- (e) If in an inquiry under this subsection the woman who gave birth to the minor fails to disclose the identity of a possible father of the minor or to reveal the whereabouts of that possible father, the person conducting the inquiry shall advise the woman that the proceeding for adoption may be delayed or subject to challenge if a possible father is not given notice of the proceeding, that the lack of information about the father's medical and genetic history may be detrimental to the minor and that the woman is subject to a civil penalty if she knowingly misidentifies the father.
- (5) Waiver of notice. (a) A person **who** is entitled to receive notice under sub. (1) may waive the notice before the court or in a consent to adoption, relinquishment or other document signed by the person.
- (b) Except for the purpose of moving to revoke or set aside a consent to adoption or relinquishment on the ground that it was obtained by fraud or duress, a person who has waived notice under par. (a) may not appear in the proceeding for adoption.
- **48.90 Petition for termination of parental rights. (1) AUTHORIZATION.** Any of the following persons may file a petition to terminate the parental rights to a minor of a parent or alleged parent of the minor:
- (a) A parent or guardian of the minor who has selected a proposed adoptive parent for the minor and who intends to place, or has placed, the minor with the proposed adoptive parent.
- (b) A parent whose spouse has filed a petition under s. 48.94 to adopt the parent's child.
- (c) A prospective adoptive parent of the minor who has filed a petition under s. 48.88 or 48.94 to adopt the minor.
- (d) An agency that has selected a prospective adoptive parent for the minor and that intends to place, or has placed, the minor with the proposed adoptive parent.

(2) TIMING AND CONTENT OF PETITION. (a) A person specified in sub. (1) may file
a petition under this section at any time after a petition for adoption has been filed
under s. 48.88 or 48.94 and before a decree of adoption is entered.
(b) A petitioner under this section shall sign and verify the petition and file the
petition with the court. The petition shall state all of the following information:
1. The name of the petitioner.
2. The name of the minor.
3. The name and last-known address of the parent or alleged parent whose
parental rights to the minor are sought to be terminated.
4. The facts and circumstances forming the basis for the petition and the
grounds on which the petitioner seeks the termination of parental rights.
5. If the petitioner is a prospective adoptive parent, that the petitioner intends
to proceed with the petition to adopt the minor if the petition to terminate parental
rights is granted.
6. If the petitioner is a parent or guardian of the minor or is an agency, that the
petitioner has selected the prospective adoptive parent who is the petitioner in the
proceeding for adoption.
(3) Service of petition and notice. (a) A petition to terminate parental rights
under this section and a notice of hearing on the petition shall be served on the
respondent, with notice of the proceeding for adoption, in the manner specified in s.
48.89 (3) and (4).
(b) The notice of hearing shall inform the respondent of the method of

responding to the netition and shall advise the respondent of all of the following:

- 1. That the respondent has the right to be represented by an attorney regardless of ability to pay under s. 48.23 and ch. 977 and may be entitled to have an attorney appointed by the court.
- 2. That, if the respondent fails to respond within 20 days after service and, in the case of an alleged father who has not already filed a claim of paternity, fails to file a claim of paternity within 20 days after service, the court will terminate the respondent's parental rights to the minor, unless the proceeding for adoption is dismissed.
- (4) Grounds for termination of parental rights. (a) If the respondent is served with a petition to terminate parental rights under this section and a notice of hearing on the petition and fails to respond within 20 days after the service and, in the case of an alleged father who has not already filed 'a claim of paternity, fails to file a claim of paternity within 20 days after the service, the court shall terminate the respondent's parental rights to the minor, unless the proceeding for adoption is dismissed.
- (b) If under s. 48.89 (4) the court dispenses with service of the petition on the respondent, the court shall terminate the respondent's parental rights to the minor, unless the proceeding for adoption is dismissed.
- (c) If the respondent responds and asserts his or her parental rights, the court shall proceed expeditiously with a hearing. If the court finds, by clear and convincing evidence, that any of the following grounds exists and finds, by a preponderance of the evidence, that termination of parental rights is in the best interest of the minor, the court shall terminate the respondent's parental rights to the minor:
- 1. In the case of a minor who has not attained the age of 6 months at the time the petition for adoption is filed, unless the respondentproves by a preponderance

1	of the evidence that the respondent had a compelling reason for not complying with
2	this subdivision, the respondent has failed to do all of the following:
3	a. Pay reasonable prenatal, natal and postnatal expenses in accordance with
4	the respondent's financial means.
5	b. Make reasonable and consistent payments, in accordance with the
6	respondent's financial means, for the support of the minor.
7	c. Visit regularly with the minor.
8	d. Manifest an ability and willingness to assume legal custody and physical
9	custody of the minor if, from the time of the minor's birth to the time of the filing of
10	the petition, the minor was not in the physical custody of the minor's other parent.
11	2. In the case of a minor who has attained the age of 6 months at the time the
12	petition for adoption is filed, unless the respondent proves by a preponderance of the
13	evidence that the respondent had a compelling reason for not complying with this
14	subdivision, the respondent, for a period of at least 6 consecutive months
15	immediately preceding the filing of the petition, has failed to do all of the following:
16	a. Make reasonable and consistent payments, in accordance with the
17	respondent's financial means, for the support of the minor.
18	b. Communicate or visit regularly with the minor.
19	c. Manifest an ability and willingness to assume legal custody and physical
20	custody of the minor if, during those 6 consecutive months, the minor was not in the
21	physical custody of the other parent.
22	3. The respondent has been convicted of a crime specified in s. 48.355 (2d) (b)
23	1. or 2., or of violating a temporary restraining order or injunction under s. 813.12,
24	813.122 or 813.125 and the facts of the crime or violation and the respondent's

- behavior indicate that the respondent is unfit to maintain a relationship of parent and child with the minor.
- 4. The respondent is a man who was not married to the minor's mother when the minor was conceived or born and who is not the biological or adoptive father of the minor.
 - 5. Termination of parental rights is justified on a ground specified in s. 48.415.
- (d) If the respondent proves by a preponderance of the evidence that he or she had a compelling reason for not complying with par. (c) 1. or 2. and that termination of parental rights is not justified on a ground specified in par. (c) 3., 4. or 5., the court may terminate the parental rights to the minor of the respondent only if the court finds, by clear and convincing evidence, that any of the following grounds exists and, by a preponderance of the evidence, that termination of parental rights is in the best interest of the minor:
- 1. If the minor is not in the legal custody and physical custody of the minor's other parent, the respondent is not able or willing promptly to assume legal custody and physical custody of the minor and to pay for the minor's support, in accordance with the respondent's financial means.
- 2. If the minor is in the legal custody and physical custody of the minor's other parent and a stepparent, and the stepparent is the prospective adoptive parent, the respondent is not able or willing promptly to establish and maintain contact with the minor and to pay for the minor's support, in accordance with the respondent's financial means.
- 3. Placing the minor in the respondent's legal custody and physical custody would pose a risk of substantial harm to the physical or psychological well-being of the minor because the circumstances of the minor's conception, the respondent's

- behavior during the mother's pregnancy or since the minor's birth, or the respondent's behavior with respect to other minors, indicates that the respondent is unfit to maintain a relationship of parent and child with the minor.
- 4. Failure to terminate the parental rights to the minor of the respondent would be detrimental to the minor.
- (e) In making a determination under par. (d) 4., the court shall consider any factor that is relevant in making that determination, including the respondent's efforts to obtain or maintain legal custody and physical custody of the minor, the role of other persons in thwarting the respondent's efforts to assert his or her parental rights, the respondent's ability to care for the minor, the age of the minor, the quality of any previous relationship between the respondent and the minor and between the respondent and any other minor children, the duration and suitability of the minor's present custodial environment and the effect that a change in the minor's physical custody might have on the minor.
- (5) **Effectofordergrantingpetition.** An orderunderthis sectiongranting a petition to terminate parental rights has all of the following effects:
- (a) The order terminates the relationship of parent and child between the respondent and the minor, except for any obligation to pay arrearages of child support.
- (b) The order extinguishes any right the respondent had to withhold his or her consent to a proposed adoption of the minor or to receive any further notice of a proceeding for the adoption of the minor.
 - (c) The order is a final order for purposes of appeal.
- (6) **E**FFECTOFORDERDENYINGPETITION.

the following information:

SECTION 60
(a) If the court denies a petition under this section to terminate parental rights,
the court shall dismiss the proceeding for adoption and shall determine the legal
custody and physical custody of the minor according to the criteria specified in s.
48.92 (4).
(b) An order under this section denying a petition to terminate parental rights
is a final order for purposes of appeal.
48.91 Evaluation of adoptee and prospective adoptive parent. (1)
EVALUATION DURINGPROCEEDING FOR ADOPTION. (a) After a petition for the adoption
of a minor is filed, the court shall order an individual who is qualified under s. 48.83
(2) to make an evaluation of the minor's placement with the proposed adoptive
parent.
(b) The court shall provide the evaluator with copies of the petition for adoption
and of the items filed with the petition.
(2) Content of evaluation. (a) The evaluator shall personally interview the
petitioner in the petitioner's residence, observe the relationship between the adoptee

- and the petitioner, obtain the information specified in par. (b) and base the evaluation on that personal interview, observation and information.

 (b) An evaluation under sub. (1) (a) shall be in writing and shall contain all of
- 1. An account of any change in the petitioner's marital status or family history, physical or mental health, home environment, property, income or financial obligations since the filing of the preplacement evaluation.
- 2. All reasonably available information concerning the physical, mental and emotional condition of the adoptee that is not included in any report on the adoptee's health, genetic and social history filed in the proceeding for adoption.

1	3. Copies of any court order, judgment or decree, or any significant documents
2	from a pending legal proceeding, affecting the adoptee, the petitioner or any child of
3	the petitioner.
4	4. A list of the expenses, fees or other charges incurred, paid or to be paid, and
5	anything of value exchanged or to be exchanged, in connection with the adoption.
6	5. Any behavior or characteristic of the petitioner that raises a specific concern,
7	as described in s. 48.83 (4) (a), about the petitioner or the petitioner's home.
8	6. A finding by the evaluator concerning the suitability of the petitioner and
9	the petitioner's home for the adoptee and a recommendation concerning the granting
10	of the petition for adoption.
11	(3) Time and filing of evaluation. (a) The evaluator shall complete the
12	evaluation and file the evaluation with the court within 60 days after receipt of the
13	court's order for an evaluation, unless the court for good cause allows a later filing.
14	(b) If an evaluation raises a specific concern, as described in s. 48.83 (4) (a), the
15	evaluator shall file the evaluation immediately and shall explain in the evaluation
16	why the specific concern poses a significant risk of harm to the physical or
17	psychological well-being of the adoptee. (3)
18	(c) The evaluator shall provide the petitioner with a copy of the evaluation
19)	when the evaluation is filed with the court and shall retain for years after the date
20	of filing a copy of the evaluation and a list of every source for each item of information
21	contained in the evaluation.
22	48.92 Dispositional hearing; decree of adoption. (1) Time for Hearing
23	ON PETITION. The court shall set a date and time for hearing the petition for adoption,
24	The hearing may be held no sooner than 90 days, and no later than 180 days, after

the date on which the petition for adoption is filed, unless the court for good cause sets an earlier or later date and time.

- (2) Disclosure of fees and charges. At least 10 days before the hearing the following individuals shall file the following documents with the court:
- (a) The petitioner shall file with the court a signed and verified accounting of any payment or disbursement of money or anything of value made or agreed to be made by or on behalf of the petitioner in connection with the adoption, including any payment prohibited or authorized under s. 48.96. The accounting shall include the date and amount of each payment or disbursement made, the name and address of each recipient and the purpose of each payment or disbursement.
- (b) The attorney for the petitioner shall file with the court an affidavit itemizing any fee, compensation or other thing of value received by, or agreed to be paid to, the attorney incidental to the placement and adoption of the minor.
- (c) The attorney for each parent of the minor or for the guardian of the minor shall file with the court an affidavit itemizing any fee, compensation or other thing of value received by, or agreed to be paid to, the attorney incidental to the placement and adoption of the minor.
- (d) If an agency placed the minor for adoption, the agency shall file with the court an affidavit itemizing any fee, compensation or other thing of value received by the agency for, or incidental to, the placement and adoption of the minor.
- (e) If a guardian placed the minor for adoption, the guardian shall file with the court an affidavit itemizing any fee, compensation or other thing of value received by the guardian for, or incidental to, the placement and adoption of the minor.
- (3) Granting petition for adoption. (a) The court shall grant a petition for adoption if the court determines that the adoption will be in the best interest of the

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- minor, that the petitioner is a suitable adoptive parent for the minor and that all of the following requirements have been met: 1. At least 90 days have elapsed since the filing of the petition for adoption,
 - 1. At least 90 days have elapsed since the filing of the petition for adoption unless the court, for good cause shown, waives this requirement.
 - 2. The adoptee has been in the physical custody of the petitioner for at least 90 days, unless the court, for good cause shown, waives this requirement.
 - 3. Notice of the proceeding for adoption has been served on, or dispensed with as to, any person entitled to receive notice under s. 48.89.
 - 4. Every necessary consent to the adoption, relinquishment, waiver, disclaimer of parental interest and judicial order terminating parental rights, including an order issued under s. 48.90, has been obtained and filed with the court.
 - 5. Any evaluation required under this subchapter has been filed with and considered by the court.
 - 6. If applicable, any requirement of this subchapter governing an interstate or intercountry placement for adoption has been met.
 - 7. If applicable, the requirements of the federal Indian Child Welfare Act, 25 USC 1901 to 1963, have been met or, if not applicable, the court has determined that the minor is not subject to that act.
 - 8. The court has reviewed the accounting and affidavits required under sub. (2), and the court has denied, modified or ordered reimbursement of any payment or disbursement that is not authorized under s. 48.96 or that is unreasonable or unnecessary when compared with the expenses customarily incurred in connection with an adoption.
 - 9. The petitioner has received each report required under s. 48.82 (6).

5. Sprohibiting

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- 10. Any document signed under s. 48.85 (4) (e) exercitize the release of a former parent's identity to the adoptee after the adoptee after
- (b) Notwithstanding a finding by the court that an activity prohibited under s. 48.96 has occurred, if the court makes the determinations required under par. (a), the court shall grant the petition for adoption and report the violation to the appropriate authorities.
- (c) Except as otherwise provided in s. 48.94 (3) (b) 2., the court shall inform the petitioner and any other person affected by an order for visitation or communication with the adoptee existing at the time that the decree of adoption is entered that the decree of adoption terminates any such existing order for visitation or communication.
- **(4) DENIAL OF PETITION FOR ADOPTION.** If the court denies a petition for the adoption of a minor, the court shall dismiss the proceeding and issue an appropriate order for the legal custody and physical custody of the minor. If the court denies the petition for adoption because a consent to the adoption or a relinquishment is revoked or set aside under s. 48.85 (8) or (9), the court shall determine the legal custody and physical custody of the minor as provided in those subsections. If the court denies the petition for adoption for any other reason, the court shall determine the legal custody and physical custody of the minor according to the best interest of the minor.
- **(5) Decree of Adoption.** (a) A decree of adoption shall state or contain all of the following:
- 1. The original name of the adoptee, if the adoptive parent is a stepparent or relative and, in all other adoptions, the original name of the adoptee or a pseudonym.

court considers appropriate.

2. The name of the petitioner for adoption. 1 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

- 4. If the documents described in subd. 1. are not available, determine the date and place of birth based on evidence that the court finds appropriate to consider.
- (c) Unless a petitioner requests otherwise, the decree of adoption may not name a former parent of the adoptee.
- (d) Except for a decree of adoption of a minor by a stepparent issued under s. 48.94 (12), a decree of adoption of a minor shall contain a statement that the adoption terminates any order for visitation or communication with the minor that was in effect before the decree is issued.
- (e) A decree of adoption that substantially complies with this subsection may not be challenged solely because one or more of the items required under this subsection are not contained in the decree.
- (6) **FINALITY OF DECREE.** A decree of adoption issued under this subchapter is a final order for purposes of appeal when it is entered and becomes final for other purposes on the expiration of the time for filing an appeal, if no appeal is filed, or on the denial or dismissal of any appeal filed within the time for filing an appeal.
- (7) **Challenges to decree**. (a) The court of appeals and the supreme court shall hear an appeal from a decree of adoption or other appealable order issued under this subchapter expeditiously.
- (b) A decree or order issued under this subchapter may not be vacated or annulled on the application of a person who waived notice of any proceeding under this subchapter or who was properly served with notice of a proceeding under this subchapter and who failed to respond or appear, file an answer or file a claim of paternity within 20 days after service of the notice.

- (c) No person may challenge the validity of a decree of adoption issued under this subchapter on the ground that a person has failed to comply with an agreement for visitation or communication with an adoptee.
- (d) No person may bring a challenge to the validity of a decree of adoption or other order issued under this subchapter more than 6 months after the date on which the decree or order is entered. If a challenge is brought by a person whose parental rights to an adoptee have been terminated by a decree or order issued under this subchapter, the court shall deny the challenge, unless the court finds, by clear and convincing evidence, that the decree or order is not in the best interest of the adoptee.
- **48.93 Birth certificate. (1)** Report of adoption. (a) Within 30 days after the date on which a decree of adoption becomes final, the clerk of the court shall prepare a report of the adoption on a form furnished by the state registrar of vital statistics and certify and send the report to the state registrar. The report shall include all of the following information:
- 1. Information in the court's records of the proceeding for adoption that is necessary to locate and identify the adoptee's birth certificate or, if the adoptee was born outside the United States, evidence the court finds appropriate to consider as to the adoptee's date and place of birth.
- 2. Information in the court's records of the proceeding for adoption that is necessary to issue a new birth certificate, unless the court, the adoptive parent or an adoptee who has attained the age of 12 years requests that a new birth certificate not be issued.
- 3. The file number of the decree of adoption and the date on which the decree became final.

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

- (2) Issuance of New Birth Certificate. (a) Except as otherwise provided in par. (d), on receipt of a report of adoption prepared under sub. (l), a report of adoption prepared under the law of another state or country, a certified copy of a decree of adoption together with information necessary to identify the adoptee's original birth certificate and to issue a new birth certificate, or a report of an amended decree of adoption, the state registrar of vital statistics shall do one of the following:
- 1. Issue a new birth certificate for an adoptee born in this state and furnish a certified copy of the new birth certificate to the adoptive parent and to an adoptee who has attained the age of 12 years.
- 2. Forward a certified copy of the report of adoption for an adoptee born in another state to the state registrar of the state of birth or the closest equivalent official of that state.
- 3. Issue a certificate of foreign birth for an adoptee adopted in this state who was born outside the United States and who was not a citizen of the United States at the time of birth and furnish a certified copy of that certificate to the adoptive parent and to an adoptee who has attained the age of 12 years.
- 4. Notify an adoptive parent of the procedure for obtaining a copy of a revised birth certificate through the US. state department for an adoptee who was born

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 vears 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 ofbirth 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. 48.433 or

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 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

custody and physical custody of the stepchild, and the stepchild has resided

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 (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 filed by a
8	stepparent.
9	(c) A petition for adoption by a stepparent may be joined with a petition under
10	s. 48.90 to terminate the parental rights of the parent of the adoptee who is not the
11	stepparent's spouse.
12	(3) Legal consequences of adoption of stepchild. (a) Except as otherwise
13	provided in pars. (b) and (c), the legal consequences of an adoption of a stepchild by
14	a stepparent are as specified in s. 48.81 (3) to (6).
15	(b) An adoption by a stepparent does not affect any of the following:
16	1. The relationship between the adoptee and the adoptee's parent who is the
17	adoptive stepparent's spouse or deceased spouse.
18	2. An existing court order for visitation or communication with the adoptee by
19	an individual who is related to the adoptee through the parent who is the adoptive
20	stepparent's spouse or deceased spouse.
21	3. The right of the adoptee or a descendant of the adoptee to inheritance or

intestate succession through or from the adoptee's former parent.

that is approved by the court under sub. (13).

4. A court order or agreement for visitation or communication with the adoptee

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SECTION 60

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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) Contentofconsentbystepparentsspouse. (a) Aconsenttotheadoption
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

2. That the parent executing the consent understands and agrees that the

3. That the parent executing the consent understands and agrees that the

adoption will terminate the parental rights to the stepchild of the stepchild's other

adoption will not terminate that parent's parental rights to the stepchild.

adoption of the stepchild by the stepparent.

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

- a. The stepchild and any descendant of the stepchild will retain rights of inheritance or intestate succession from or through the stepchild's other parent.
- b. A court order for visitation or communication with the stepchild by an individual related to the stepchild through the parent executing the consent, or an agreement or order concerning another individual that is approved by the court under sub. (13), survives the decree of adoption, but failure to comply with the order or agreement is not a ground for revoking or setting aside the consent or the adoption.
- c. The other parent remains liable for arrearages of child support unless released from that obligation by the parent executing the consent, any guardian ad litem of the stepchild and any governmental entity providing public assistance to the stepchild.
- (c) A consent under par. (a) may not waive further notice of the proceeding for adoption of the stepchild by the stepparent.
- (6) Content of consent by stepchild's other parent. (a) A consenttothe adoption of a stepchild by the stepchild's stepparent executed by the stepchild's parent who is not the stepparent's spouse shall be signed or confirmed in the presence of an individual specified in s. 48.85 (5).
- (b) A consent under par. (a) shall be in writing, shall contain the statements described in s. 48.85 (6) (a) 1. to 3. and (d) 3. to 6., may contain the statement described in s. 48.85 (6) (f) and shall state all of the following:
- 1. That the parent executing the consent voluntarily and unequivocally consents to the adoption of the stepchild by the stepparent and the transfer to the

stepchild except as follows:

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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

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

terminate any existing court order for custody, visitation or communication with the

- b. A court order for visitation or communication with the stepchild by an individual related to the stepchild through the stepchild's other parent, or an agreement or order concerning another individual that is approved by the court under sub. (13), survives the decree of adoption, but failure to comply with the terms of the order or agreement is not a ground for revoking or setting aside the consent or the adoption.
- c. The parent executing the consent remains liable for arrearages of child support unless released from that obligation by the other parent, any guardian ad litem of the stepchild and any governmental entity providing public assistance to the stepchild.
- 3. That the parent executing the consent has provided the adoptive stepparent with the information required under s. 48.82 (6).
- (c) A consent under par. (a) may waive notice of the proceeding for the adoption of the stepchild by the stepparent, unless the adoption is contested, appealed or denied.
- (7) Contentofconsentbyotherpersons. (a) Aconsenttotheadoption of a stepchild by the stepchild's stepparent executed by the guardian of the stepchild or

- by an agency shall be in writing and shall be signed or confirmed in the presence of the court or in a manner that the court directs. The consent may waive notice of the proceeding for adoption, unless the adoption is contested, appealed or denied, and shall contain all of the following:
- 1. A statement of the circumstances under which the guardian or agency obtained the authority to consent to the adoption of the stepchild by the stepparent.
- 2. The statements required under subs. (4) and (5), other than the statements that can be made only by a parent of the stepchild.
- (b) A consent to the adoption of a stepchild by the stepchild's stepparent executed by the stepchild shall be signed or confirmed in the presence of the court or in a manner that the court directs.
- **(8) PETITION TO ADOPT.** A petition by a stepparent to adopt a stepchild shall be signed and verified by the petitioner and shall contain all of the following information or state why any of the following information is not contained in the petition:
 - (a) The information required under s. 48.88 (4) (a) l., 3., 5. and 8. to 12. and (b).
- (b) The current marital status of the petitioner, including the date and place of marriage, the name and date and place of birth of the petitioner's spouse and, if the spouse is deceased, the date, place and cause of death of the spouse and, if the spouse is incompetent, the date on which a court determined that the spouse is incompetent.
- (c) The length of time that the stepchild has been in the physical custody of the petitioner and the petitioner's spouse or, if the stepchild is not in the physical custody of the petitioner and the petitioner's spouse, the reason why the petitioner and the petitioner's spouse do not have physical custody of the stepchild and when the

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.
6	(9) REQUIRED DOCUMENTS. (a) After a petition to adopt a stepchild is filed, the
7	following documents shall be filed with the court:
8	1. Any document specified in s. 48.88 (5) (a) that is relevant to an adoption by
9	a stepparent.
10	2. A copy of any agreement to waive arrearages of child support.
11	(b) If an item required under par. (a) is not available, the person responsible
12	for furnishing the item shall file an affidavit explaining the absence of the item.
13	(10) Notice of pendency of proceeding. Unless notice has been waived, the
14	petitioner shall serve notice of a proceeding for the adoption of a stepchild, within 30
15	days after the date on which the petition is filed, on all of the following persons:
16	(a) The petitioner's spouse.
17	(b) Any other person whose consent to the adoption is required under this
18	section.
19	(c) Any person described in s. 48.89 (1) (a) 3., 4. and 6. and (b).
20	(d) The parents of the parent of the minor whose parental rights will be
21	terminated by the adoption, unless the identity or whereabouts of those parents are
22	unknown.
23	(11) EVALUATION OF STEPPARENT. (a) After a petition for the adoption of a

stepchild is filed, the court may order that an individual who is qualified under s.

- 48.83 (2) make an evaluation of the petitioner to assist the court in determining whether the proposed adoption is in the best interest of the stepchild.
- (b) The court shall provide the evaluator with copies of the petition for adoption and of the items filed with the petition.
- (c) Unless otherwise directed by the court, the evaluator shall personally interview the petitioner and the petitioner's spouse in the petitioner's residence, observe the relationship between the stepchild and the petitioner, personally interview other persons who know the petitioner and who may have information relevant to the evaluation, obtain the information specified in par. (d) and base the evaluations on those interviews and that observation and information.
- (d) An evaluation under par. (a) shall be in writing and shall contain all of the following information:
 - 1. The information required under s. 48.83 (3) (d) and (e).
 - 2. The information required under s. 48.91(2)(b) 2. to 5.
 - 3. The finding required under s. 48.91 (2) (b) 6.
- (e) The evaluator shall complete the evaluation and file the evaluation with the court within 60 days after the date of the court's order for an evaluation, unless the court for good cause allows a later filing.
 - (f) Section 48.91 (3) (b) and (c) applies to an evaluation ordered under par. (a).
- (12) DISPOSITIONAL HEARING; DECREE OF ADOPTION. Section 48.92 applies to a proceeding for the adoption of a stepchild by a stepparent, except that the court may waive the requirements of s. 48.92 (2).
- (13) VISITATION AGREEMENT AND ORDER. (a) On the request of the petitioner in a proceeding for the adoption of a stepchild, the court shall review a written agreement that permits another individual to visit or communicate with the

- by the individual who is permitted visitation or communication, the petitioner, the petitioner's spouse, the stepchild if 12 years of age or over and, if an agency placed the stepchild for adoption, an authorized employe of the agency.
 - (b) The court may enter an order approving the agreement only if the court determines that the agreement is in the best interest of the stepchild. In making that determination, the court shall **consider all of the following** factors:
 - **1.** The preference of the stepchild, if the stepchild is mature enough to express a preference.
 - 2. Any special needs of the stepchild and how those special needs would be affected by the performance of the agreement.
 - 3. The length and quality of any existing relationship between the stepchild and the individual who would be permitted to visit or communicate with the stepchild and the likely effect on the stepchild of permitting the relationship to continue.
 - 4. The specific terms of the agreement and the likelihood that the parties to the agreement will cooperate in performing those terms.
 - 5. The recommendation of the stepchild's guardian ad litem, attorney, social worker or other counselor.
 - 6. Any other factors that are relevant to the best interest of the stepchild.
 - (c) In addition to any agreement approved under pars. (a) and (b), the court may approve the continuation of an existing order or issue a new order permitting the stepchild's former parent, grandparent or sibling to visit or communicate with the stepchild if all of the following conditions are met:

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- 1. The grandparent is the parent of a deceased parent of the stepchild or the parent of a parent of 'the stepchild whose parental rights to the stepchild are terminated by the decree of adoption. 4 2. The former parent, grandparent or sibling requests that an existing order
 - be permitted to survive the decree of adoption or that a new order be issued.
 - 3. The court determines that the requested visitation or communication is in the best interest of the stepchild.
 - (d) In making a determination under par. (c) 3., the court shall consider the factors listed in par. (b) and any objections to the requested order by the adoptive stepparent and the stepparent's spouse.
 - (e) An order issued under this subsection may be enforced in a civil action only if the court finds that enforcement of the order is in the best interest of the stepchild.
 - (f) The court may not modify an order issued under this subsection unless the court finds that modification of the order is in the best interest of the stepchild and that any of the following circumstances applies:
 - 1. All of the individuals who are subject to the order request that the order be modified.
 - 2. Exceptional circumstances arising since the order was issued justify modifying the order.
 - (g) Failure to comply with an order approved under this subsection or with any other agreement for visitation or communication with an adoptee stepchild is not a ground for revoking, setting aside or otherwise challenging the validity of a consent to adoption, relinquishment or decree of adoption pertaining to the stepchild, and the validity of the consent, relinquishment or adoption is not affected by any later action to enforce, modify or set aside the order or agreement.

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1	48.95 Records of adoption proceeding; retention, confidentiality and
2	access. (1) Definition. In this section, unless the context requires otherwise,
3	"records" includes all documents, exhibits and data pertaining to an adoption.
4	(2) Records confidential; court records sealed. (a) Allrecords, whetheron
5	file with the court, or in the possession of an agency, the state registrar of vital
6	statistics, a register of deeds, an attorney or another provider of professional services
7	in connection with an adoption, are confidential and may not be inspected except as
8	provided in this subchapter or s. $46.03(29), 48.432, 48.433, 48.434, 48.48(17)$ (a) 9.
9	or 48.57 (1) (j) or by order of the court.
10	(b) During a proceeding for adoption, records are not open to inspection except
11	as directed by the court.
12	(c) Within 30 days after the date on which a decree of adoption becomes final,
13	the clerk of the court shall send to the state registrar of vital statistics, in addition
14	to the report of the adoption under s. 48.93 (1), a certified copy of any document
15)	signed under s. 48.85 (4) (e) and filed in the proceeding for adoption.
16	(d) All records on file with the court shall be retained permanently and sealed
$\widehat{17}$	for 99 years after the date of the adoptee's birth. Sealed records and indices of the
18	records are not open to inspection by any person except as provided in this
19	subchapter or by order of the court.
20	(e) Any additional information about an adoptee, the adoptee's former parents
21	or the adoptee's genetic history that is submitted to the court within years after
22	the date of the adoptee's birth shall be added to the sealed records of the court. Any
23	additional information about an adoptee, the adoptee's former parents or the

adoptee's genetic history that is submitted to an agency, attorney or other provider

of professional services within that 99-year period shall be kept confidential.

(16)

- (3) **Release** of Nonidentifying information. (a) An adoptive parent or guardian of an adoptee who has not attained the age of 18 years, an adoptee who has attained the age of 18 years, an emancipated adoptee, a deceased adoptee's direct descendant who has attained the age of 18 years or the parent or guardian of a deceased adoptee's direct descendant who has not attained the age of 18 years may request the court that granted the adoption or the agency that placed the adoptee for adoption to provide the individual making the request with the nonidentifying information about the adoptee, the adoptee's former parents and the adoptee's genetic history that the court or agency has retained, including the information specified in s. 48.82 (6).
- (b) The court or agency from which the nonidentifying information is requested under par. (a) shall furnish the individual who makes the request with a detailed summary of any report or information that is relevant to the request and that is included in the sealed records of the court or the confidential records of the agency. The summary shall exclude identifying information concerning an individual who has not filed a waiver of confidentiality with the court or agency. The department shall prescribe forms and a procedure for summarizing any report or information that is released under this paragraph.
- (c) An indii 'da Iwho is denied access to nonidentifying information to which the individual is entitled under this section or s. 48.82 (6) may petition the court for relief.
- (d) If the court receives a certified statement from a physician that explains in detail how a health condition may seriously affect the health of an adoptee or a direct descendant of an adoptee, the court shall make a diligent effort to notify the adoptee, if the adoptee has attained the age of 18 years, an adoptive parent or guardian of the

adoptee, if the adoptee has not attained the age of 18 years, or a direct descendant of a deceased adoptee that nonidentifying information about that health condition is available and may be requested from the court.

- (e) If the court receives a certified statement from a physician that explains in detail why a serious health condition of an adoptee or a direct descendant of an adoptee should be communicated to the adoptee's genetic parent or sibling to enable the parent or sibling to make an informed reproductive decision, the court shall make a diligent effort to notify the genetic parent or sibling that nonidentifying information about that serious health condition is available and may be requested from the court.
- (f) If the state registrar of vital statistics receives a request for information about an adoptee from an individual under this subsection or if an individual furnishes any additional information about an adoptee to the state registrar under this subsection, the state registrar shall give the individual the name and address of the court or agency that has the records concerning the adoptee and, if the court or agency is in another state, shall assist the individual in locating the court or agency. The state registrar shall prescribe a procedure for verifying the identity, age or other relevant characteristics of an individual who requests or furnishes information under this subsection.
- (4) Disclosure ofidentifmnginformation. (a) Exceptasotherwise provided in this section, identifying information about an adoptee's former parent, an adoptee or an adoptive parent that is contained in records, including copies of original birth certificates, required by this chapter to be kept confidential or sealed may not be disclosed to any person.

the Note Anyadoptee who has attained the age of 18 years, an adoptive parent or guardian of an adoptee who has not attained the age of 18 years, a deceased adoptee's Kdirect descendant who has attained the age of 18 years of the parent or guardian of $(\hat{3})$ a deceased adoptee's direct descendent who has not attained the age of 18 years 4 5 authorizes the disclosure of the requested information in a signed document kept by the court, an agency or the state registrar. 6

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

(d) The state registrar shall disclose identifying information about an adult sibling of an adoptee who has attained the age of 18 years to the adoptee if the sibling is also an adoptee and both the sling and the adoptee authorize to the localize of the information in a signed document kept by the murt, an agency or the state

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(e) Paragraph (d) does not permit the disclosure of a former parent's identity unless that parent has authorized that disclosure under this subchapter or s. 48.433 or 48.434.

prohibited

(5) Action for disclosure of information. (a) To obtain information not otherwise available under sub. (3), (4) or (7), an adoptee who has attained the ago of 18 years, an adoptee who has not attained the age of 18 years but who has obtained the permission of an adoptive parent or guardian, an adoptive parent or guardian of an adoptee who has not attained the age of 18 years, a deceased adopted direct descendent who has attained the age of 18 years, the parent or guardian of a

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6. The age, maturity expressed needs of the adoptee

than the harm to any other individual.

(c) The court may order the disclosure of the requested information only if the

court determines that good cause exists for the disclosure based on the findings

required under par. (b), that there is a compelling reason for. disclosure of the

information and that the benefit to the petitioner of the disclosure will be greater

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1	(6) STATEWIDE REGISTRY. The state registrar of vital statistics shall do all of the	
2	following:	S
3	(a) Establish a statewide confidential registry for receiving, filing and	12
4	retaining documents requesting authorizing or not authorizing the release of	3
5	identifying information.	25 25
6	(b) Prescribe and distribute forms or documents on which an individual may	2635
(7)	request, authorize or refuse to authorize the release of identifying information.	Ų
8	(c) Devise a procedure for releasing identifying information in the state	34
9	registrar's possession on receipt of an appropriate request and authorization.	41416
10	(d) Cooperate with registries in other states to facilitate the matching of	<u>ام</u>
11	documents filed under this section by individuals in different states.	8/2
12	(e) Announce and publicize to the general public the existence of the registry	13.ca~
13	and the procedure for the consensual release of identifying information.	ē.
14	(7) Release of original birth certificate. (a) The state registrar of vital	
15	statistics shall furnish a copy of an adoptee's original birth certificate on the request	ا آپ
16	of an adoptee who has attained the age of 18 years, budirect descendant of a deceased	
17	(aldottee Ar an adoptive parent or guardian of an adoptee who has not attained the	
18	age of 18 years, if the individual who makes the request furnishes a consent to the	
19)	release of a copy of the adoptee's original birth sertificate signed by pack individual	\
20	who is named as a parent on the adoptee's original birth certificates	
21	(b) When 99 years have elapsed after the date of birth of an adoptee whose	
22	original birth certificate is sealed under this subchapter, the state registrar shall	
23	unseal the original birth certificate and file the original birth certificate with any	
24	new or amended birth certificate that has been issued. When unsealed, a birth	
	Vor, if the adoptee is deceased, a direct descendent of the deceased adoptee who has altamed the age of 18 years or the parent or guardian of a direct descendant who has not altamed the age of 18 years unless an	- ή 'Υ

certificate becomes a public record and may be released under s. 69.20 or 69.21 or under any other law governing the retention and disclosure of vital records.

- (8) Certificate of adoption. On the request of an adoptee who has attained the age of 18 years or an adoptive parent, the clerk of the court that entered a decree of adoption shall issue a certificate of adoption that states the date and place of adoption, the date of birth of the adoptee, the name of each adoptive parent and the name of the adoptee as provided in the **decree** of adoption.
- (9) **DISCLOSURE AUTHORIZED IN COURSE OF EMPLOYMENT.** This section does not prohibit an employe or agent of the court, an agency or the state registrar of vital statistics from doing any of the following:
- (a) Inspecting permanent, confidential or sealed records for the purpose of discharging any obligation under this subchapter.
- (b) Disclosing the name of the court in which a proceeding for adoption occurred or the name of an agency that placed an adoptee to an individual described in sub. (3), (4) or (5) who can verify his or her identity.
- (c) Disclosing nonidentifying information contained in confidential or sealed records in accordance with any other applicable state or federal law.
- **(10) FEE FOR SERVICES.** A court, an agency or the state registrar of vital statistics may charge a reasonable fee for services, including copying services, performed under this section.
- **48.96** Prohibited and permissible activities in connection with adoption. (1) Prohibited activities in placement. (a) 1. Except as otherwise provided in s. 48.82, a person, other than a parent, guardian or agency, as specified in s. 48.82 (1) to (3), or a person providing adoption information exchange services under s. 48.55 or adoption information under s. 48.551 may not place a minor for

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adoption or advertise in any public medium that the person knows of a minor who is available for adoption.

- 2. Except as otherwise provided in s. 48.82, a person, other than an agency or an individual who has a favorable preplacement evaluation, as required by s. 48.83, may not advertise in any public medium that the person is willing to accept a minor for adoption.
- 3. Except as otherwise provided in s. 48.82, an individual, other than a relative or stepparent of a minor, who does not have a favorable preplacement evaluation or a court-ordered waiver of a preplacement evaluation under s. 48.83 (1) (b), or who has an unfavorable preplacement evaluation may not obtain legal custody or physical custody of a minor for the purpose of adoption.
- 4. Except as otherwise provided in s. 48.82, a person may not place or assist in placing a minor for adoption with an individual, other than a relative or stepparent, unless the person knows that the individual has a favorable preplacement evaluation waiver of the proplacement evaluation under s. 48.83 (1406).
- (b) Any person who violates par:(a) 1.,2., 3. or 4. may be required to forfeit not more than \$5,000 for the first offense and may be required to forfeit not more than \$10,000 for any 2nd or later offense. The court may enjoin from committing any further violations any person who violates par. (a) l., 2., 3. or 4. and shall inform any appropriate licensing authority or other official of the violation.
- (2) Unlawful payments related to adoption. (a) Except asotherwise provided in subs. (3) and (4), a person may not pay or give, or offer to pay or give, to any other person, or request, receive or accept, any money or anything of value, directly or indirectly, for any of the following:
 - 1. The placement of a minor for adoption.

(a) Subject to the requirements of

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1	2. The consent of a parent, guardian or agency to the adoption of a minor.
2	3. The relinquishment of a minor to an agency for the purpose of adoption.
3	(b) 1. Any person who knowingly violates par. (a) may be required to forfeit not
4	more than \$5,000 for the first offense and may be required to forfeit not more than
5	\$10,000 for any 2nd or later offense.
6	2. Any person who knowingly makes a false report to the court about a payment
7	that is prohibited under par. (a) or authorized under sub. (3) or (4) may be required
8	to forfeit not more than \$5,000 for the first offense and may be required to forfeit not
9	more than \$10,000 for any 2nd or later offense.
10	3. Any parent or guardian who knowingly receives or accepts a payment
11	authorized under sub. (3) or (4) with the intent not to consent to an adoption or to
12	relinquish a minor for adoption may be required to forfeit not more than \$5,000 for
13	the first offense and may be required to forfeit not more than \$10,000 for any 2nd or
14	later offense.
15	(c) The court may enjoin from committing any further violations any person
16	described in par. (b) l., 2. or 3. and shall inform any appropriate licensing authority
17	or other official of the violation.

s. 48.92 (2) and (3) (a) 8. for an accounting and judicial approval of the fees and

charges related to an adoption, an adoptive parent or a person acting on behalf of an

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

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

LAWFULPAYMENTSRELATEDTOADOPTION.

adoptive parent may pay for any of the following:

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

- 4. Counseling services provided to a parent or a minor for a reasonable time before and after the minor's placement for adoption.
- 5. Living expenses of a mother for a reasonable time before the birth of her child and for no more than 6 weeks after the birth of the child.
- 6. Expenses incurred in ascertaining the information required under s. 48.82 (6).
- 7. Legal services, court costs, travel and other administrative expenses connected with an adoption, including any legal services performed for a parent who consents to the adoption of a minor or **who** relinquishes the minor to an agency for the purpose of adoption.
- 8. Expenses incurred in obtaining a **preplacement** evaluation and an evaluation during the proceeding for adoption.
 - 9. Any other service that the court finds is reasonably necessary.
- (b) A parent or a guardian, a person acting on behalf of a parent or guardian or a provider of a service listed in par. (a) may receive or accept a payment authorized under par. (a). The payment may not be made contingent on the placement of a minor for adoption, the relinquishment of a minor or the consent to the adoption of a minor. If the adoption is not completed, a person who is authorized to make a specific payment under par. (a) is not liable for that payment unless the person has agreed in a signed writing with a provider of a service to make the payment regardless of the outcome of the proceeding for adoption.

- (4) Charges by agency. Subject to the requirements of s. 48.92 (2) and (3) (a) 8. for an accounting and judicial approval of the fees and charges related to an adoption, an agency may charge or accept a fee or other reasonable compensation from a prospective adoptive parent for any of the following:
- (a) Medical, hospital, nursing, pharmaceutical, travel or other similar expenses incurred by a mother or her minor child in connection with the birth or any illness of the minor child.
- (b) A percentage of the annual cost that the agency incurs in locating and providing counseling services for adoptees, parents and prospective adoptive parents.
- (c) Living expenses of a mother for a reasonable time before the birth of her child and for no more than 6 weeks after the birth of the child.
- (d) Expenses incurred in ascertaining the information required under s. 48.82 (6).
- (e) Legal services, court costs, travel and other administrative expenses connected with an adoption, including any legal services performed for a parent who relinquishes a minor to the agency for purposes of adoption.
- (f) Preparation of a preplacement evaluation and an evaluation during the proceeding for adoption.
 - (g) Any other service that the court finds is reasonably necessary.
- (5) Failure to disclose information. (a) Any person, other than a parent who placed a minor for adoption, who has a duty to provide the nonidentifying information required under s. 48.82 (6) or the nonidentifying information authorized for release under s. 48.95 (3) and who intentionally refuses to provide that information may be required to forfeit not more than \$5,000 for the first offense and

- may be required to forfeit not more than \$10,000 for any 2nd or later offense. The court may enjoin the person from committing any further violations of the duty to furnish nonidentifying information.
- (b) An employe or agent of an agency, the court or the state registrar of vital statistics who intentionally destroys any information or report compiled under s. 48.82 (6) or authorized for release under s. 48.95 may be fined \$10,000 or imprisoned for not more than 9 months or both.
- (c) In addition to the penalties provided in pars. (a) and (b), an adoptive parent, an adoptee or any person who is the subject of any information required under s. 48.82 (6) or authorized for release under s. 48.95 may maintain an action for damages or equitable relief against a person, other than a parent who placed a minor for adoption, who fails to perform the duties required under s. 48.82 (6) or 48.95.
- (d) A prospective adoptive parent who knowingly fails to furnish information or who knowingly furnishes false information to an evaluator preparing an evaluation under s. 48.83 or 48.91 with the intent to deceive the evaluator may be fined \$10,000 or imprisoned for not more than 9 months or both.
- (e) An evaluator who prepares an evaluation under s. 48.83 or 48.91 and who knowingly omits or misrepresents any information about the individual being evaluated with the intent to deceive a person authorized under this subchapter to place a minor for adoption may be fined \$10,000 or imprisoned for not more than 9 months or both.
- (f) A parent of a minor who knowingly misidentifies the other parent with the intent to deceive the other parent, an agency or a prospective adoptive parent may be required to forfeit not more than \$5,000.

- (6) Unaijthorizeddisclosureofinformation. (a) Exceptasauthorizedinthis subchapter, a person who provides or retains a report or record under this subchapter may not disclose any identifying or nonidentifying information contained in the report or record.
- (b) A person who knowingly gives or offers to give or who accepts or agrees to accept anything of value for an unauthorized disclosure of identifying information made confidential by this subchapter may be fined \$10,000 or imprisoned for 9 months or both for the first offense and may be fined \$10,000 or imprisoned for 2 years or both for any 2nd or later offense.
- (c) A person who knowingly gives or offers to give or who accepts or agrees to accept anything of value for an unauthorized disclosure of nonidentifying information made confidential by this subchapter may be required to forfeit \$5,000 for the first offense and may be required to forfeit \$10,000 for any 2nd or later offense.
- (d) A person who knowingly makes an unauthorized disclosure of identifying or nonidentifying information from a report or record made confidential by this subchapter may be required to forfeit \$2,500 for the first offense and may be required to forfeit \$5,000 for any 2nd or later offense.
- (e) The court may enjoin from committing any further violations any person who makes or obtains an unauthorized disclosure of any identifying or nonidentifying information made confidential by this subchapter and shall inform any appropriate licensing authority or other official of the violation.
- (f) In addition to the penalties provided in pars. (b) to (e), an individual who is the subject of any of the information contained in a report or record made confidential by this subchapter may maintain an action for damages or equitable relief against

any person who makes or obtains, or who is likely to make or obtain, an unauthorized disclosure of that information.

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

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

Section 61. Subchapter XX (title) of chapter 48 [precedes 48.9731 of the statutes is repealed and recreated to read:

CHAPTER 48

SUBCHAPTER XX

MISCELLANEOUS PROVISIONS

SECTION 62. 48.973 of the statutes is created to read:

48.973 Visitation rights of certain persons. (1) Upon petition by a relative who has maintained a relationship similar to a parent-child relationship with a child who has been adopted by a stepparent or relative, the court may grant reasonable visitation rights to that person if the petitioner has maintained such a relationship within 2 years prior to the filing of the petition, if the parents of the child, have notice 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.
(3) This section applies to every child in this state who has been adopted by a
stepparent or relative regardless of the date of the adoption.
(4) Any person who interferes with visitation rights granted under sub. (1) may
be proceeded against for contempt of court under ch. 785, except that a court may
impose only the remedial sanctions specified in s. 785.04 (1) (a) and (c) against that
person.
SECTION 63. 48.976 of the statutes is created to read:
48.976 Foreign adoption fees. (1) In this section, "foreign adoption" means
the adoption of a child, who is a citizen of a foreign country, in accordance with any
of the types of adoption procedures specified under subchapter XIX.
(2) The department may charge a fee of not more than \$75 to the adoptive
parents for reviewing foreign adoption documents and for providing necessary
certifications required by state and federal law.
(3) The department may also charge a fee of not more than \$75 to the adoptive
parents for the review and certification of adoption documents for adoptions that
occur in a foreign country.
SECTION 64. 48.979 of the statutes is created to read:
48.979 Appointment of guardian for child without a living parent for
adoptability finding. (1) Type of guardianship. This section may be used for the

appointment of a guardian of a child who does not have a living parent if a finding

as to the adoptability of a child is sought. Except as provided in ss. 48.977 and 48.978, ch. 880 applies to the appointment of a guardian for a child who does not have a living parent for all other purposes. An appointment of a guardian of the estate of a child who does not have a living parent shall be conducted in accordance with the procedures specified in ch. 880.

- **(Im) PETITION.** Any of the following may file a petition for appointment of a guardian for a child who is believed to be in need of protection or services because he or she is without a living parent as described under s. 48.13 (1):
 - (a) The department.
 - (b) A county department.
 - (c) A child welfare agency licensed under s. 48.61 (5) to accept guardianship.
- (d) A relative or family member of the child or a person whom the child has resided with and who has also acted as a parent of the child.
- (e) A guardian appointed under ch. 880 whose resignation as guardian has been accepted by a court under s. 880.17 (1).
- (2) Report. If the department, county department or child welfare agency files a petition, it shall submit a report to the court containing as much of the information specified under s. 48.425 (1) (a) and (am) as is reasonably ascertainable and, if applicable, the information specified under s. 48.425 (1) (g). If the petition is filed by a relative or other person specified under sub. (1m) (d), the court shall order the department or a child welfare agency, if the department or agency consents, or a county department to file a report containing the information specified in this subsection. The department, county department or child welfare agency shall file the report at least 5 days before the date of the fact-finding hearing on the petition.

- (3) Fact-finding hearing. The court shall hold a fact-finding hearing on the petition, at which any party may present evidence relevant to the issue of whether the child has a living parent. If the court finds that the child has a living parent, the court shall dismiss the petition or grant the petitioner leave to amend the petition to a petition under s. 48.42 (1).
- (4) Dispositional Hearing. (a) If the court, at the conclusion of the fact-finding hearing, finds that the child has no living parent, the court shall proceed to a dispositional hearing. Any party may present evidence, including expert testimony, relevant to the issue of disposition. In determining the appropriate disposition, the court shall consider any factors under s. 48.426 (3) (a) to (d) that are applicable.
- (b) If the court finds that adoption is in the child's best interest, the court shall order that the child be placed in the guardianship and custody of one of the following:
- 1. A county department authorized to accept guardianship under s. 48.57 (1) (e) or (hm).
 - 2. A child welfare agency licensed under s. 48.61 (5) to accept guardianship.
 - 3. The department.
- (c) If the court finds that adoption is not in the child's best interest, the court shall order that the child be placed in the guardianship of the department and place the child in the custody of a county department or, in a county having a population of 500,000 or more, the department or an agency under contract with the department.
 - (d) Section 48.43 (5), (5m) and (7) applies to orders under pars. (b) and (c).
- (e) The court shall order the custodian appointed under par. (b) or (c) to prepare a permanency plan under s. 48.38 for the child within 60 days after the date of the order. A permanency plan ordered under this paragraph is subject to review under

s. 48.38 (5). In preparing a permanency plan, the department, county department or child welfare agency need not include any information specified in s. 48.38 (4) that relates to the child's parents or returning the child to his or her home. In reviewing a permanency plan, a court or panel need not make any determination under s. 48.38 (5) (c) that relates to the child's parents or returning the child to his or her home.

SECTION 65. 48.9795 of the statutes is created to read:

48.9795 Transfer of guardianship upon revocation of guardian's license or contract. If the department revokes the license of a county department licensed under s. 48.57 (1) (hm) to accept guardianship, or of a child welfare agency licensed under s. 48.61 (5) to accept guardianship, or if the department terminates the contract of a county department licensed under s. 48.57 (1) to (e) to accept guardianship, the department shall file a motion in the court that appointed the guardian for each child in the guardianship of the county department or agency, requesting that the court transfer guardianship and custody of the child. The motion may specify a county department or child welfare agency that has consented to accept guardianship of the child. The court shall transfer guardianship and custody of the child either to the county department or child welfare agency specified in the motion or to another county department under s. 48.57 (1) (e) or (hm) or a child welfare agency under s. 48.61 (5) which consents to the transfer. If no county department or child welfare agency consents, the court shall transfer guardianship and custody of the child to the department.

SECTION 66. 48.98 (4) (b) of the statutes is amended to read:

48.98 (4) (b) Section 48.839 48.82 (8) governs the placement of children who are not U.S. citizens and not under agency guardianship who are brought into this state from a foreign jurisdiction for the purpose of adoption.

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SECTION 67. 48.981 (7) (a) 13. of the statutes is amended to read:

48.981 (7) (a) 13. The department, a county department under s. 48.57 (1) (e) or (hm) or a licensed child welfare agency ordered to conduct a screening or an investigation an evaluation of a stepparent under s. 48.88-(2) (c) 48.94 (11).

SECTION 68. 49.32 (1) (b) of the statutes is amended to read:

49.32 (1) (b) Any person receiving services provided or purchased under par. (a) 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) 48.82 (8) 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, shall be liable for the services in the amount of the fee established under par. (a).

SECTION 69. 51.30 (4) (b) 18. c. of the statutes is amended to read:

51.30 (4) (b) 18. c. If the patient, regardless of age, has a guardian appointed under s. 880.33, or if the patient is a minor with developmental disability who has a parent or has a guardian appointed under s. A 48.979 and does not have a guardian appointed under s. 880.33, information concerning the patient that is obtainable by staff members of the agency or nonprofit corporation with which the agency has contracted is limited, except as provided in subd. 18. e., to the nature of an alleged rights violation, if any; the name, birth date and county of residence of the patient; information regarding whether the patient was voluntarily admitted, involuntarily committed or protectively placed and the date and place of admission, placement or commitment; and the name, address and telephone number of the guardian of the patient and the date and place of the guardian's appointment or, if the patient is a minor with developmental disability who has a parent or has a

guardian appointed under s. 48.831 48.979 and does not have a guardian appointed under s. 880.33, the name, address and telephone number of the parent or guardian appointed under s. 48.831 48.979 of the patient.

SECTION 70. 69.14 (3) (c) of the statutes is amended to read:

69.14 (3) (c) If at any time after a birth certificate is filed for a registrant under this subsection a birth certificate filed for the registrant at the time of birth of the registrant is found or the registrant is adopted and the adoptive parents sign a birth record giving their names as the adoptive parents, the state registrar shall impound the birth certificate filed under this subsection and prohibit access to the birth certificate for 99 years after the date of birth of the registrant except by court order or except by the state registrar for processing purposes or except when authorized under s. 48.432.48.433 or 48.95 (7).

SECTION 71. 69.15 (2) (a) (intro.) of the statutes is amended to read:

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

SECTION 72. 69.15 (2) (b) of the statutes is amended to read:

69.15 (2) (b) If the state registrar receives an order under sub. (1) which provides for an adoption of any person born outside of the United States by any person who is a resident of this state at the time of adoption, and if the adoptive

parents present proof of the facts of birth to the state registrar, the state registrar shall prepare a certification of birth data for the subject of the adoption. The certification shall indicate the date and place of birth, the child's adoptive name, the adoptive parents' names, and the sources of information of each of these facts. If neither of the birth parents of the subject of the adoption are U.S. citizens, the new certification may include proof of the adaptive birth as nrovided in s. 48.93 (2) (a) 3.

SECTION 73. 69.15 (6) (b) of the statutes is amended to read:

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

SECTION 74. 71.05 (6) (b) 22. of the statutes is amended to read:

71.05 (6) (b) 22. For taxable years beginning after December 31, 1995, an amount up to \$5,000 that is expended during the period that consists of the year to which the claim relates and the prior 2 taxable years, by a full-year resident of this state who is an adoptive parent, for adoption fees, court costs or legal fees relating

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to the adoption of a child, for whom a final order of adoption has been entered under s. 48.91 (3) 48.92 or 48.94 during the taxable year.

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SECTION 75. 103.10 (3) (b) 2. of the statutes is amended to read:

103.10 (3) (b) 2. The placement of a child with the employe for adoption eras a precondition to adoption under s. 48 90 (2) but not both under s. 48.82, if the leave begins within 16 weeks of the child's placement.

SECTION 76. 146.82 (2) (a) 9. c. of the statutes is amended to read:

146.82 (2) (a) 9. c. If the patient, regardless of age, has a guardian appointed under s. 880.33, or if the patient is a minor with developmental disability, as defined in s. 51.01 (5) (a), who has a parent or has a guardian appointed under s. 48.831 48.979 and does not have a guardian appointed under s. 880.33, information concerning the patient that is obtainable by staff members of the agency or nonprofit corporation with which the agency has contracted is limited, except as provided in subd. 9. e., to the nature of an alleged rights violation, if any; the name, birth date and county of residence of the patient; information regarding whether the patient was voluntarily admitted, involuntarily committed or protectively placed and the date and place of admission, placement or commitment; and the name, address and telephone number of the guardian of the patient and the date and place of the guardian's appointment or, if the patient is a minor with developmental disability who has a parent or has a guardian appointed under s. 48.831 48.979 and does not have a guardian appointed under s. 880.33, the name, address and telephone number of the parent or guardian appointed under s. 48.831 48.979 of the patient.

SECTION 77. 146.82 (2),(a) 18m. of the statutes is amended to read:

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,

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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 (l), 48.424 (4) (b), 48.425 (3), 48.831 (2), -48.979 (2) 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) (c) 48.979 (2) 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) 48.979 (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 ofthose 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.

SECTION 78. 252.15 (5) (a) 19. of the statutes is amended to read:

252.15 (5) (a) 19. If the test was administered to a child who has been placed in a foster home, treatment foster home, group home, child caring institution or secured correctional facility, as defined in s. 938.02 (15m), 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 (1),

48.424 (4) (b), 48.425 (3), 48.831(2),48.837(4)(e) 48.979(2) or 938.33 (l), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (l), 48.831(2), 48.837 (4) (e) 48.979(2) 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) 48.979 (4) (e), 938.355 (2e) or 938.38 regarding the child or to an agency that placed the child or arranged for the placement of the child 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 arranged for the placement of the child in any of those placements, to the child's foster parent or treatment foster parent or the operator of the group home, child caring institution or secured correctional facility in which the child is placed, as provided in s. 48.371 or 938.371.

SECTION 79. 252.15 (5) (a) 20. of the statutes is created to read:

252.15 (5) (a) 20. If the test was administered to a child who has been placed for adoption under s. 48.82 (3) or who is proposed to be placed for adoption under s. 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 80. 301.03 (18) (b) of the statutes is amended to read:

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) 48.82 (8) 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.

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Section 81. 301.12 (2) of the statutes is amended to read:

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) 48.82 (8) 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 land day 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.

SECTION 82. 632.896 (1) (c) 1. of the statutes is amended to read:

1	632.896 (1) (c) 1. The department, a county department under s. 48.57 (1) (e)
2	or (hm) or, a child welfare agency licensed under s. 48.60 or a child's parent or
3	guardian places a child in the insured's home for adoption and enters into an
4	agreement under s. 48.833 with the insured under s. 48.82.
5	SECTION 83. 632.896 (1) (c) 2. of the statutes is repealed.
6	Section 84. 632.896 (1) (c) 5. of the statutes is amended to read:
7	632.896 (1) (c) 5. A court of a foreign jurisdiction appoints the insured as
8	guardian of a child who is a citizen of that jurisdiction, and the child arrives in the
9	insured's home for the purpose of adoption by the insured under s. 48.839 48.92 or
10	<u>48.94.</u>
11	Section 85. 785.65 of the statutes is amended to read:
12	785.05 Limitation on imprisonment. In any case in which the contempt of
13	court is based upon interference with visitation rights granted under s. $48.925(1)$
14	48.973 (1), or upon failure to respond to a citation, summons or warrant under s.
15	345.28 or any other failure to pay or to appear in court for a nonmoving traffic
16	violation, the court may not impose imprisonment as a sanction under this chapter.
17	Section 86. 806.07 (3) of the statutes is amended to read:
18	806.07 (3) A motion under this section may not be made by an adoptive parent
19	to relieve the adoptive parent from a judgment or order under s. 48.91 (3) 48.92 or
20	Al8.94 grtainttinigo and option of taechild.in at ion of parental rights
21	under s. $48.42 \underline{\text{or} 48.90}$ and an appeal to the court of appeals shall be the exclusive
22	remedies for an adoptive parent who wishes to end his or her parental relationship
23	with his or her adoptive child.
24	SECTION 87. 808.04 (7) of the statutes is amended to read:

808.04 (7) An appeal by a party other than the state from a judgment or order		
granting adoption, or terminating or denving termination of parental rights under		
$\underline{\text{s. 48.90.}}$ shall be initiated by filing the notice required by s. 809.30 (2) (b) within 40		
days of the date of entry of the judgment or order appealed from. Notwithstanding		
s. 809.82 (2) (b), this time may not be enlarged.		
SECTION 88. Chapter 882 of the statutes is repealed and recreated to read:		
CHAPTER 882		
ADOPTION OF ADULTS AND		
EMANCIPATED MINORS		
882.01 Who may adopt adult or emancipated minor. (1) An adult may		
adopt another adult or an emancipated minor under this chapter, except as follows:		
(a) An adult may not adopt his or her spouse.		
(b) An incompetent person of any age may be adopted only in accordance with		
ss. 48.82 to 48.94.		
(2) An individa Iwho has adopted an adult or an emancipated minor may not		
adopt another adult or emancipated minor within one year after the adoption, unless		
the prospective adoptee is a sibling of the adoptee.		
882.02 Legal consequences of adoption. The legal consequences of an		
adoption of an adult or emancipated minor are the same as those specified in s. 48.81		
(3) to (6), except that the legal consequences of an adoption of an adult stepchild by		
an adult stepparent are the same as those specified in s. 48.94 (3).		
882.03 Consent to adoption. (1) Consent to the adoption of an adult or an		
emancipated minor is required of only the following persons:		
(a) The adoptee.		
(b) The prospective adoptive parent.		

- (c) The spouse of the prospective adoptive parent, unless the prospective adoptive parent and his or her spouse are legally separated or the court finds that the spouse is not capable of giving consent or is withholding consent contrary to the best interest of the adoptee and the prospective adoptive parent.
- (2) The consent of the adoptee and the prospective adoptive parent shall meet all of the following requirements:
- (a) The consent shall be in writing and shall be signed or confirmed by the adoptee and the prospective adoptive parent in the presence of the court or an individual authorized to take acknowledgements.
- (b) The consent shall state that the adoptee and the prospective adoptive parent agree to assume toward each other the legal relationship of parent and child and to have all of the rights and be subject to all of the duties of that relationship.
- (c) The consent shall state that the adoptee and the proposed adoptive parent understand the consequences that the adoption may have on any right of inheritance, property or support that each has.
- (3) The consent of the spouse of the prospective adoptive parent shall be in writing, shall be signed or confirmed in the presence of the court or an individual authorized to take acknowledgements, shall state that the spouse consents to the proposed adoption and understands the consequences that the adoption may have on any right of inheritance, property or support that the spouse has and may contain a waiver of notice of the proceeding for adoption.
- **882.04 Jurisdiction and venue. (1)** The circuit court has jurisdiction over a proceeding for the adoption of an adult or emancipated minor under this chapter if a petitioner has lived in this state for at least 90 days immediately preceding the filing of the petition for adoption.

to the adoption is required.

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(2) A petition for adoption under this chapter may be filed in the circuit court 1 2 of the county in which a petitioner lives. **882.05 Petition for adoption. (1)** A prospective adoptive parent and an 3 adoptee petitioning for adoption under this chapter shall jointly file the petition for 4 5 adoption. (2) Each petitioner shall sign and verify a petition filed under this chapter. The 6 7 petition shall state all of the following: (a) The full name, age and place and duration of residence of each petitioner. 8 9 (b) The marital status of each petitioner, including the date and place of marriage, if married. 10 (c) The full name by which the adoptee is to be known if the petition is granted. 11 12 (d) The duration and nature of the relationship between the prospective 13 adoptive parent and the adoptee. (e) That the prospective adoptive parent and the adoptee desire to assume the 14 legal relationship of parent and child and to have all of the rights and be subject to 15 16 all of the duties of that relationship. (f) That the adoptee understands that a consequence of the adoption will be to 17 terminate the adoptee's relationship as the child of an existing parent, except that, 18 19 if the adoptive parent is the adoptee's stepparent, the adoption will not affect the 20 adoptee's relationship with a parent who is the stepparent's spouse, but will 21 terminate the adoptee's relationship to the adoptee's other parent, except for the 22 right of inheritance or intestate succession from or through that parent. (g) The name and last-known address of any other individual whose consent 23

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

- (i) The name, age and last-known address of any living parent or child of the adoptee.
 - (3) The petitioners shall attach all of the following documents to the petition:
- (a) A certified copy of the birth certificate or other evidence of the date and place of birth of the adoptee and the prospective adoptive parent, if available.
 - (b) Any required consent to the adoption that has been executed.
- **882.06 Notice and time of hearing. (1)** No later than 30 days after the date on which a petition for adoption under this chapter is filed, the petitioners shall serve notice of the hearing on the petition on all individuals whose consent to the adoption is required under s. 882.03 (1), and who have not waived notice, by sending a copy of the petition and notice of hearing to those individuals at the addresses stated in the petition or by serving notice in the manner specified in s. 48.89 (3).
- (2) The court shall set a date and time for hearing the petition, which must be at least 30 days after the date on which the notice is served.
- **882.07 Dispositional hearing.** (1) Both petitioners shall appear in person at the hearing on the petition unless the court excuses a petitioner from appearing personally for good cause shown. If the personal appearance of one or both of the petitioners is excused, the excused petitioner may appear by an attorney authorized in writing to make the appearance, or the hearing may be conducted by telephone or some other electronic medium.

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- (a) That at least 30 days have elapsed since the date of service of the notice of the hearing on the petition for adoption.
- (b) That notice of the hearing on the petition for adoption has been served or dispensed with as to any person whose consent to the adoption is required under s. 882.03 (1).
- (c) That every necessary consent, waiver, document or judicial order has been obtained and filed with the court.
- (d) That the adoption is for the purpose of creating the relationship of parent and child between the petitioners and that the petitioners understand the consequences of that relationship.
 - (e) That there has been substantial compliance with this chapter.
- **882.08 Decree of adoption.** (1) A decree of adoption issued under this chapter shall substantially conform to the requirements of s. 48.92 (5) that are relevant to the adoption of an adult. Appeals from, and challenges to, a decree of adoption issued under this chapter are governed by s. 48.92 (6) and (7).
- (2) The court shall send a copy of a decree of adoption issued under this chapter to each individual named in the petition at the address stated in the petition.
- (3) Within 30 days after the date on which a decree of adoption issued under this chapter becomes final, the clerk of the court shall prepare a report of the adoption and send that report to the state registrar of vital statistics. If the petitioners so request, the report shall instruct the state registrar to issue a new birth certificate to the adoptee, as provided in s. 48.93 (2).

or prosecution was commenced.

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1	SECTION 89. 938.368 (1) of the statutes is amended to read:
2	938.368 (1) If a petition for termination of parental rights is filed under s. 48.41
3	er, 48.415 or 48.90 or an appeal from a judgment terminating or denying termination
4	of parental rights is filed during the year in which a dispositional order under s.
5	938.355 or an extension order under s. 938.365 is in effect, the dispositional or
6	extension order shall remain in effect until all proceedings related to the filing of the
7	petition or an appeal are concluded.
8	SECTION 90. 948.24 of-the statutes is repealed.
9	SECTION 91. Nonstatutory provisions.
10	(1) Transitional provisions. A proceeding for adoption or a prosecution for a

violation of section 948.24, 1997 stats., commenced before the effective date of this

subsection may be completed under the law that was in effect when the proceeding

(END)

Insert 28-19]

Section #. 48.433 (7) (a) 3. of the statutes is amended to read:

may revoke an

(Filed)

48.433 (7) (a) 3. The fact that the birth parent has the right to file with the department the affidavit

under sub. (2)

History: 1981 c. 359, \$91; 1983 a. 471; 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 31; 1995 a. 27.

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[Insert 28-19]

Section #. 48.433 (7) (b) of the statutes is amended to read:

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48.433 (7) (b) Within 3 working days after contacting a birth parent, the department, or agency contracted with under sub. (1 1), shall send the birth parent a written copy of the information specified under par. (a) and a blank copy of the affidavi

History: 1981 c. 359,391; 1983 a. 471; 1985 a. 176; 1985 a. 332/s. 251 (1); 1989 a. 31; 1995 a. 27.

or the documents described in 4. 48-95

(4) (b) [APKIR: 0, (7)

Th

[[18-19]

Section #. 48.433 (7) (c) of the statutes is amended to read:

48.433 (7) (c) If the birth parent files the affidavit, the department, or agency contracted with under sub. (11), shall disclose the requested information in permitted under sub. (5).

History: 1981 c. 359,391; 1983 a. 471; 1985 a. 176; 1985 a. 332 s. 251 (1): 1989 a. 31: 1995 a. 27.

document described in 148.95 (1) (1)

(Ensot 28-19)

Section #. 48.433 (7) (d) of the statutes is amended to read:

revoke (2) or the downwent described in a 48.9 5 (4)(b) or (7)

48.433 (7) (d) If the department or an agency has contacted a birth parent under this subsection, and the birth parent does not file the affidavit, the department may not disclose the requested information.

History: 1981 c. 359, 391; 1983 a. 471; 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 31; 1995 a. 27.

about that birth parent

(od & par)

Insert 30-2

Section #. 48.434 (4) of the statutes is amended to read:

48.434 (4) A written authorization (filed under sub. (2) or (3) may be revoked at any time by notifying the agency in writing.

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History: 1997 a. 104.

(Odd Insur)

SUBMITTAL FORM

LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 0811311999	To: Representative Cullen
	Relating to LRB drafting number: LRB-2418
Topic Uniform adoption act	
Subject(s) Children - TPR and adoption	
1. JACKET the draft for introduction	•
in the Senate or the Assemb	ly (check only one). Only the requester under whose name the
drafting request is entered in the l	LRB's drafting records may authorize the draft to be submitted. Please
allow one day for the preparation	of the required copies.
2. REDRAFT. See the changes ind	licated or attached
A revised draft will be submitted	for your approval with changes incorporated.
3. Obtain FISCAL ESTIMATE NO	OW, prior to introduction
If the analysis indicates that a fisc	cal estimate is required because the proposal makes an appropriation or
increases or decreases existing ap	propriations or state or general local government fiscal liability or
revenues, you have the option to	request the fiscal estimate prior to introduction. If you choose to
introduce the proposal without the	e fiscal estimate, the fiscal estimate will be requested automatically upon
introduction. It takes about 10 day	ys to obtain a fiscal estimate. Requesting the fiscal estimate prior to
introduction retains your flexibili	ty for possible redrafting of the proposal.
If you have any questions regarding	the above procedures, please call 266-3561. If you have any questions
relating to the attached draft, please	feel free to call me.

Gordon M. Malaise, Senior Legislative Attorney Telephone: (608) 266-9738