptee.

10 **48.93 Birth certificate. (1) REPORT OF ADOPTION.** (a) Within 30 days after
11 the date on which a decree of adoption becomes final, the clerk of the court shall
12 prepare a report of the adoption on a form furnished by the state registrar of vital
13 statistics and certify and send the report to the state registrar. The report shall
14 include all of the following information:

15 1. Information in the court's records of the proceeding for adoption that is
16 necessary to locate and identify the adoptee's birth certificate or, if the adoptee was
17 born outside the United States, evidence the court finds appropriate to consider as
18 to the adoptee's date and place of birth.

19 2. Information in the court's records of the proceeding for adoption that is
20 necessary to issue a new birth certificate, unless the court, the adoptive parent or an
21 adoptee who has attained the age of 12 years requests that a new birth certificate not
22 be issued.

23 3. The file number of the decree of adoption and the date on which the decree
24 became final.

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1 (b) Within 30 days after the date on which a decree of adoption is amended or
2 vacated, the clerk of court shall prepare a report of that action on a form furnished
3 by the state registrar of vital statistics and shall certify and send the report to the
4 state registrar. The report shall include information necessary to identify the
5 original report of adoption and information necessary to amend or withdraw any new
6 birth certificate that was issued as a result of the original report of adoption.

7 (2) ISSUANCE OF NEW BIRTH CERTIFICATE. (a) Except as otherwise provided in par.
8 (d), on receipt of a report of adoption prepared under sub. (1), a report of adoption
9 prepared under the law of another state or country, a certified copy of a decree of
10 adoption together with information necessary to identify the adoptee's original birth
11 certificate and to issue a new birth certificate, or a report of an amended decree of
12 adoption, the state registrar of vital statistics shall do one of the following:

13 1. Issue a new birth certificate for an adoptee born in this state and furnish a
14 certified copy of the new birth certificate to the adoptive parent and to an adoptee
15 who has attained the age of 12 years.

16 2. Forward a certified copy of the report of adoption for an adoptee born in
17 another state to the state registrar of the state of birth or the closest equivalent
18 official of that state.

19 3. Issue a certificate of foreign birth for an adoptee adopted in this state who
20 was born outside the United States and who was not a citizen of the United States
21 at the time of birth, and furnish a certified copy of that certificate to the adoptive
22 parent and to an adoptee who has attained the age of 12 years.

23 4. Notify an adoptive parent of the procedure for obtaining a copy of a revised
24 birth certificate through the U.S. state department for an adoptee who was born

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1 outside the United States and who was a citizen of the United States at the time of
2 birth.

3 5. In the case of an amended decree of adoption, issue an amended birth
4 certificate according to the procedure specified in subd. 1. or 3., as applicable, or
5 follow the procedure specified in subd. 2. or 4., as applicable.

6 (b) Unless otherwise directed by the court, a new birth certificate issued under
7 par. (a) 1. or 3. or an amended birth certificate issued under par. (a) 5. shall include
8 all of the information specified in s. 69.15 (2) (a). ✓

9 (c) The state registrar shall substitute the new or amended birth certificate for
10 the original birth certificate in the system of vital statistics, The original birth
11 certificate and all copies of the original birth certificate in the system of vital
12 statistics shall be sealed and are not subject to inspection until 99 years after the
13 adoptee's date of birth, except by court order or as provided in s. 48.95.

14 (d) If the court orders, or the adoptive parent or an adoptee who has attained
15 the age of 12 years requests, that a new or amended birth certificate not be issued,
16 the state registrar may not issue a new or amended birth certificate for an adoptee
17 under par. (a), but if the adoptee was born in another state, the state registrar shall
18 forward a certified copy of the report of adoption or the amended decree of adoption
19 to the state registrar of the state of birth or the closest equivalent official of that state.

20 (e) On receipt of a report that an adoption has been vacated, the state registrar
21 shall do one of the following:

22 1. If the former adoptee was born in this state, restore the original birth
23 certificate to its place in the system of vital statistics, seal any new or amended birth
24 certificate issued under par. (a) and not allow inspection of any sealed birth
25 certificate, except on court order or under s. 48.95.

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1 2. If the former adoptee was born in another state, forward the report to the
2 state registrar or closest equivalent official of the state of birth.

3 3. If the former adoptee was born outside the United States and was a citizen
4 of the United States at the time of birth, notify the person who was granted legal
5 custody of the former adoptee after the adoption was vacated of the procedure for
6 obtaining a copy of the original birth certificate through the U.S. state department.

7 (f) On request of an individual who was listed as a parent on a child's original
8 birth certificate and who furnishes proof of the individual's identity, the state
9 registrar shall provide the individual with a noncertified copy of the original birth
10 certificate.

11 **48.94 Adoption of stepchild by stepparent. (1) OTHER PROVISIONS**
12 **APPLICABLE TO ADOPTION OF STEPCHILD.** Except as otherwise provided in this section,
13 ss. 48.86 to 48.93 apply to the adoption of a stepchild by a stepparent.

14 (2) **STANDING TO ADOPT STEPCHILD.** (a) A stepparent has standing under this
15 section to petition to adopt a stepchild who is the child of the stepparent's spouse if
16 [✓] any of the following requirements ~~are~~ ^{is} met:

17 1. The stepparent's spouse has sole legal custody and physical custody of the
18 stepchild and the stepchild has been in the physical custody of the spouse and the
19 stepparent during the 60 days preceding the filing of the petition for adoption.

20 2. The stepparent's spouse has joint legal custody of the stepchild with the
21 stepchild's other parent and the stepchild has resided primarily with the spouse and
22 the stepparent during the 12 months preceding the filing of the petition for adoption.

23 3. The stepparent's spouse is deceased or has been judicially declared
24 [✓] incompetent, but [✓] before dying or being judicially declared incompetent, [✓] had legal
25 custody and physical custody of the stepchild, and the stepchild has resided

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1 primarily with the stepparent during the 12 months preceding the filing of the
2 petition for adoption.

3 4. An agency placed the stepchild with the stepparent under s. 48.82 ~~(4)~~. (3)

4 (b) For good cause shown, a court may allow an individual who does not meet
5 any of the requirements specified in par. (a), but who has the consent of the custodial
6 parent of a minor, to file a petition for adoption under this section. A petition allowed
7 under this paragraph shall be treated as if the petition ^{had been} were filed by a stepparent.

8 (c) A petition for adoption by a stepparent may be joined with a petition under
9 s. 48.90[✓] to terminate the parental rights of the parent of the adoptee who is not the
10 stepparent's spouse.

11 (3) LEGAL CONSEQUENCES OF ADOPTION OF STEPCHILD. (a) Except as otherwise
12 provided in pars. (b) and (c), the legal consequences of an adoption of a stepchild by
13 a stepparent are as specified in s. 48.81 (3) to (6).[✓]

14 (b) An adoption by a stepparent does not affect any of the following:

15 1. The relationship between the adoptee and the adoptee's parent who is the
16 adoptive stepparent's spouse or deceased spouse.

17 2. An existing court order for visitation or communication with the adoptee by
18 an individual who is related to the adoptee through the parent who is the adoptive
19 stepparent's spouse or deceased spouse.

20 3. The right of the adoptee or a descendant of the adoptee to inheritance or
21 intestate succession through or from the adoptee's former parent.

22 4. A court order or agreement for visitation or communication with the adoptee
23 that is approved by the court under sub. (13).[✓]

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1 (c) Failure to comply with a court order or agreement for visitation or
2 communication with an adoptee is not a ground for challenging the validity of an
3 adoption by a stepparent.

4 (4) ~~CONSENT TO ADOPTION.~~ Unless consent is not required under s. 48.85 (2), the
5 court may grant a petition to adopt a stepchild only if a consent to the adoption has
6 been executed by a stepchild who has attained the age of 12 years and by one of the
7 following:

8 (a) The stepchild's parents, as described in s. 48.85 (1) (a). ✓

9 (b) The stepchild's guardian, if expressly authorized by a court to consent to the
10 stepchild's adoption.

11 (c) An agency that placed the stepchild for adoption by the stepparent.

12 (5) ~~CONTENTOFCONSENTBYSTEPPARENT'S SPOUSE.~~ (a) A consent to the adoption
13 of a stepchild by the stepchild's stepparent executed by a parent who is the
14 stepparent's spouse shall be signed or confirmed in the presence of an individual
15 specified in s. 48.85 (5), or an individual authorized to take acknowledgements. ✓

16 (b) A consent under par. (a) shall be in writing, shall contain the statements
17 described in s. 48.85 (6) (a) 1. to 3. and (d) 3. to 6., may contain the statement
18 described in s. 48.85 (6) (f) and shall state all of the following: ✓

19 1. That the parent executing the consent has legal custody and physical custody
20 of the stepchild and that the parent voluntarily and unequivocally consents to the
21 adoption of the stepchild by the stepparent.

22 2. That the parent executing the consent understands and agrees that the
23 adoption will not terminate that parent's parental rights to the stepchild.

24 3. That the parent executing the consent understands and agrees that the
25 adoption will terminate the parental rights to the stepchild of the stepchild's other

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1 parent, and will terminate any existing court order for custody, visitation or
2 communication with the stepchild except as follows:

3 a. The stepchild and any descendant of the stepchild will retain rights of
4 inheritance or intestate succession from or through the stepchild's other parent.

5 b. A court order for visitation or communication with the stepchild by an
6 individual related to the stepchild through the parent executing the consent, or an
7 agreement or order concerning another individual that is approved by the court
8 under sub. (13), survives the decree of adoption, but failure to comply with the order
9 or agreement is not a ground for revoking or setting aside the consent or the adoption.

10 c. The other parent remains liable for arrearages of child support unless

11 (stet) released from that obligation by the parent executing the consent, any guardian ad ^{stet}

12 item of the stepchild and any governmental entity providing public assistance to the
13 stepchild.

14 (c) A consent under par. (a) may not waive further notice of the proceeding for
15 adoption of the stepchild by the stepparent.

16 (6) CONTENT OF CONSENT BY STEPCHILD'S OTHER PARENT. (a) A consent to the
17 adoption of a stepchild by the stepchild's stepparent executed by the stepchild's
18 parent who is not the stepparent's spouse shall be signed or confirmed in the presence
19 of an individual specified in s. 48.85 (5).[✓]

20 (b) A consent under par. (a) shall be in writing, shall contain the statements
21 described in s. 48.85 (6) (a) 1. to 3.[✓] and (d) 3. to 6.,[✓] may contain the statement
22 described in s. 48.85 (6) (f)[✓] and shall state all of the following:

23 1. That the parent executing the consent voluntarily and unequivocally
24 consents to the adoption of the stepchild by the stepparent and the transfer to the

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1 stepparent and stepparent's spouse of any right the parent executing the consent has
2 to legal custody or physical custody of the stepchild.

3 2. That the parent executing the consent understands and agrees that the
4 adoption will terminate that parent's parental rights to the stepchild, and will
5 terminate any existing court order for custody, visitation or communication with the
6 stepchild except as follows:

7 a. The stepchild and any descendant of the stepchild will retain rights of
8 inheritance or intestate succession from or through the parent executing the consent.

9 b. A court order for visitation or communication with the stepchild by an
10 individual related to the stepchild through the stepchild's other parent, or an
11 agreement or order concerning another individual that is approved by the court
12 under sub. (13), survives the decree of adoption, but failure to comply with the terms
13 of the order or agreement is not a ground for revoking or setting aside the consent
14 or the adoption.

15 c. The parent executing the consent remains liable for arrearages of child
16 support unless released from that obligation by the other parent, any guardian ad
17 litem of the stepchild and any governmental entity providing public assistance to the
18 stepchild.

19 3. That the parent executing the consent has provided the adoptive stepparent
20 with the information required under s. 48.82 (6). ✓

21 (c) A consent under par. (a) may waive notice of the proceeding for the adoption
22 of the stepchild by the stepparent, unless the adoption is contested, appealed or
23 denied.

24 (7) **CONTENTOFCONSENTBYOTHERPERSONS .** (a) Aconsenttotheadoptionofa
25 stepchild by the stepchild's stepparent executed by the guardian of the stepchild or

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1 by an agency shall be in writing and shall be signed or confirmed in the presence of
2 the court or in a manner that the court directs. The consent may waive notice of the
3 proceeding for adoption, unless the adoption is contested, appealed or denied, and
4 shall contain all of the following:

5 1. A statement of the circumstances under which the guardian or agency
6 obtained the authority to consent to the adoption of the stepchild by the stepparent.

7 2. The statements required under subs. (4) and (5), other than the statements
8 that can be made only by a parent of the stepchild.

9 (b) A consent to the adoption of a stepchild by the stepchild's stepparent
10 executed by the ~~minor~~ ^{stepchild} shall be signed or confirmed in the presence of the court or in
11 a manner that the court directs.

12 (8) PETITION TO ADOPT. ~~(A)~~ A petition by a stepparent to adopt a stepchild shall
13 be signed and verified by the petitioner and shall contain all of the following
14 information or state why any of the following information is not contained in the
15 petition:

16 (a) The information required under s. 48.88 (4) (a) 1., 3., 5. and 8. to 12. and (b). ✓ ✓ ✓ ✓ ✓ ✓ ✓

17 (b) The current marital status of the petitioner, including the date and place of
18 marriage, the name and date and place of birth of the petitioner's spouse and, if the
19 spouse is deceased, the date, place and cause of death of the spouse and, if the spouse
20 is incompetent, the date on which a court determined that the spouse is incompetent.

21 (c) The length of time that the stepchild has been in the physical custody of the
22 petitioner and the petitioner's spouse or, if the stepchild is not in the physical custody
23 of the petitioner and the petitioner's spouse, the reason why the petitioner and the
24 petitioner's spouse do not have physical custody of the stepchild and when the

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1 petitioner and the petitioner's spouse intend to obtain physical custody of the
2 stepchild.

3 ^(d) The length of time that the petitioner's spouse or the petitioner has had legal
4 custody of the stepchild and the circumstances under which the petitioner's spouse
5 or petitioner obtained legal custody of the stepchild. ^(d)

6 **(9) REQUIRED DOCUMENTS.** (a) After a petition to adopt a stepchild is filed, the
7 following documents shall be filed with the court: ^(d) 1. Any document specified in s.
8 48.88 (5) (a) that is relevant to an adoption by a stepparent.

9 2. A copy of any agreement to waive arrearages of child support.

10 (b) If an item required under par. (a) is not available, the person responsible
11 for furnishing the item shall file an affidavit explaining the absence of the item.

12 **(10) NOTICE OF PENDENCY OF PROCEEDING.** ~~(a)~~ Unless notice has been waived,
13 the petitioner shall serve notice of a proceeding for the adoption of a stepchild, within
14 30 days after the date on which the petition is filed, on all of the following persons:

15 ^(a) The petitioner's spouse.

16 ^(b) Any other person whose consent to the adoption is required under this
17 section.

18 ^(c) Any person described in s. 48.89 (1) (a) 3., 4. and 6. and (b).

19 ^(d) The parents of the parent of the minor whose parental rights will be
20 terminated by the adoption, unless the identity or whereabouts of those parents are
21 unknown.

22 **(11) EVALUATION OF STEPPARENT.** (a) After a petition for the adoption of a
23 stepchild is filed, the court may order that an individual who is qualified under s.
24 48.83 (2) make an evaluation of the petitioner to assist the court in determining
25 whether the proposed adoption is in the best interest of the stepchild.

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Unless otherwise directed by the court, the

1 (b) The court shall provide the evaluator with copies of the petition for adoption
2 and of the items filed with the petition.

3 (c) ~~The~~ evaluator shall personally interview the petitioner and the petitioner's
4 spouse in the petitioner's residence, observe the relationship between the stepchild
5 and the petitioner, personally interview other persons who know the petitioner and
6 who may have information relevant to the evaluation, obtain the information
7 specified in par. (d) and base the evaluations on those interviews and that
8 observation and information.

9 (d) An evaluation under par. (a) shall be in writing and shall contain all of the
10 following information:

- 11 1. The information required under s. 48.83 (3) (d) and (e). ✓ ✓
- 12 2. The information required under s. 48.91 (2) (b) 2. to 5. ✓
- 13 3. The finding required under s. 48.91 (2) (b) 6. ✓

14 (e) The evaluator shall complete the evaluation and file the evaluation with the
15 court within 60 days after the date of the court's order for an evaluation, unless the
16 court for good cause allows a later filing.

17 (f) Section 48.91 (3) (b) and (c) ~~apply~~ *apply* to an evaluation ordered under par. (a).

18 **(12) DISPOSITIONAL HEARING; DECREE OF ADOPTION.** Section 48.92 applies to a
19 proceeding for the adoption of a stepchild by a stepparent, except that the court may
20 waive the requirements of s. 48.92 (2).

21 **(13) VISITATION AGREEMENT AND ORDER.** (a) On the request of the petitioner in
22 a proceeding for the adoption of a stepchild, the court shall review a written
23 agreement that permits another individual to visit or communicate with the
24 stepchild after the decree of adoption becomes final. The agreement shall be signed
25 by the individual who is permitted visitation or communication, the petitioner, the

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1 petitioner's spouse, the stepchild if 12 years of age or over and, if an agency placed
2 the stepchild for adoption, an authorized employe of the agency.

3 (b) The court may enter an order approving the agreement only if the court
4 determines that the agreement is in the best interest of the stepchild. In making that
5 determination, the court shall consider all of the following factors:

6 1. The preference of the stepchild, if the stepchild is mature enough to express
7 a preference.

8 2. Any special needs of the stepchild and how those special needs would be
9 affected by the performance of the agreement.

10 3. The length and quality of any existing relationship between the stepchild
11 and the individual who would be permitted to visit or communicate with the
12 stepchild² and the likely effect on the stepchild of permitting the relationship to
13 continue.

14 4. The specific terms of the agreement and the likelihood that the parties to the
15 agreement will cooperate in performing those terms.

16 5. The recommendation of the stepchild's guardian ad litem, attorney, social
17 worker or other counselor.

18 6. Any other factors that are relevant to the best interest of the stepchild.

19 (c) In addition to any agreement approved under pars. (a) and (b), the court may
20 approve the continuation of an existing order or issue a new order permitting the
21 stepchild's former parent, grandparent or sibling to visit or communicate with the
22 stepchild if all of the following conditions are met:

23 1. The grandparent is the parent of a deceased parent of the stepchild or the
24 parent of a parent of the stepchild whose parental rights to the stepchild are
25 terminated by the decree of adoption.

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1 2. The former parent, grandparent or sibling requests that an existing order
2 be permitted to survive the decree of adoption or that a new order be issued.

3 3. The court determines that the requested visitation or communication is in
4 the best interest of the stepchild.

5 (d) In making a determination under par. (c) 3., the court shall consider the
6 factors listed in par. (b) and any objections to the requested order by the adoptive
7 stepparent and the stepparent's spouse.

8 (e) An order issued under this subsection may be enforced in a civil action only
9 if the court finds that enforcement of the order is in the best interest of the stepchild.

10 (f) The court may not modify an order issued under this subsection unless the
11 court finds that modification of the order is in the best interest of the stepchild and
12 that any of the following circumstances ~~apply~~ *apply* *applies*:

13 1. All of the individuals who are subject to the order request that the order be
14 modified.

15 2. Exceptional circumstances arising since the order was issued justify
16 modifying the order. *validity of the consent, relinquishment or*

17 (g) Failure to comply with an order approved under this subsection or with any
18 other agreement for visitation or communication with an adoptee stepchild is not a
19 ground for revoking, setting aside or otherwise challenging the validity of a consent
20 to adoption, relinquishment or decree of adoption pertaining to the stepchild, and the
21 adoption ~~of the stepchild~~ is not affected by any later action to enforce, modify or set
22 aside the order or agreement.

23 **48.95 Records of adoption proceeding; retention, confidentiality and**
24 **access. (1) DEFINITION.** In this section, unless the context requires otherwise,
25 "records" *include* all documents, exhibits and data pertaining to an adoption.

includes

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1 (2) RECORDS CONFIDENTIAL; COURT RECORDS SEALED. (a) All records, whether on
 2 file with the court, or in the possession of an agency, the state registrar of vital
 3 statistics, a register of deeds, an attorney or another provider of professional services
 4 in connection with an adoption, are confidential and may not be inspected except as
 5 provided in this subchapter or s. 46.03 (29), 48.432, 48.433, 48.48 (17) (a) 9. or 48.57
 6 (1) (j) or by order of the court.

7 (b) During a proceeding for adoption, records are not open to inspection except
 8 as directed by the court.

9 (c) Within 30 days after the date on which a decree of adoption becomes final,
 10 the clerk of the court shall send to the state registrar of vital statistics, in addition
 11 to the report of the adoption under s. 48.93 (1), a certified copy of any document
 12 signed under s. 48.85 (4) (e) and filed in the proceeding for adoption.

13 (d) All records on file with the court shall be retained permanently and sealed
 14 for 99 years after the date of the adoptee's birth. Sealed records and indices of the
 15 records are not open to inspection by any person except as provided in this
 16 subchapter or by order of the court.

17 (e) Any additional information about an adoptee, the adoptee's former parents
 18 ^{or} ~~and~~ the adoptee's genetic history that is submitted to the court within 99 years after
 19 the date of the adoptee's birth shall be added to the sealed records of the court. Any
 20 additional information about an adoptee, the adoptee's former parents ^{or} ~~and~~ the
 21 adoptee's genetic history that is submitted to an agency, attorney or other provider
 22 of professional services within that 99-year period shall be kept confidential.

23 (3) RELEASE OF NONIDENTIFYING INFORMATION. (a) An adoptive parent or
 24 who has not attained the age of 18 years guardian of an adoptee, an adoptee who has attained the age of 18 years, an
 25 emancipated adoptee, a deceased adoptee's direct descendant who has attained the

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1 age of 18 years or the parent or guardian of a deceased adoptee's direct descendant
2 who has not attained the age of 18 years may request the court that granted the
3 adoption or the agency that placed the adoptee for adoption to provide the individual
4 making the request with the nonidentifying information about the adoptee, the
5 adoptee's former parents and the adoptee's genetic history that the court or agency
6 has retained, including the information specified in s. 48.82 (6). ✓

7 (b) The court or agency from which the nonidentifying information is requested
8 under par. (a) shall furnish the individual who makes the request with a detailed
9 summary of any report or information that is relevant to the request and that is
10 included in the sealed records of the court or the confidential records of the agency.
11 The summary shall exclude identifying information concerning an individual who
12 has not filed a waiver of confidentiality with the court or agency. The department
13 shall prescribe forms and a procedure for summarizing any report or information
14 that is released under this paragraph.

15 (c) An individual who is denied access to nonidentifying information to which
16 the individual is entitled under this section or s. 48.82 (6) may petition the court for
17 relief.

18 (d) If the court receives a certified statement from a physician that explains in
19 detail how a health condition may seriously affect the health of an adoptee or a direct
20 descendant of an adoptee, the court shall make a diligent effort to notify the adoptee,
21 if the adoptee has attained the age of 18 years, an adoptive parent or guardian of the
22 adoptee, if the adoptee has not attained the age of 18 years, or a direct descendant
23 of a deceased adoptee that nonidentifying information about that health condition
24 is available and may be requested from the court.

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1 (e) If the court receives a certified statement from a physician that explains in
2 detail why a serious health condition of an adoptee or a direct descendant of an
3 adoptee should be communicated to the adoptee's genetic parent or sibling to enable
4 the parent or sibling to make an informed reproductive decision, the court shall make
5 a diligent effort to notify the genetic parent or sibling that nonidentifying
6 information about that serious health condition is available and may be requested
7 from the court.

8 (f) If the state registrar of vital statistics receives a request for information
9 about an adoptee from an individual under this subsection or if an individual
10 furnishes any additional information about an adoptee to the state registrar under
11 this subsection, the state registrar shall give the individual the name and address
12 of the court or agency that has the records concerning the adoptee and, if the court
13 or agency is in another state, shall assist the individual in locating the court or
14 agency. The state registrar shall prescribe a procedure for verifying the identity, age
15 or other relevant characteristics of an individual who requests or furnishes
16 information under this subsection.

17 (4) **DISCLOSURE OF IDENTIFYING INFORMATION.** (a) Except as otherwise provided
18 in this section, identifying information about an adoptee's former parent, an adoptee
19 or an adoptive parent that is contained in records, including copies of original birth
20 certificates, required by this chapter to be kept confidential or sealed may not be
21 disclosed to any person.

22 (b) The state registrar of vital statistics shall disclose identifying information
23 about an adoptee's former parent to an adoptee who has attained the age of 18 years,
24 an adoptive parent or guardian of an adoptee who has not attained the age of 18
25 years, a deceased adoptee's direct descendant who has attained the age of 18 years

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1 or the parent or guardian of a deceased adoptee's direct descendant who has not
2 attained the age of 18 years if one of those individuals requests the information and
3 if any of the following applies:

4 1. The adoptee's former parent or, if the former parent is deceased or has been
5 judicially declared incompetent, an adult descendant of the former parent authorizes
6 the disclosure of the former parent's name, date of birth, last-known address or other
7 identifying information either in a document signed under s. 48.85 (4) (e) and filed
8 in the proceeding for adoption or in another signed document kept by the court, an
9 agency or the state registrar.

10 2. The adoptee's former parent or, if the former parent is deceased or has been
11 judicially declared incompetent, an adult descendant of the former parent authorizes
12 the disclosure of the requested information, but only on the conditions that the
13 adoptee, adoptive parent or direct descendant of a deceased adoptee agrees to release
14 similar identifying information about the adoptee, adoptive parent or direct
15 descendant, and the adoptee, adoptive parent or direct descendant authorizes the
16 disclosure of the similar identifying information in a signed document kept by the
17 court, an agency or the state registrar.

18 (c) The state registrar shall disclose identifying information about an adoptee
19 or a deceased adoptee's direct descendant to an adoptee's former parent if the former
20 parent requests the information and if any of the following applies:

21 1. An adoptee who has attained the age of 18 years, an adoptive parent or
22 guardian of an adoptee who has not attained the age of 18 years, a deceased adoptee's
23 direct descendant who has attained the age of 18 years or the parent or guardian of
24 a deceased adoptee's direct descendant who has not attained the age of 18 years

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1 authorizes the disclosure of the requested information in a signed document kept by
2 the court, an agency or the state registrar.

3 2. One of the individuals listed in subd. 1. authorizes the disclosure of the
4 requested information, but only on the condition that the adoptee's former parent
5 agrees to release similar identifying information about the former parent, and the
6 former parent authorizes the disclosure of the similar identifying information in a
7 signed document kept by the court, an agency or the state registrar.

8 (d) The state registrar shall disclose identifying information about an adult
9 sibling of an adoptee who has attained the age of 18 years to the adoptee if the sibling
10 is also an adoptee and both the sibling and the adoptee authorize the disclosure of
11 the information in a signed document kept by the court, an agency or the state
12 registrar.

13 (e) Paragraph (d) does not permit the disclosure of a former parent's identity
14 unless that parent has authorized that disclosure under this subchapter or s. ~~48.432~~.

48.433
or
48.434

15 (5) ACTION FOR DISCLOSURE OF INFORMATION. (a) To obtain information not
16 otherwise available under sub. (3), (4) or (7), an adoptee who has attained the age of
17 18 years, an adoptee who has not attained the age of 18 years but who has obtained
18 the permission of an adoptive parent or guardian, an adoptive parent or guardian of
19 an adoptee who has not attained the age of 18 years, a deceased adoptee's direct
20 descendant who has attained the age of 18 years, the parent or guardian of a
21 deceased adoptee's direct descendant who has not attained the age of 18 years or an
22 adoptee's former parent may file a petition with the court to obtain information about
23 another individual described in this paragraph that is contained in records,
24 including copies of original birth certificates, required by this subchapter to be kept
25 confidential and sealed.

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1 (b) In determining whether to grant a petition under this subsection, the court
2 shall review the sealed records of the proceeding for adoption and shall make specific
3 findings concerning all of the following:

4 1. The reason why the petitioner seeks the information.

5 2. Whether the individual about whom the information is sought has filed a
6 signed document described in sub. (4) or s. 48.85 (4) (e) requesting that the identity
7 of the individual not be disclosed.

8 3. Whether the individual about whom the information is sought is alive.

9 4. Whether it is possible to satisfy the petitioner's request without disclosing
10 the identity of another individual.

11 5. The likely effect that disclosure of the information would have on the
12 adoptee, the adoptive parents, the adoptee's former parents and other members of
13 the adoptee's original and adoptive families.

14 6. The age, maturity and expressed needs of the adoptee.

15 (c) The court may order the disclosure of the requested information only if the
16 court determines that good cause exists for the disclosure based on the findings
17 required under par. (b), that there is a compelling reason for disclosure of the
18 information and that the benefit to the petitioner of the disclosure will be greater
19 than the harm to any other individual.

20 (6) STATEWIDE REGISTRY. The state registrar of vital statistics shall do all of the
21 following:

22 (a) Establish a statewide confidential registry for receiving, filing and
23 retaining documents requesting, authorizing or not authorizing the release of
24 identifying information.

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1 (b) Prescribe and distribute forms or documents on which an individual may
2 request, authorize or refuse to authorize the release of identifying information.

3 (c) Devise a procedure for releasing identifying information in the state
4 registrar's possession on receipt of an appropriate request and authorization.

5 (d) Cooperate with registries in other states to facilitate the matching of
6 documents filed under this section by individuals in different states.

7 (e) Announce and publicize to the general public the existence of the registry
8 and the procedure for the consensual release of identifying information.

9 (7) **RELEASE OF ORIGINAL BIRTH CERTIFICATE.** (a) The state registrar of vital
10 statistics shall furnish a copy of an adoptee's original birth certificate on the request
11 of an adoptee who has attained the age of 18 years, a direct descendant of a deceased
12 adoptee or an adoptive parent or guardian of an adoptee who has not attained the
13 age of 18 years, if the individual who makes the request furnishes a consent to the
14 release of a copy of the adoptee's original birth certificate signed by each individual
15 who is named as a parent on the adoptee's original birth certificate.

16 (b) When 99 years have elapsed after the date of birth of an adoptee whose
17 original birth certificate is sealed under this subchapter, the state registrar shall
18 unseal the original birth certificate and file the original birth certificate with any
19 new or amended birth certificate that has been issued. When unsealed, a birth
20 certificate becomes a public record and may be released under s. 69.20 or 69.21 or
21 under any other law governing the retention and disclosure of vital records.

22 (8) **CERTIFICATE OF ADOPTION.** On the request of an adoptee who has attained
23 the age of 18 years or an adoptive parent, the clerk of the court that entered a decree
24 of adoption shall issue a certificate of adoption that states the date and place of

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1 adoption, the date of birth of the adoptee, the name of each adoptive parent and the
2 name of the adoptee as provided in the decree of adoption.

3 (9) **DISCLOSURE AUTHORIZED IN COURSE OF EMPLOYMENT.** This section does not
4 prohibit an employe or agent of the court, an agency or the state registrar of vital
5 statistics from doing any of the following:

6 (a) Inspecting permanent, confidential or sealed records for the purpose of
7 discharging any obligation under this subchapter.

8 (b) Disclosing the name of the court in which a proceeding for adoption occurred
9 or the name of an agency that placed an adoptee to an individual described in sub.
10 (3), (4) or (5) who can verify his or her identity.

11 (c) Disclosing nonidentifying information contained in confidential or sealed
12 records in accordance with any other applicable state or federal law.

13 (10) **FEE FOR SERVICES.** A court, an agency or the state registrar of vital statistics
14 may charge a reasonable fee for services, including copying services, performed
15 under this section.

or a person providing adoption information exchange services
under s. 48.55 or adoption information under s. 48.551

16 **48.96 Prohibited and permissible activities in connection with**
17 **adoption.** (1) **PROHIBITED ACTIVITIES IN PLACEMENT.** (a) 1. Except as otherwise
18 provided in s. 48.82, a person, other than a parent, guardian or agency, as specified
19 in s. 48.82 (1) to (3), may not place a minor for adoption or advertise in any public
20 medium that the person knows of a minor who is available for adoption.

21 2. Except as otherwise provided in s. 48.82, a person, other than an agency or
22 an individual who has a favorable preplacement evaluation, as required by s. 48.83,
23 may not advertise in any public medium that the person is willing to accept a minor
24 for adoption.

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1 3. Except as otherwise provided in s. 48.82, an individual, other than a relative
2 or stepparent of a minor, who does not have a favorable preplacement evaluation or
3 a court-ordered waiver of a preplacement evaluation under s. 48.83 (1) (b), or who
4 has an unfavorable preplacement evaluation, may not obtain legal custody or
5 physical custody of a minor for ^{the} purposes of adoption.

6 4. Except as otherwise provided in s. 48.82, a person may not place or assist in
7 placing a minor for adoption with an individual, other than a relative or stepparent,
8 unless the person knows that the individual has a favorable preplacement
9 evaluation or a waiver of the preplacement evaluation under s. 48.83 (1) (b).

10 (b) Any person who violates par. (a) 1., 2., 3. or 4. may be required to forfeit not
11 more than \$5,000 for the first offense and may be required to forfeit not more than
12 \$10,000 for any 2nd or later offense. The court may enjoin from committing any
13 further violations any person who violates par. (a) 1., 2., 3. or 4. and shall inform any
14 appropriate licensing authority or other official of the violation.

15 **(2) UNLAWFUL PAYMENTS RELATED TO ADOPTION.** (a) Except as otherwise provided
16 in subs. (3) and (4), a person may not pay or give, or offer to pay or give, to any other
17 person, or request, receive or accept, any money or anything of value, directly or
18 indirectly, for any of the following:

- 19 1. The placement of a minor for adoption.
- 20 2. The consent of a parent, guardian or agency to the adoption of a minor.
- 21 3. The relinquishment of a minor to an agency for the purpose of adoption.

22 (b) 1. Any person who knowingly violates par. (a) may be required to forfeit not
23 more than \$5,000 for the first offense and may be required to forfeit not more than
24 \$10,000 for any 2nd or later offense.

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1 2. Any person who knowingly makes a false report to the court about a payment
2 that is prohibited under par. (a) or authorized under sub. (3) or (4) may be required
3 to forfeit not more than \$5,000 for the first offense and may be required to forfeit not
4 more than \$10,000 for any 2nd or later offense.

5 3. Any parent or guardian who knowingly receives or accepts a payment
6 authorized under sub. (3) or (4) with the intent not to consent to an adoption or to
7 relinquish a minor for adoption may be required to forfeit not more than \$5,000 for
8 the first offense and may be required to forfeit not more than \$10,000 for any 2nd or
9 later offense.

10 (c) The court may enjoin from committing any further violations any person
11 described in par. (b) 1., 2. or 3. and shall inform any appropriate licensing authority
12 or other official of the violation.

13 (3) **LAWFUL PAYMENTS RELATED TO ADOPTION.** (a) Subject to the requirements of
14 s. 48.92 (2) and (3) (a) 8. for an accounting and judicial approval of the fees and
15 charges related to an adoption, an adoptive parent or a person acting on behalf of an
16 adoptive parent may pay for any of the following:

17 1. The services of an agency in connection with an adoption.

18 2. Advertising and similar expenses incurred in locating a minor for adoption.

19 3. Medical, hospital, nursing, pharmaceutical, travel or other similar expenses
20 incurred by a mother or her minor child in connection with the birth or any illness
21 of the minor child.

22 4. Counseling services provided to a parent or a minor for a reasonable time
23 before and after the minor's placement for adoption.

24 5. Living expenses of a mother for a reasonable time before the birth of her child
25 and for no more than 6 weeks after the birth of the child.

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1 6. Expenses incurred in ascertaining the information required under s. 48.82
2 (6).

3 7. Legal services, court costs, travel and other administrative expenses
4 connected with an adoption, including any legal services performed for a parent who
5 consents to the adoption of a minor or who relinquishes the minor to an agency for
6 purposes of adoption.

7 8. Expenses incurred in obtaining a preplacement evaluation and an
8 evaluation during the proceeding for adoption.

9 9. Any other service that the court finds is reasonably necessary.

10 (b) A parent or a guardian, a person acting on behalf of a parent or guardian
11 or a provider of a service listed in par. (a) may receive or accept a payment authorized
12 under par. (a). The payment may not be made contingent on the placement of a minor
13 for adoption, the relinquishment of a minor or the consent to the adoption of a minor.

14 If the adoption is not completed, a person who is authorized to make a specific
15 payment under par. (a) ~~is not entitled to reimbursement of a payment already made,~~

16 ~~that~~ is not liable for any ~~additional~~ payments unless the person has agreed in a signed
17 writing with a provider of a service to make the payment regardless of the outcome
18 of the proceeding for adoption.

19 (4) **CHARGES BY AGENCY.** Subject to the requirements of s. 48.92 (2) and (3) (a)
20 8. for an accounting and judicial approval of the fees and charges related to an
21 adoption, an agency may charge or accept a fee or other reasonable compensation
22 from a prospective adoptive parent for any of the following:

23 (a) Medical, hospital, nursing, pharmaceutical, travel or other similar
24 expenses incurred by a mother or her minor child in connection with the birth or any
25 illness of the minor child.

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1 (b) A percentage of the annual cost that the agency incurs in locating and
2 providing counseling services for adoptees, parents and prospective adoptive
3 parents.

4 (c) Living expenses of a mother for a reasonable time before the birth of her
5 child and for no more than 6 weeks after the birth of the child.

6 (d) Expenses incurred in ascertaining the information required under s. 48.82
7 (6).

8 (e) Legal services, court costs, travel and other administrative expenses
9 connected with an adoption, including any legal services performed for a parent who
10 relinquishes a minor to the agency for purposes of adoption.

11 (f) Preparation of a preplacement evaluation and an evaluation during the
12 proceeding for adoption.

13 (g) Any other service that the court finds is reasonably necessary.

14 (5) FAILURE TO DISCLOSE INFORMATION. (a) Any person, other than a parent who
15 placed a minor for adoption, who has ^(a) the duty to provide the nonidentifying
16 information required under s. 48.82 (6) or the nonidentifying information authorized
17 for release under s. 48.95 (3) and who intentionally refuses to provide that
18 information may be required to forfeit not more than \$5,000 for the first offense and
19 may be required to forfeit not more than \$10,000 for any 2nd or later offense. The
20 court may enjoin the person from committing any further violations of the duty to
21 furnish nonidentifying information.

22 (b) An employe or agent of an agency, the court or the state registrar of vital
23 statistics who intentionally destroys any information or report compiled under s.
24 48.82 (6) or authorized for release under s. 48.95 may be fined \$10,000 or imprisoned
25 for not more than 9 months or both.

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1 (c) In addition to the penalties provided in pars. (a) and (b), an adoptive parent,
2 an adoptee or any person who is the subject of any information required under s.
3 48.82 (6) or authorized for release under s. 48.95 may maintain an action for damages
4 or equitable relief against a person, other than a parent who placed a minor for
5 adoption, who fails to perform the duties required under s. 48.82 (6) or 48.95.

6 (d) A prospective adoptive parent who knowingly fails to furnish information
7 or who knowingly furnishes false information to an evaluator preparing an
8 evaluation under s. 48.83 or 48.91 with the intent to deceive the evaluator may be
9 fined \$10,000 or imprisoned for not more than 9 months or both.

10 (e) An evaluator who prepares an evaluation under s. 48.83 or 48.91 and who
11 knowingly omits or misrepresents any information about the individual being
12 evaluated with the intent to deceive a person authorized under this subchapter to
13 place a minor for adoption may be fined \$10,000 or imprisoned for not more than 9
14 months or both.

15 (f) A parent of a minor who knowingly misidentifies the other parent with the
16 intent to deceive the other parent, an agency or a prospective adoptive parent may
17 be required to forfeit not more than \$5,000.

18 (6) UNAUTHORIZED DISCLOSURE OF INFORMATION. (a) Except as authorized in this
19 subchapter, a person who provides or retains a report or record under this subchapter
20 may not disclose any identifying or nonidentifying information contained in the
21 report or record.

22 (b) A person who knowingly gives or offers to give or who accepts or agrees to
23 accept anything of value for an unauthorized disclosure of identifying information
24 made confidential by this subchapter may be fined \$10,000 or imprisoned for 9

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1 months or both for the first offense and may be fined \$10,000 or imprisoned for 2
2 years or both for any 2nd or later offense.

3 (c) A person who knowingly gives or offers to give or who accepts or agrees to
4 accept anything of value for an unauthorized disclosure of nonidentifying
5 information made confidential by this subchapter may be required to forfeit \$5,000
6 for the first offense and may be required to forfeit \$10,000 for any 2nd or later offense.

7 (d) A person who ^{knowingly} makes ^{an unauthorized} disclosure, ~~that the person knows is unauthorized,~~
8 of identifying or nonidentifying information from a report or record made
9 confidential by this subchapter may be required to forfeit \$2,500 for the first offense
10 and may be required to forfeit \$5,000 for any 2nd or later offense.

11 (e) The court may enjoin from committing any further violations any person
12 who makes or obtains an unauthorized disclosure of any identifying or
13 nonidentifying information made confidential by this subchapter and shall inform
14 any appropriate licensing authority or other official of the violation.

15 (f) In addition to the penalties provided in pars. (b) to (e) , an individual who is
16 the subject of any of the information contained in a report or record made confidential
17 by this subchapter may maintain an action for damages or equitable relief against
18 any person who makes or obtains, or who is likely to make or obtain, an unauthorized
19 disclosure of that information.

20 (g) Identifying information contained in a report or record required by this
21 subchapter to be kept confidential or sealed may not be disclosed under s. 19.35,
22 69.20, 69.21 or under any other law of this state.

23 ~~(7) ACTION BY DEPARTMENT. The department may review and investigate,~~
24 ~~compliance with this subchapter and may maintain an action to compel that~~
25 ~~compliance.~~

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1 **48.97 Short title; uniformity of application and construction.** This
 2 subchapter and ch. 882 may be cited as the "Uniform Adoption Act". This subchapter
 3 and ch. 882 shall be applied and construed to effectuate ~~its~~ general purpose of
 4 making uniform the law with respect to the subject of this subchapter and ch. 882
 5 among the states enacting the Uniform Adoption Act.

6 **SECTION 49.** Subchapter XX (title) of chapter 48 [precedes 48.9731 of the
 7 statutes is repealed and recreated to read:

CHAPTER 48

SUBCHAPTER XX

MISCELLANEOUS PROVISIONS

SECTION 50. 48.973 of the statutes is created to read:

12 **48.973 Visitation rights of certain persons. (1)** Upon petition by a relative
 13 who has maintained a relationship similar to a parent-child relationship with a child
 14 who has been adopted by a stepparent or relative, the court may grant reasonable
 15 visitation rights to that person if the petitioner has maintained such a relationship
 16 within 2 years prior to the filing of the petition, if the parents of the child, have notice
 17 of the hearing and if the court determines all of the following:

(a) That visitation is in the best interest of the child.

(b) That the petitioner will not undermine the parents' relationship with the child.

(c) That the petitioner will not act in a manner that is contrary to parenting decisions made by the child's parents that are related to the child's physical, emotional, educational or spiritual welfare.

(2) Whenever possible, in making a determination under sub. (1), the court shall consider the wishes of the adopted child.

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1 (3) This section applies to every child in this state who has been adopted by a
2 stepparent or relative regardless of the date of the adoption.

3 (4) Any person who interferes with visitation rights granted under sub. (1) may
4 be proceeded against for contempt of court under ch. 785, except that a court may
5 impose only the remedial sanctions specified in s. 785.04 (1) (a) and (c) against that
6 person.

7 **SECTION 51.** 48.976 of the statutes is created to read:

8 **48.976 Foreign adoption fees. (1)** In this section, "foreign adoption" means
9 the adoption of a child, who is a citizen of a foreign country, in accordance with any
10 of the types of adoption procedures specified under subchapter XIX.

11 (2) The department may charge a fee of not more than \$75 to the adoptive
12 parents for reviewing foreign adoption documents and for providing necessary
13 certifications required by state and federal law.

14 (3) The department may also charge a fee of not more than \$75 to the adoptive
15 parents for the review and certification of adoption documents for adoptions that
16 occur in a foreign country.

48.979

and 48.978

17 **SECTION** ~~5248.978~~ ~~of the statutes~~ is created to read:

18 ~~48.978~~ **48.978 Appointment of guardian for child without a living parent for**
19 **adoptability finding. (1)** TYPE OF GUARDIANSHIP. This section may be used for the
20 appointment of a guardian of a child who does not have a living parent if a finding
21 as to the adoptability of a child is sought. Except as provided in ~~§~~ 48.977, ch. 880
22 applies to the appointment of a guardian for a child who does not have a living parent
23 for all other purposes. An appointment of a guardian of the estate of a child who does
24 not have a living parent shall be conducted in accordance with the procedures
25 specified in ch. 880.

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1 **(lm) PETITION.** Any of the following may file a petition for appointment of a
2 guardian for a child who is believed to be in need of protection or services because he
3 or she is without a living parent as described under s. 48.13 (1):

4 (a) The department.

5 (b) A county department.

6 (c) A child welfare agency licensed under s. 48.61 (5) to accept guardianship.

7 (d) A relative or family member of the child or a person whom the child has
8 resided with and who has also acted as a parent of the child.

9 (e) A guardian appointed under ch. 880 whose resignation as guardian has been
10 accepted by a court under s. 880.17 (1).

11 (2) **REPORT.** If the department, county department or child welfare agency files
12 a petition, it shall submit a report to the court containing as much of the information
13 specified under s. 48.425 (1) (a) and (am) as is reasonably ascertainable and, if
14 applicable, the information specified under s. 48.425 (1) (g). If the petition is filed
15 by a relative or other person specified under sub. (1 m) (d) , the court shall order the
16 department or a child welfare agency, if the department or agency consents, or a
17 county department to file a report containing the information specified in this
18 subsection. The department, county department or child welfare agency shall file
19 the report at least 5 days before the date of the fact-finding hearing on the petition.

20 (3) **FACT-FINDING HEARING.** The court shall hold a fact-finding hearing on the
21 petition, at which any party may present evidence relevant to the issue of whether
22 the child has a living parent. If the court finds that the child has a living parent, the
23 court shall dismiss the petition or grant the petitioner leave to amend the petition
24 to a petition under s. 48.42 (1).

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1 (4) **DISPOSITIONAL HEARING.** (a) If the court, at the conclusion of the fact-finding
2 hearing, finds that the child has no living parent, the court shall proceed to a
3 dispositional hearing. Any party may present evidence, including expert testimony,
4 relevant to the issue of disposition. In determining the appropriate disposition, the
5 court shall consider any factors under s. 48.426 (3) (a) to (d) that are applicable.

6 (b) If the court finds that adoption is in the child's best interest, the court shall
7 order that the child be placed in the guardianship and custody of one of the following:

8 1. A county department authorized to accept guardianship under s. 48.57 (1)
9 (e) or (hm).

10 2. A child welfare agency licensed under s. 48.61 (5) to accept guardianship.

11 3. The department.

12 (c) If the court finds that adoption is not in the child's best interest, the court
13 shall order that the child be placed in the guardianship of the department and place
14 the child in the custody of a county department or, in a county having a population
15 of 500,000 or more, the department or an agency under contract with the
16 department.

17 (d) Section 48.43 (5), (5m) and (7) applies to orders under pars. (b) and (c).

18 (e) The court shall order the custodian appointed under par. (b) or (c) to prepare
19 a permanency plan under s. 48.38 for the child within 60 days after the date of the
20 order. A permanency plan ordered under this paragraph is subject to review under
21 s. 48.38 (5). In preparing a permanency plan, the department, county department
22 or child welfare agency need not include any information specified in s. 48.38 (4) that
23 relates to the child's parents or returning the child to his or her home. In reviewing
24 a permanency plan, a court or panel need not make any determination under s. 48.38
25 (5) (c) that relates to the child's parents or returning the child to his or her home.

BILL

48.9795

1

SECTION 53. ~~48.974~~ of the statutes is created to read:

2

~~48.979~~ ^{(R) 48.9795} **Transfer of guardianship upon revocation of guardian's license**

3

or contract. If the department revokes the license of a county department licensed

4

under s. 48.57 (1) (hm) to accept guardianship, or of a child welfare agency licensed

5

under s. 48.61 (5) to accept guardianship, or if the department terminates the

6

contract of a county department licensed under s. 48.57 (1) to (e) to accept

7

guardianship, the department shall file a motion in the court that appointed the

8

guardian for each child in the guardianship of the county department or agency,

9

requesting that the court transfer guardianship and custody of the child. The motion

10

may specify a county department or child welfare agency that has consented to

11

accept guardianship of the child. The court shall transfer guardianship and custody

12

of the child either to the county department or child welfare agency specified in the

13

motion or to another county department under s. 48.57 (1) (e) or (hm) or a child

14

welfare agency under s. 48.61 (5) which consents to the transfer. If no county

15

department or child welfare agency consents, the court shall transfer guardianship

16

and custody of the child to the department.

17

SECTION 54. 48.98 (4) (b) of the statutes is amended to read:

18

48.98 (4) (b) Section ~~48.839~~ [✓] 48.82 (8) governs the placement of children who are

19

not U.S. citizens and not under agency guardianship who are brought into this state

20

from a foreign jurisdiction for the purpose of adoption.

21

SECTION 55. 48.981 (7) (a) 13. of the statutes, ~~as affected by 1997 Wisconsin Act~~ ✓

22

~~is~~ is amended to read:

23

48.981 (7) (a) 13. The department, a county department under s. 48.57 (1) (e)

24

or (hm) or a licensed child welfare agency ordered to conduct ~~a screening or an~~

25

~~investigation~~ an evaluation of a stepparent under s. ~~48.88 (2) (c)~~ [✓] 48.94 (11).

BILL

1 **SECTION 56.** 49.32 (1) (b) of the statutes is amended to read:

2 49.32 (1) (b) Any person receiving services provided or purchased under par.
3 (a) or the spouse of the person and, in the case of a minor, the parents of the person,
4 and, in the case of a foreign child described in s. ~~48.839 (1)~~ 48.82 (8) who became
5 dependent on public funds for his or her primary support before an order granting
6 his or her adoption, the resident of this state appointed guardian of the child by a
7 foreign court who brought the child into this state for the purpose of adoption, shall
8 be liable for the services in the amount of the fee established under par. (a).

9 **SECTION 57.** 51.30 (4) (b) 18. c. of the statutes is amended to read:

10 51.30 (4) (b) 18. c. If the patient, regardless of age, has a guardian appointed
11 under s. 880.33, or if the patient is a minor with developmental disability who has
12 a parent or has a guardian appointed under s. 4-883-1 ~~48.978~~ ^{48.979 ✓} and does not have a
13 guardian appointed under s. 880.33, information concerning the patient that is
14 obtainable by staff members of the agency or nonprofit corporation with which the
15 agency has contracted is limited, except as provided in subd. 18. e., to the nature of
16 an alleged rights violation, if any; the name, birth date and county of residence of the
17 patient; information regarding whether the patient was voluntarily admitted,
18 involuntarily committed or protectively placed and the date and place of admission,
19 placement or commitment; and the name, address and telephone number of the
20 guardian of the patient and the date and place of the guardian's appointment or, if
21 the patient is a minor with developmental disability who has a parent or has a
22 guardian appointed under s. ~~48.831~~ ~~48.978~~ ^{48.979 ✓} and does not have a guardian appointed
23 under s. 880.33, the name, address and telephone number of the parent or guardian
24 appointed under s. 4883-1 ~~48.978~~ ^{48.979} of the patient.

25 **SECTION 58.** 69.14 (3) (c) of the statutes is amended to read:

BILL

1 69.14 (3) (c) If at any time after a birth certificate is filed for a registrant under
2 this subsection a birth certificate filed for the registrant at the time of birth of the
3 registrant is found or the registrant is adopted and the adoptive parents sign a birth
4 record giving their names as the adoptive parents, the state registrar shall impound
5 the birth certificate filed under this subsection and prohibit access to the birth
6 certificate for 99 years after the date of birth of the registrant except by court order
7 or except by the state registrar for processing purposes or except when authorized
8 under s. 48.432, 48.433 or 48.95 (7). ✓

9 **SECTION 59.** 69.15 (2) (a) (intro.) of the statutes is amended to read:

10 69.15 (2) (a) (intro.) Except as provided under par. (b), if the state registrar
11 receives an order under sub. (1) which provides for an adoption, the state registrar
12 shall prepare, under sub. (6), a new certificate for the subject of the adoption unless
13 the court orders, or the adoptive parents or the subject of the adoption who has
14 attained the age of 12 years, requests, under s. ~~48.94~~ 48.93 (1) (a) 2. ✓, that no new
15 certificate be prepared. If the order is from a court in this state, the order shall
16 include a certified copy of the original birth certificate registered for the subject of
17 the adoption. The new certificate shall show:

18 **SECTION 60.** 69.15 (2) (b) of the statutes is amended to read:

19 69.15 (2) (b) If the state registrar receives an order under sub. (1) which
20 provides for an adoption of any person born outside of the United States by any
21 person who is a resident of this state at the time of adoption, ~~and if the adoptive~~
22 ~~parents present proof of the facts of birth to the state registrar, the state registrar~~
23 ~~shall prepare a certification of birth data for the subject of the adoption. The~~
24 ~~certification shall indicate the date and place of birth, the child's adoptive name, the~~
25 ~~adoptive parents' names, and the sources of information of each of these facts.~~ If

BILL

SECTION 60

1 ~~neither of the birth parents of the subject of the adoption are U.S. citizens, the new~~
2 ~~certification may include proof of the naturalization of the subject of the adoption the~~
3 ~~state registrar shall issue a certificate of foreign birth as provided in s. 48.93 (2) (a)~~
4 3.

5 **SECTION 61.** 69.15 (6) (b) of the statutes is amended to read:

6 69.15 (6) (b) The state registrar shall register a new certificate created under
7 this section and shall impound the original certificate or the certificate registered
8 under sub. (5) and all correspondence, affidavits, court orders and other related
9 materials and prohibit access to the original birth certificate for 99 years after the
10 date of birth of the registrant except by court order or except by the state registrar
11 for processing purposes or except when authorized under ~~ss. s.~~ s. 48.432 and 48.433
12 or 48.95 (7). The state registrar shall send a copy of any new certificate registered
13 under this section to the local registrar who filed the original of the replaced
14 certificate. Upon receipt of the copy, the local registrar shall destroy his or her copy
15 of the replaced certificate and file the new certificate.

16 **SECTION 62.** 71.05 (6) (b) 22. of the statutes is amended to read:

17 71.05 (6) (b) 22. For taxable years beginning after December 31, 1995, an
18 amount up to **\$5,000** that is expended during the period that consists of the year to
19 which the claim relates and the prior 2 taxable years, by a full-year resident of this
20 state who is an adoptive parent, for adoption fees, court costs or legal fees relating
21 to the adoption of a child, for whom a final order of adoption has been entered under
22 ~~s. 48.91 (3)~~ 48.92 or 48.94 during the taxable year.

23 **SECTION 63.** 103.10 (3) (b) 2. of the statutes is amended to read:

BILL

1 103.10 (3) (b) 2. The placement of a child with the employe for adoption ~~or as~~
2 ~~a precondition to adoption under s. 48.90 (2) but not both~~ under s. 48.82, if the leave
3 begins within 16 weeks of the child's placement.

4 SECTION 64. 146.82 (2) (a) 9. c. of the statutes is amended to read:

5 146.82 (2) (a) 9. c. If the patient, regardless of age, has a guardian appointed
6 under s. 880.33, or if the patient is a minor with developmental disability, as defined
7 in s. 51.01 (5) (a), who has a parent or has a guardian appointed under s. 4-883-1

48.979

8 ~~48.978~~ ^{lid. 979} and does not have a guardian appointed under s. 880.33, information

9 concerning the patient that is obtainable by staff members of the agency or nonprofit
10 corporation with which the agency has contracted is limited, except as provided in

11 subd. 9. e., to the nature of an alleged rights violation, if any; the name, birth date
12 and county of residence of the patient; information regarding whether the patient

13 was voluntarily admitted, involuntarily committed or protectively placed and the
14 date and place of admission, placement or commitment; and the name, address and

15 telephone number of the guardian of the patient and the date and place of the
16 guardian's appointment or, if the patient is a minor with developmental disability

17

17 who has a parent or has a guardian appointed under s. 48.831 ~~48.978~~ ^{48.979} and does not
18 have a guardian appointed under s. 880.33, the name, address and telephone

19 number of the parent or guardian appointed under s. 48.831 ~~48.978~~ ^{48.979} of the patient.

Insert
119-19
20
21

20 SECTION 65. 252.15 (5) (a) 19. of the statutes, ~~as affected by 1997 Wisconsin~~

21 ~~Act ... (Assembly Bill 2600)~~ is amended to read:

22 252.15 (5) (a) 19. If the test was administered to a child who has been placed
23 in a foster home, treatment foster home, group home, child caring institution or
24 secured correctional facility, as defined in s. 938.02 (15m), including a placement
25 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,

BILL

SECTION 65

48.979 (2) ✓

1 treatment foster home, group home, child caring institution or secured correctional
 2 facility is recommended under s. 48.33 (4), 48.425 (1) (g), ~~48.837 (4) (e)~~ or 938.33 (3)
 3 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),
 4 48.424 (4) (b), 48.425 (3), ~~48.831 (2), 48.837 (4) (e) 48.978 (2)~~ or 938.33 (1), to an agency
 5 responsible for preparing a court report under s. 48.365 (2g), 48.425 (l), ~~48.831 (2),~~
 6 ~~48.837 (4) (e) 48.978 (2)~~ or 938.365 (2g), to an agency responsible for preparing a
 7 permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4), ~~48.831~~
 8 ~~(4) (e) 48.978 (2)~~ (4) (e), 938.355 (2e) or 938.38 regarding the child or to an agency that
 9 placed the child or arranged for the placement of the child in any of those placements
 10 and, by any of those agencies, to any other of those agencies and, by the agency that
 11 placed the child or arranged for the placement of the child in any of those placements,
 12 to the child's foster parent or treatment foster parent or the operator of the group
 13 home, child caring institution or secured correctional facility in which the child is
 14 placed, as provided in s. 48.371 or 938.371.

SECTION 66. 252.15 (5) (a) 20. of the statutes is created to read:

15
 16 252.15 (5) (a) 20. If the test was administered to a child who has been placed
 17 for adoption under s. 48.82 (3) or who is proposed to be placed for adoption under s.
 18 48.82 (3), to the agency that placed the child or that is arranging the placement of
 the child and, by that agency, to the proposed adoptive parents of the child.

SECTION 67. 632.896 (1) (c) 1. of the statutes is amended to read:

19
 20
 21 632.896 (1) (c) 1. The department, a county department under s. 48.57 (1) (e)
 22 or (hm) or, a child welfare agency licensed under s. 48.60 or a child's parent or
 23 guardian places a child in the insured's home for adoption and ~~enters into an~~
 24 ~~agreement under s. 48.833 with the insured~~ under s. 48.82.

SECTION 68. 632.896 (1) (c) 2. of the statutes is repealed.

↓
 Insert
 19
 20-19 →

BILL

1 **SECTION 69.** 632.896 (1) (c) 5. of the statutes is amended to read:

2 632.896 **(1) (c) 5.** A court of a foreign jurisdiction appoints the insured as
3 guardian of a child who is a citizen of that jurisdiction, and the child arrives in the
4 insured's home for the purpose of adoption by the insured under s. ~~48.839~~ [✓]48.92 or
5 48.94:

6 **SECTION 70.** 785.05 of the statutes is amended to read:

7 **785.05 Limitation on imprisonment.** In any case in which the contempt of
8 court is based upon interference with visitation rights granted under s. ~~48.925~~ (1)
9 48.973 (1), or upon failure to respond to a citation, summons or warrant under s.
10 345.28 or any other failure to pay or to appear in court for a nonmoving traffic
11 violation, the court may not impose imprisonment as a sanction under this chapter.

J
Insert
121-11

12 **SECTION 71.** 808.04 (7) of the statutes is amended to read:

13 808.04 (7) An appeal by a party other than the state from a judgment or order
14 granting adoption, or terminating or denying termination of parental rights under
15 s. 48.90, shall be initiated by filing the notice required by s. 809.30 (2) (b) within 40
16 days of the date of entry of the judgment or order appealed from. Notwithstanding
17 s. 809.82 (2) (b), this time may not be enlarged.

18 **SECTION 72.** 851.51 (2) of the statutes is repealed and recreated to read:

19 851.51 (2) INHERITANCE RIGHTS BETWEEN ADOPTED PERSON AND NATURAL RELATIVES.
20 A legally adopted person ceases to be treated as a child of the person's natural
21 parents for purposes of intestate succession by, through and from the adopted person
22 and for purposes of any statute conferring rights upon children, issue or relatives in
23 connection with the law of intestate succession or wills, except that if a natural
24 parent marries or remarries and the child is adopted by the stepparent, the child is
25 treated as follows:

BILL**SECTION 72**

1 (a) The child is treated as the child of the natural parent who marries or
2 remarries for all purposes

3 (b) The child is treated as the child of the former natural parent for purposes
4 of inheritance through or from that parent and for purposes of any statute conferring
5 rights upon children, issue or relatives of that parent under the law of intestate
6 successron or wills.

7 **SECTION 73.** Chapter 882 of the statutes is repealed and recreated to read:

8 **CHAPTER 882**

9 **ADOPTION OF ADULTS AND**

10 **EMANCIPATED MINORS**

11 **882.01 Who may adopt adult or emancipated minor. (1)** An adult may
12 adopt another adult or an emancipated minor under this chapter, except as follows:

13 (a) An adult may not adopt his or her spouse.

14 (b) An incompetent person of any age may be adopted only in accordance with
15 ss. 48.82 to 48.94.

16 (2) An individual who has adopted an adult or an emancipated minor may not
17 adopt another adult or emancipated minor within one year after the adoption, unless
18 the prospective adoptee is a sibling of the adoptee.

19 **882.02 Legal consequences of adoption.** The legal consequences of an
20 adoption of an adult or emancipated minor are the same as those specified in s. 48.81

21 (3) to (6), except that the legal consequences of an adoption of an adult stepchild by
22 an adult stepparent are the same as those specified in s. 48.94 (3).

23 **882.03 Consent to adoption. (1)** Consent to the adoption of an adult or an
24 emancipated minor is required of only the following persons:

25 (a) The adoptee.

BILL

1 (b) The prospective adoptive parent.

2 (c) The spouse of the prospective adoptive parent, unless the prospective
3 adoptive parent and his or her spouse are legally separated or the court finds that
4 the spouse is not capable of giving consent or is withholding consent contrary to the
5 best interest of the adoptee and the prospective adoptive parent.

6 (2) The consent of the adoptee and the prospective adoptive parent shall meet
7 all of the following requirements:

8 (a) The consent shall be in writing and shall be signed or confirmed by the
9 adoptee and the prospective adoptive parent in the presence of the court or an
10 individual authorized to take acknowledgements.

11 (b) The consent shall state that the adoptee and the prospective adoptive
12 parent agree to assume toward each other the legal relationship of parent and child
13 and to have all of the rights and be subject to all of the duties of that relationship.

14 (c) The consent shall state that the adoptee and the proposed adoptive parent
15 understand the consequences that the adoption may have on any right of
16 inheritance, property or support that each has.

17 (3) The consent of the spouse of the prospective adoptive parent shall be in
18 writing, shall be signed or confirmed in the presence of the court or an individual
19 authorized to take acknowledgements, shall state that the spouse consents to the
20 proposed adoption and understands the consequences that the adoption may have
21 on any right of inheritance, property or support that the spouse has and may contain
22 a waiver of notice of the proceeding for adoption.

23 **882.04 Jurisdiction and venue. (1)** The circuit court has jurisdiction over
24 a proceeding for the adoption of an adult or emancipated minor under this chapter

BILL

SECTION 73

1 if a petitioner has lived in this state for at least 90 days immediately preceding the
2 filing of the petition for adoption.

3 (2) A petition for adoption under this chapter may be filed in the circuit court
4 of the county in which a petitioner lives.

5 **882.05 Petition for adoption. (1)** A prospective adoptive parent and an
6 adoptee petitioning for adoption under this chapter shall jointly file the petition for
7 adoption.

8 (2) Each petitioner shall sign and verify a petition filed under this chapter. The
9 petition shall state all of the following:

10 (a) The full name, age and place and duration of residence of each petitioner.

11 (b) The marital status of each petitioner, including the date and place of
12 marriage, if married.

13 (c) The full name by which the adoptee is to be known if the petition is granted.

14 (d) The duration and nature of the relationship between the prospective
15 adoptive parent and the adoptee.

16 (e) That the prospective adoptive parent and the adoptee desire to assume the
17 legal relationship of parent and child and to have all of the rights and be subject to
18 all of the duties of that relationship.

19 (f) That the adoptee understands that a consequence of the adoption will be to
20 terminate the adoptee's relationship as the child of an existing parent, except that,
21 if the adoptive parent is the adoptee's stepparent, the adoption will not affect the
22 adoptee's relationship with a parent who is the stepparent's spouse, but will
23 terminate the adoptee's relationship to the adoptee's other parent, except for the
24 right of inheritance or intestate succession from or through that parent.

BILL

1 (g) The name and last-known address of any other individual whose consent
2 to the adoption is required.

3 (h) The name, age and last-known address of any child of the prospective
4 adoptive parent, including a child previously adopted by the prospective adoptive
5 parent or ^{by} his or her spouse, and the date and place of the adoption.

6 (i) The name, age and last-known address of any living parent or child of the
7 adoptee.

8 (3) The petitioners shall attach all of the following documents to the petition:

9 (a) A certified copy of the birth certificate or other evidence of the date and place
10 of birth of the adoptee and the prospective adoptive parent, if available.

11 (b) Any required consent to the adoption that has been executed.

12 **882.06 Notice and time of hearing. (1)** No later than 30 days after the date
13 on which a petition for adoption under this chapter is filed, the petitioners shall serve
14 notice of the hearing on the petition on all individuals whose consent to the adoption
15 is required under s. 882.03 (1), and who have not waived notice, by sending a copy
16 of the petition and notice of hearing to those individuals at the addresses stated in
17 the petition or by serving notice in the manner specified in s. 48.89 (3). ✓

18 (2) The court shall set a date and time for hearing the petition, which must be
19 at least 30 days after the date on which the notice is served.

20 **882.07 Dispositional hearing. (1)** Both petitioners shall appear in person
21 at the hearing on the petition unless the court excuses a petitioner from appearing
22 personally for good cause shown. If the personal appearance of one or both of the
23 petitioners is excused, the excused petitioner may appear by an attorney authorized
24 in writing to make the appearance, or the hearing may be conducted by telephone
25 or some other electronic medium.

BILL

SECTION 73

1 (2) The court shall examine the petitioners or the attorney for a petitioner who
2 is not present in person and shall grant the petition for adoption if the court
3 determines all of the following:

4 (a) That at least 30 days have elapsed since the date of service of the notice of
5 the hearing on the petition for adoption.

6 (b) That notice of the hearing on the petition for adoption has been served or
7 dispensed with as to any person whose consent to the adoption is required under s.
8 882.03 (1).

9 (c) That every necessary consent, waiver, document or judicial order has been
10 obtained and filed with the court.

11 (d) That the adoption is for the purpose of creating the relationship of parent
12 and child between the petitioners and that the petitioners understand the
13 consequences of that relationship.

14 (e) That there has been substantial compliance with this chapter.

15 **872.08 Decree of adoption. (1)** A decree of adoption issued under this
16 chapter shall substantially conform to the requirements of s. 48.92 (5) that are
17 relevant to the adoption of an adult. Appeals from, and challenges to, a decree of
18 adoption issued under this chapter are governed by s. 48.92 (6) and (7).

19 (2) The court shall send a copy of a decree of adoption issued under this chapter
20 to each individual named in the petition at the address stated in the petition.

21 (3) Within 30 days after the date on which a decree of adoption issued under
22 this chapter becomes final, the clerk of the court shall prepare a report of the
23 adoption and send that report to the state registrar of vital statistics. If the
24 petitioners so request, the report shall instruct the state registrar to issue a new
25 birth certificate to the adoptee, as provided in s. 48.93 (2).

BILL

1

SECTION 74. 938.368 (1) of the statutes ~~was affected by 1997 Wisconsin Act~~

2

~~(Assembly Bill 266)~~ is amended to read:

3

938.368 (1) If a petition for termination of parental rights is filed under s. 48.4 1

4

of, 48.4 15 or 48.90 or an appeal from a judgment terminating or denying termination

5

of parental rights is filed during the year in which a dispositional order under s.

6

938.355 or an extension order under s. 938.365 is in effect, the dispositional or

7

extension order shall remain in effect until all proceedings related to the filing of the

8

petition or an appeal are concluded.

9

SECTION 75. 948.24 of the statutes is repealed.

or a prosecution for a violation
of section 948.24, 1997 stats.,

10

SECTION 76. Nonstatutory provisions.

11

(1) **TRANSITIONAL PROVISIONS.** A proceeding for adoption commenced before the

12

effective date of this subsection may be completed under the law that was in effect

13

when the proceeding^{or prosecution} was commenced.

14

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2418/P1
GMM.....:....

(INSERT A, ✓

5. The agency that placed the child for adoption or that accepted guardianship of the child following TPR must disclose identifying information about a birth parent of an adoptee under 21 years of age to the adoptee's adoptive parent if the birth parent has filed with the agency a written authorization of that disclosure, and must disclose identifying information about an adoptive parent of an adoptee under 21 years of age to the adoptee's birth parent if the adoptive parent has filed with the agency a written authorization of that disclosure.

Finally, current law expressly prohibits or permits certain activities in connection with an adoption. Specifically, no person, other than an agency, a parent seeking to place his or her own child for adoption, an individual who has received a favorable recommendation regarding his or her fitness to be an adoptive parent or a person providing adoption information exchange services or adoption information, may advertise for the purpose of finding a child to adopt or advertise that the person will find an adoptive home, arrange for or assist in an adoption or adoptive placement or place a child for adoption. Current law also permits certain payments in connection with an adoption and prohibits all other payments. Payments permitted under current law include payments for services provided by a child welfare agency, medical and hospital care received by the birth mother in connection with the pregnancy or birth of the child or received by the child, counseling for the birth parents, living expenses of the birth mother not to exceed \$1,000, investigation of the proposed adoptive placement, legal and other services received by a birth parent or the child, maternity clothes, local transportation of a birth parent that is related to the pregnancy or adoption, foster care for the child pending his or her adoptive placement, birthing classes and a gift for the birth mother not to exceed \$50 in value.

(END of insert)

If the juvenile court finds that an impermissible payment has been made, the juvenile court may dismiss the petition for adoption and refer the matter to the district attorney for prosecution.

Insert 17-9 ✓

Section #. 46.10 (2) of the statutes is amended to read:

48.82 (8) ✓

46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including but not limited to a person admitted, committed or placed under s. 975.01, 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.06, 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services and supplies provided by any institution in this state including University of Wisconsin Hospitals and Clinics, in which the state is chargeable with all or part of the person's care, maintenance, services and supplies, any person receiving care and services from a county department established under s. 5 1.42 or 5 1.437 or from a facility established under s. 49.73, and any person receiving treatment and services from a public or private agency under s. 971.17 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08 (5) and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. ~~48.839 (1)~~ who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state ~~appointed guardian of the child by a foreign court~~ who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services and supplies in accordance with the fee schedule established by the department under s. 46.03 (18). If a spouse, widow or minor, or an incapacitated person may be lawfully dependent upon the property for their support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for those persons. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt thereof is not a condition of liability.

History: 1971 c. 125; 1971 c. 213 s. 5; 1973 c. 90 ss. 223, 223m, 560 (3); 1973 c. 198, 333; 1975 c. 39 ss. 347 to 350, 734; 1975 c. 41, 94; 1975 c. 189 s. 99 (2); 1975 c. 198, 199, 224; 1975 c. 413 s. 18; 1975 c. 428; 1975 c. 430 ss. 6, 80; 1977 c. 29, 203; 1977 c. 418 ss. 294 to 295, 924 (50), 929 (18); 1977 c. 428; 1977 c. 447 s. 206; 1977 c. 449 ss.

-7

(Dnd of msa) 1

Insert 18-15 ✓

Section #. 48.14 (2) (b) of the statutes is amended to read:

48.979 ✓ and 48.9795 ✓

48.14 (2) (b) The appointment and removal of a guardian of the person for a child under ss. 48.427, 48.428, 48.43, ~~48.831, 48.832, 48.839 (4) (a)~~, 48.977 and 48.978 and ch. 880 and for a child found to be in need of protection or services under s. 48.13 because the child is without parent or guardian.

History: 1975 c. 430; 1977 c. 354, 449; 1979 c. 32 s. 92 (2); 1979 c. 300; 1979 c. 330 ss. 3, 13; 1981 c. 81 ss. 3, 33; 1985 a. 50; 1989 a. 161; 1993 a. 318; 1995 a. 38, 77, 275; 1997 a. 164, 292, 334.

(end of insert)

Insert 19-24 ✓

Section #. 48.23 (4) of the statutes is amended to read:

child or a parent
under 18 years of age

48.23 (4) **PROVIDING COUNSEL.** In any situation under this section in which a ~~person~~ has a right to be represented by counsel or is provided counsel at the discretion of the court and counsel is not knowingly and voluntarily waived, the court shall refer the person to the state public defender and counsel shall be appointed by the state public defender under s. 977.08 without a determination of indigency. If the referral is of a person who has filed a petition under s. 48.375 (7), the state public defender shall appoint counsel within 24 hours after that referral. Any counsel appointed in a petition filed under s. 48.375 (7) shall continue to represent the child in any appeal brought under s. 809.105 unless the child requests substitution of counsel or extenuating circumstances make it impossible for counsel to continue to represent the child. In any situation under sub. (2) or (2m) in which a parent 18 years of age or over or an adult expectant mother is entitled to representation by counsel; counsel is not knowingly and voluntarily waived; and it appears that the parent or adult expectant mother is unable to afford counsel in full, or the parent or adult expectant mother so indicates; the court shall refer the parent or adult expectant mother to the authority for indigency determinations specified under s. 977.07 (1). In any other situation under this section in which a person has a right to be represented by counsel or is provided counsel at the discretion of the court, competent and independent counsel shall be provided and reimbursed in any manner suitable to the court regardless of the person's ability to pay, except that the court may not order a person who files a petition under s. 8 13.122 or 8 13.125 to reimburse counsel for the child who is named as the respondent in that petition.

~~History: 1977 c. 354, 355, 447, 449; 1979 c. 300, 356; 1987 a. 27; 1987 a. 383; 1989 a. 31; Sup. Ct. Order, 151 W (2d) xxv (1989); 1989 a. 56, 107; 1991 a. 263; 1993 a. 377, 385, 395, 451, 491; 1995 a. 27, 77; 1997 a. 292.~~

(end of insert)

Insert 20-7 ✓

Section #. 48.235 (1) (c) of the statutes is amended to read:

48.235 (1) (c) The court shall appoint a guardian ad litem for any child who is the subject of a proceeding to terminate parental rights, whether voluntary or involuntary, for a child who is the subject of a contested adoption proceeding and for a child who is the subject of a proceeding under s. 48.977 or 48.978.

~~History: Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 189, 263; 1993 a. 16, 318, 395; 1995 a. 27, 275; 1997 a. 237, 292, 334.~~

The court may appoint a guardian ^{ad} litem
for a child who is the subject of an
uncontested adoption proceeding.

(end of insert)

Insert 21-3 ✓

Section #. 48.235 (8) (c) of the statutes is amended to read:

In which an agency
placed the child for adoption

48.235 (8) (c) 1. In an uncontested termination of parental rights and adoption proceeding ~~under~~
~~s. 48.833~~, the court shall order the agency that placed the child for adoption to pay the compensation
of the child's guardian ad litem.

2. In an uncontested termination of parental rights and adoption proceeding ~~under s. 48.835 or~~
~~48.837~~, the court shall order the proposed adoptive parents to pay the compensation of the child's
guardian ad litem. If the proposed adoptive parents are indigent, the court may order the county of
venue to pay the compensation, in whole or in part, and may order the proposed adoptive parents
to reimburse the county, in whole or in part, for the payment.

History: Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 189,263; 1993 a. 16, 318,395; 1995 a. 27,275; 1997 a. 237,
292, 334.

In which the child's
parent or guardian
placed the child
for adoption



Insert 21-31

Section #. 48.3 1 (1) of the statutes is amended to read:

under subch. VIII ✓

48.3 1 (1) In this section, "fact-finding hearing" means a hearing to determine if the allegations in a petition under s. 48.13 or 48.133 or a petition to terminate parental rights are proved by clear and convincing evidence.

History: **1977 c. 354,447; 1979 c. 32 s. 92 (13); 1979 c. 300, 331, 355, 357, 359; 1983 a. 197; 1985 a. 262 s. 8; 1987 a. 339; 1993 a. 481; 1995 a. 77, 275, 404, 448; 1997 a. 3, 35,292.**

(end of insert)

Insert 22-18

48.979 (4)(e)

Section #. 48.371 (3) (intro.) of the statutes is amended to read:

48.979 (2)

48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment foster home, group home or child caring institution or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency plan shall provide to the foster parent, treatment foster parent or operator of the group home or child caring institution information contained in the court report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), ~~48.831 (2) or 48.837 (4) (c)~~ or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or ~~48.831 (4) (c)~~ relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

History: 1993 a. 395; 1995 a. 275; 1997 a. 272.

~~(ed insert)~~ →

Insert 22-18 ✓

Section #. 48.38 (4) (d) 3. of the statutes is amended to read:

48.82 ✓

48.38 (4) (d) 3. That the placement is made to facilitate the anticipated adoptive placement of the child under s. ~~48.833 or 48.837~~.

History: 1983 a. 399; 1985 a. 70 ss. 1,10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143,275; 1997 a. 27, 35, 104, 237.

(.edofiso)

Insert 23-10 ✓

those documents

Section #. 48.422 (7) (bm) of the statutes is amended to read:

persons specified in s. 48.92 (2) (a) to (e)

48.422 (7) (bm) Establish whether a proposed adoptive parent of the child has been identified. If a proposed adoptive parent of the child has been identified and the proposed adoptive parent is not a relative of the child, the court shall order the ~~petitioner~~ to submit a ~~report~~ to the court ~~containing~~

~~the information specified in s. 48.913 (7).~~ The court shall review ~~the report~~ to determine whether any payments or agreement to make payments set forth in the ~~report~~ are coercive to the birth parent of the child or to an alleged or presumed father of the child or are impermissible under s. 48.913 (4). ~~Making any payment to or on behalf of the birth parent of the child, an alleged or presumed father of the child or the child conditional in any part upon transfer or surrender of the child or the termination of parental rights or the finalization of the adoption creates a rebuttable presumption of coercion. Upon a finding of coercion, the court shall dismiss the petition or amend the agreement to delete any coercive conditions, if the parties agree to the amendment. Upon a finding that payments which are impermissible under s. 48.913 (4) have been made, the court may dismiss the petition and may refer the matter to the district attorney for prosecution under s. 948.24 (1). This paragraph does not apply if the petition was filed with a petition for adoptive placement under s. 48.837 (2).~~

~~documents~~
~~48.96 (2)~~

History: 1979 c. 330; 1981 c. 359; 1983 a. 326; 1983 a. 447 ss. 10, 67; 1985 a. 176; 1997 a. 104

(end of insert)

48.92

the documents specified in s. 48.92 (2) (a) to (e)

documents ^{is} not authorized under s. 48.96 or ^{is} unreasonable or unnecessary when compared with the expenses customarily incurred in connection with an adoption and shall deny, modify or order reimbursement of any payment that is not authorized under

48.96 or that is unreasonable or unnecessary when compared with the expenses customarily incurred in connection with an adoption. Notwithstanding a finding that an unreasonable, unnecessary or unauthorized payment has been made or agreed to be made, the court shall accept the admission, if the conditions specified in pars. (a), (b) and (c) have been met and shall report any unauthorized payment to the appropriate authorities.

Insert 26-7

11
b

(f) The department or agency contracted with under sub. (11) shall disclose the information specified in sub.

(3)(a), but not the information specified in sub. (3)(b), if the department or agency has on file ^{a document described in} ~~an consent~~ number so 48.95

(7) signed by both birth parents.

(edit, insert)

Insert 27-16

Section #. 48.434 (2) of the statutes is amended to read:

~~or, if the birth parent is deceased or has been declared incompetent, an adult descendant~~

48.82(3)

48.434 (2) Any birth parent of a child may file with the agency that placed the child for adoption under s. 48.833 or that was appointed the guardian of the child under s. 48.837(6)(d) a written authorization for the agency to release any available information about the birth parent's identity and location to one or both adoptive parents of the child.

History: 1997 a. 104.



Insert 27-16

48.82(6)

Section #. 48.434 (3) of the statutes is amended to read:

48.434 (3) Any adoptive parent of a child may file with the agency that placed the child for adoption under s. ~~48.833~~ or that was appointed the guardian of the child under s. ~~48.837 (6) (d)~~ a written authorization for the agency to release any available information about the adoptive parent's identity and location to one or both birth parents of the child.

History: 1997 a. 104.



Insert 27-16

Section #. 48.434 (5) of the statutes is amended to read:

or - document described in s. 48.⁹85 (4)(b) 1. or 2. ✓

48.434 (5) Upon the request of an adoptive parent of a child, the agency receiving the request shall provide to the adoptive parent any available information about the identity and location of a birth parent of the child if the agency has on file an unrevoked written authorization filed by that birth parent under sub. (2) authorizing the release of that information to the adoptive parent.

History: **1997 a. 104.**



Insert 27-16

Section #. 48,434 (6) of the statutes is amended to read:

or a document described in s. 48.45 (4)(c) 1. or 2.

48.434 (6) Upon the request of a birth parent of a child, the agency receiving the request shall provide to the birth parent any available information about the identity and location of an adoptive parent of the child if the agency has on file an unrevoked written authorization filed by that adoptive parent under sub. (3) authorizing the release of that information to the birth parent.

History: 1997 a. 104.



Insert 27-16

Section #. 48.434 (7) of the statutes is amended to read:

18

48.434 (7) This section does not apply if the adopted child is ~~21~~ years of age or over.

History: **1997 a. 104.**

(App'd. Insert)

↓

Insert 27-18

Section #. 48.46 (3) of the statutes is amended to read:

48.92 or 48.94

48.46 (3) An adoptive parent who has been granted adoption of a child under s. ~~48.91 (3)~~ may not petition the court for a rehearing under sub. (1) or move the court under s. 806.07 for relief from the order granting adoption. A petition for termination of parental rights under s. 48.42 and an appeal to the court of appeals shall be the exclusive remedies for an adoptive parent who wishes to end his or her parental relationship with his or her adopted child. or 48.90

History: 1977 c. 449; 1979 c. 300; 1987 a. 383; **sup.** Ct. Order, 146 W (2d) xxxiii (1988); 1995 a. 275; 1997 a. 104, 114, 252, 292.

(insert)

Insert 29-3

Section #. 48.64 (1m) of the statutes is amended to read:

48.82

48.64 (1m) FOSTER HOME, TREATMENT FOSTER HOME AND GROUP HOME AGREEMENTS. If an agency places a child in a foster home, treatment foster home or group home under a court order or voluntary agreement under s. 48.63, the agency shall enter into a written agreement with the head of the home. The agreement shall provide that the agency shall have access at all times to the child and the home, and that the child will be released to the agency whenever, in the opinion of the agency placing the child or the department, the best interests of the child require it. If a child has been in a foster home, treatment foster home or group home for 6 months or more, the agency shall give the head of the home written notice of intent to remove the child, stating the reasons for the removal. The child may not be removed before completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days after the receipt of the notice, whichever is later, unless the safety of the child requires it or, in a case in which the reason for removal is to place the child for adoption under s. ~~48.83~~, unless all of the persons who have the right to request a hearing under sub. (4) (a) or (c) sign written waivers of objection to the proposed removal. If the safety of the child requires earlier removal, s. 48.19 shall apply. If an agency removes a child from an adoptive placement, the head of the home shall have no claim against the placing agency for the expense of care, clothing or medical treatment.

History: 1971 c. 40; 1973 c. 328; 1977 c. 271, 354, 418, 447, 449; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1989 a. 31, 107; 1993 a. 395, 446, 491; 1995 a. 27 ss. 2595, 9126 (19); 1997 a. 104.

(Handwritten signature) →

Insert 29-31

Section #. 48.685 (1) (bg) of the statutes is amended to read:

48.82 ✓

48.685 (1) (bg) "Foster home" includes a placement for adoption under s. ~~48.833~~ of a child for whom adoption assistance will be provided under s. 48.975 after the adoption is finalized.

History: **1997 a. 27, 237, 281; s. 13.93 (2) (c).**



Insert 29-3

48.82²

Section #. 48.685 (1) (d) of the statutes is amended to read:

48.685 (1) (d) "Treatment foster home" includes a placement for adoption under s. ~~48.833~~ of a child for whom adoption assistance will be provided under s. 48.975 after the adoption is finalized.

History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

~~(del of ins)~~ → end of Ins.

Insert 29-13

Section #. 48.78 (2) (a) of the statutes is amended to read:

48.95 ✓

48.78 (2) (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual in its care or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or(d), 48.432, 48.433, ~~48.93~~, 48.981 (7), 938.51 or 938.78 or by order of the court.

History: 1979 c. 34; 1981 c. 359; 1983 a. 471 s. 7; 1985 a. 29 s. 3202 (23); 1985 a. 176, 292, 332; 1987 a. 332; 1989 a. 31, 107, 336; 1991 a. 17, 39; 1993 a. 16, 92, 95, 218, 227, 377, 385, 395, 479, 491; 1995 a. 27 ss. 2610 to 2614p, 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283, 292.

(end of text)

Insert 119-19

Section #. 146.82 (2) (a) 18m. of the statutes is amended to read:

48.979 (4)(e) ^{e v}

48.979 (2)

146.82 (2) (a) 18m. If the subject of the patient health care records is a child or juvenile who has been placed in a foster home, treatment foster home, group home, child caring institution or a secured correctional facility, including a placement under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home, treatment foster home, group home, child caring institution or secured correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), ~~48.837 (4) (e)~~ or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (I), 48.424 (4) (b), 48.425 (3), ~~48.831 (2), 48.837 (4) (e)~~ or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), ~~48.831 (2), 48.837 (4) (e)~~ or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4), ~~48.831 (4) (e)~~, 938.355 (2e) or 938.38 regarding the child or juvenile or to an agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements, to the foster parent or treatment foster parent of the child or juvenile or the operator of the group home, child caring institution or secured correctional facility in which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

NOTE: Subd. 18m. was created as subd. 18. by 1997 Wis. Act 272 and renumbered by the revisor under s. 13.93

(1) (b).

History: 1979 c. 221; 1983 a. 398; 1985 a. 29, 241, 332, 340; 1987 a. 40, 70, 127, 215, 233, 380, 399; 1989 a. 31, 102, 334, 336; 1991 a. 39; 1993 a.16, 27, 445, 479; 1995 a. 98, 169,417; 1997 a. 35,114, 231, 272, 292, 305;s. 13.93 (1)

(b).

(end of insert)

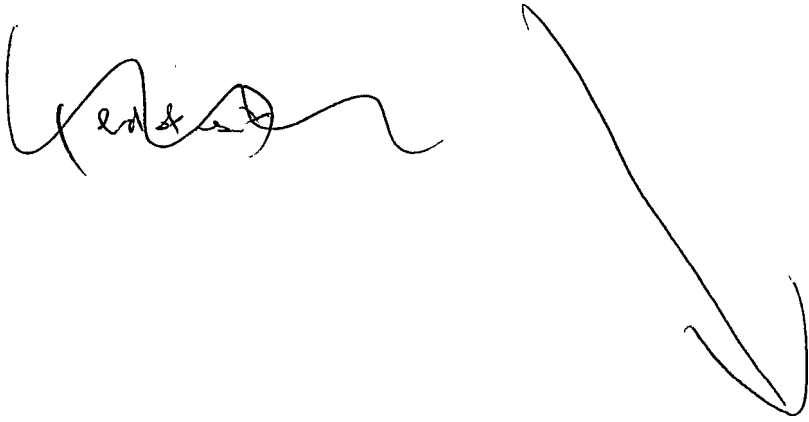
Insert 120-191

Section #. 301.03 (18) (b) of the statutes is amended to read:

48.82(8)

301.03 (18) (b) Except as provided in s. 301.12 (14) (b) and (c), hold liable for the services provided or purchased under par. (a) in the amount of the fee established under par. (a) any person receiving those services or the spouse of the person and, in the case of a minor, the parents of the person, and, in the case of a foreign child described in s. ~~48.839(1)~~ who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state ~~appointed guardian of the child by a foreign court~~ who brought the child into this state for the purpose of adoption.

History: 1989 a. 31, 107, 121, 188,336; 1991 a. 39; 1993 a. 16, 377,479; 199.5 a. 27 ss. 6355, 6356m, 6356p, 9126 (19); 1995 a. 77, 141; 1997 a. 27, 35, 237, 275, 283, 284; s. 13.93 (1) (b).

A handwritten signature in cursive script is located on the left side of the page. To its right is a large, hand-drawn checkmark.

Insert 120-19)

Section #. 301.12 (2) of the statutes is amended to read:

48.82(8) ✓

301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including but not limited to a person placed under s. 48.366, 938.183, 938.34 (4h) or (4m) or 938.357 (4) or (5) (e), receiving care, maintenance, services and supplies provided by any institution in this state operated or contracted for by the department, in which the state is chargeable with all or part of the person's care, maintenance, services and supplies, and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. ~~48.839(1)~~ who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state ~~appointed guardian of the child by a foreign court~~ who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services and supplies in accordance with the fee schedule established by the department under s. 301.03 (18). If a spouse, widow or minor, or an incapacitated person may be lawfully dependent upon the property for their support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for those persons. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.

History: **1995 a. 27 ss. 6361, 9126 (19); 1995 a. 77; 1997 a. 237.**

End of Insert

Insert 121-111

Section #. 806.07 (3) of the statutes is amended to read:

or 48.90 ✓

48.92 or 48.94

806.07 (3) A motion under this section may not be made by an adoptive parent to relieve the adoptive parent from a judgment or order under s. ~~48.91 (3)~~ granting adoption of a child. A petition for termination of parental rights under s. 48.42 and an appeal to the court of appeals shall be the exclusive remedies for an adoptive parent who wishes to end his or her parental relationship with his or her adoptive child.

History: Sup. Ct. Order, 67 W (2d) 585, 726 (1975); 1975 c. 218; 1997 a. 114.

adoption