

1999 DRAFTING REQUEST

Bill

Received: **03/16/2000**

Received By: **malaigm**

Wanted: **03/17/2000**

Identical to LRB:

For: **Jeffrey Plale (608) 266-0610**

By/Representing: **Jerry Lowrie**

This file may be shown to any legislator: NO

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Children - TPR and adoption**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Relinquishment of newborn child

Instructions:

See Attached--permit parent of newborn child (30 days old or younger) to anonymously place child in custody of law enforcement officer, EMT or hospital emergency room staff member with intent to terminate parental rights and responsibilities.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			martykr 03/20/2000	_____	lrb-docadmin 03/20/2000	lrb-docadmin 03/21/2000 _____ 03/21/2000	

FE Sent For:

<END>

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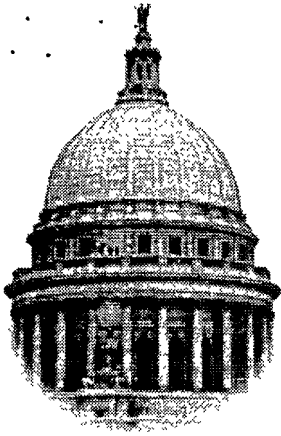
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Jeff Plale

State Representative
21st Assembly District

March 15, 2000

Gordon?
Dear Tina,

Please draft Kentucky's legislation as is. If you have any questions, please don't hesitate to call, 266-0610. Thank you for addressing this issue for us.

Sincerely,

Jerry Lowrie

OFFICE

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KENTUCKY LEGISLATURE

HB367

Introduced

Unofficial WWW Version

HB 367 (BR 1584) - J. Haydon

AN ACT relating to newborn children.

Create a new section of KRS Chapter 405 to allow a parent of a newborn, as an alternative to abandonment, to anonymously and without legal repercussion, leave the newborn with a designated person and to set out the process for future disposition of the newborn.

Jan 14-introduced in House

Jan ~~18~~-to Judiciary (h)

[Kentucky Legislature Home Page](#) | [Record Front Page](#)

HB367

AN ACT relating to newborn children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 405 IS CREATED TO READ AS FOLLOWS:

(1) Every peace officer, emergency medical services provider or technician, or hospital with an emergency room shall, as part of their duty under the law or as a condition of their licensure, accept delivery of and take possession of my newborn thirty (30) days old or younger offered to the person by a parent of the newborn who expresses an intent not to return for the newborn. The parent shall have the absolute right to remain anonymous, the anonymity of the parent shall not affect the duty of any person set out in this section, and no person shall pressure or coerce the parent into revealing the parent's identity. The parent shall also have the right to leave at any time and shall not be pursued or followed.

(2) Any person taking possession of a newborn under this section shall:
(a) Perform any act necessary to protect the newborn's health or safety; and
(b) Notify the Department for Social Services within twenty-four (24) hours that the person has taken possession of a newborn under this section.

(3) The Department, for Social Services shall assume the care, custody, and control of the newborn immediately upon receiving the notice required under subsection (2)(b) of this section. The department shall treat the newborn as one voluntarily given up for adoption and shall immediately begin attempting to place the newborn into suitable care with a goal of permanent placement. If it is necessary to terminate the parental rights of the person leaving the newborn, the Commonwealth shall proceed against the parent by constructive service of process, which service shall be, no statute or law to the contrary notwithstanding effective to allow the court to terminate that parent's parental rights.

(4) The Department of Social Services shall, by promulgation of administrative

regulations, do the following, taking into account the different circumstances under which a newborn may be left with any of the persons set out in the this section:

(a) Make available forms designed to gather pertinent medical information concerning the child and the child's parents, which may or may not be completed in whole or in part by the parent in the parent's sole discretion. No person shall pressure a parent into completing any of the information on the forms. No parent shall be criminally or civilly liable for failure to complete any of the information on the forms. The forms shall clearly and unambiguously state on each page that:

1. information requested is designed to facilitate medical care for the child;

2. The forms may be fully or partially completed or left blank;

3. Completing the forms or parts of the forms is completely voluntary;
and

4. No adverse legal consequence will result from a failure to complete any part of the forms.

(b) Implement a system allowing a parent leaving a newborn under this section to voluntarily receive information allowing the parent to later be identified as the newborn's parent, up until the point in time where the parent's parental rights have been terminated,

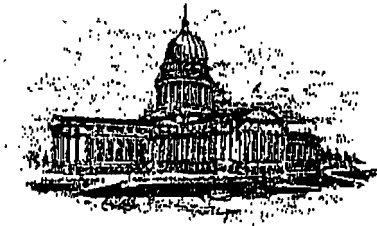
(c) Make available a set of written materials to be distributed to a parent leaving a newborn under this section which describe services available to assist parents and newborns, including material directly relevant to situations which might cause parents to avail themselves of the provisions of this section, including information on means of reuniting with the newborn should the parent later to desire to do so. The parent may, in the

parent's sole discretion. decide whether to accept the material and no person shall pressure the parent into accepting the material.

(d) Make available a form which may be given to the parent allowing the parent to voluntarily relinquish, for all legal purposes, that person's parental rights to the child.

(8) No employee, officer, or agent of the Commonwealth shall attempt to locate or ascertain the identity of the parent leaving a newborn under this section for the purpose of attaching any criminal or civil liability to that person or to any person assisting the person in leaving the newborn. All records relating to the leaving of the child shall be confidential and not subject to production under the Open Records Act.

(9) Neither the parent of the newborn voluntarily delivering a child to any of the persons listed in subsection (1) of this section nor any person assisting the parent shall be criminally or civilly liable for any act or omission connected with the leaving of the newborn with any of the persons set out in subsection (1).



Wisconsin State Assembly

P.O. BOX 8952 - MADISON, WI 53708

for immediate release

Date: March 15, 2000

Contact: Representative Jeff Plale at 1-888-534-0021
Representative Sue Jeskewitz at 1-888-529-0024

Plale and Jeskewitz Call for "Safe Harbors" for Abandoned. Babies

MADISON - State Representatives Jeff Plale (D - South Milwaukee) and Sue Jeskewitz (R - Menomonee Falls) announced today that they are drafting legislation to create "safe harbors" for abandoned newborns. Under their bill, desperate mothers could anonymously leave their newborn babies at designated places without fear of prosecution for child abandonment.

"There have been far too many heart-breaking and horrifying stories about abandoned babies. Clearly, these frantic mothers are unable to cope and end up committing sad and desperate acts. The bottom line is that as a state of caring citizens, we need to protect these unwanted babies," Representative Plale stated.

The Plale - Jeskewitz legislation would allow a parent to surrender a baby less than 30 days old to any peace officer, emergency medical service provider, or hospital emergency room. The designated safe person will then notify the Department of Health and Family Services, which would assume care and custody of the child. The case would then be treated in the same manner as that of a newborn voluntarily given up for adoption. No attempt would be made to locate or identify the parent.

"As an adoptive mother, I know there are many loving couples willing to care for these babies," added Jeskewitz. "This "safe harbor" proposal allows desperate mothers to leave their babies without the fear of prosecution and incarceration."

Representative Plale noted that several other states have either already adopted or are drafting similar legislation, "I realize this solution may be somewhat controversial, but if our proposal provides an alternative to a mother faced with a hopeless situation, and saves the life of her newborn baby, we should be willing to consider this legislation," Plale said.

The details of the proposal are currently being finalized. Representatives Plale and Jeskewitz plan to solicit the input of interested organizations to ensure that the concerns of the newborn, the mother, and emergency personnel are addressed,



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4772/1
GMM.....

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1 **AN ACT** ...; **relating to:** relinquishing custody of a newborn child and granting
2 rule-making authority

Analysis by the Legislative Reference Bureau

Under current law, a child may be taken into custody under various circumstances, including circumstances under which a law enforcement officer believes on reasonable grounds that the child is in immediate danger from his or her surroundings and removal from those surroundings is necessary. If the child is not returned to his or her parents, the person taking the child into custody must deliver the child to the intake worker of the court assigned to exercise jurisdiction under the children's code (juvenile court). The intake worker must then determine whether to release the child or hold the child in custody. The intake worker may determine to hold the child in custody if certain grounds exist for holding the child in custody, for example, there is probable cause to believe that the child is within the jurisdiction of the juvenile court and that the child's parent is unavailable to provide care and supervision for the child and services to ensure the child's safety and well-being are not available or would be inadequate. If the intake worker determines to hold the child in custody, a hearing must be held to determine whether the child shall continue to be held in custody, and a petition alleging that the child is in need of protection or services must be filed with the juvenile court.

If the child is found to be in need of protection or services, the juvenile court may impose certain dispositions to maintain and protect the well-being of the child, including placing the child in a foster home and transferring legal custody of the child to the county department of human services or social services, a licensed child welfare agency or, in Milwaukee county, the department of health and family services (DHFS). If the child is placed outside of the child's home, the agency



primarily responsible for providing services for the child, subject to certain exceptions, must make reasonable efforts to make it possible for the child to return safely to his or her home and may, at the same time as the agency is making those efforts, make reasonable efforts to place the child for adoption, with a guardian or in some other alternative permanent placement. Before a child may be adopted, however, the juvenile court must terminate the parental rights of the child's parents. A termination of parental rights (TPR) may be ordered either with the voluntary consent of the child's parents or involuntarily. For the juvenile court to order an involuntary TPR, certain grounds must be proven, among them, abandonment.

This bill permits a parent of a child who is 30 days old or younger (newborn child) to relinquish custody of the newborn child to a law enforcement officer, an emergency medical technician or a hospital emergency room staff member rather than to abandon the child. Under the bill, if a parent of a newborn child relinquishes custody of the newborn child to a law enforcement officer, an emergency medical technician or a hospital emergency room staff member and expresses the intent not to return for the child, the law enforcement officer, emergency medical technician or hospital emergency room staff member must take the newborn child into custody, take any action necessary to protect the health and safety of the newborn child and, within 24 hours after taking the newborn child into custody, deliver the newborn child to the intake worker.

A parent who relinquishes his or her newborn child under the bill and any person who assists the parent in that relinquishment have the right to leave at any time and to remain anonymous, and no person may follow or pursue the parent or person assisting the parent or induce or coerce a parent or person assisting a parent who wishes to remain anonymous into revealing his or her identity. The bill also prohibits any officer, employe or agent of the state or a political subdivision of the state from attempting to locate or ascertain the identity of a parent who relinquishes custody of his or her newborn child under the bill or any person who assists the parent in that relinquishment. In addition, the bill provides for the confidentiality, subject to certain exceptions, of all records relating to the relinquishment of a newborn child under the bill.

The bill requires a law enforcement officer, an emergency medical technician or a hospital emergency room staff member who takes a newborn child into custody to make available to the parent who relinquishes custody of the child information relating to the means by which the parent may, until the granting of a TPR order, choose to be identified as the child's parent and a set of written materials prescribed by DHFS that describe the services that are available to assist parents and newborn children and that include information as to how a parent may regain custody of a newborn child relinquished under the bill if the parent later decides to do so. The law enforcement officer, emergency medical technician or hospital emergency room staff member must also make available to the parent an affidavit by which the parent may voluntarily disclaim any parental rights that he or she may have to the newborn child and a form on which the parent may disclose the medical and genetic history of the newborn child. The decision whether to accept that information or those written materials, whether to complete that affidavit or whether to complete, in

whole or in part, that form, however, is entirely voluntary on the part of the parent. Under the bill, no person may induce or coerce a parent into accepting that information or those materials or into completing that affidavit or form.

The bill grants a parent who relinquishes custody of his or her newborn child under the bill and any person who assists a parent in that relinquishment immunity from any civil or criminal liability for any good faith act or omission in connection with that relinquishment, including immunity for exercising the right to remain anonymous, the right to leave at any time or the right not to accept any information or written materials, and not to complete any affidavit or form, made available to the parent. Similarly, the bill grants a law enforcement officer, an emergency medical technician or a hospital emergency room staff member immunity from any civil or criminal liability for any good faith act or omission occurring within the scope of his or her duties under the bill.

Finally, the bill permits a juvenile court to exercise its child in need of protection or services jurisdiction over a newborn child who has been relinquished under the bill and to grant an involuntary TPR over a newborn child on the grounds that custody of the newborn child has been relinquished under the bill.

For further information see the *state* and *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 48.13 (2m) of the statutes is created to read:

2 48.13 (2m) Whose parent has relinquished custody of the child under s. 48.195[✓]
3 (1);

4 **SECTION 2.** 48.195 of the statutes is created to read:

5 **48.195 Taking a newborn child into custody. (1)** TAKING CHILD INTO
6 CUSTODY. In addition to being taken into custody under s. 49.19, a child who is 30 days[✓]
7 old or younger may be taken into custody under circumstances in which a parent of
8 the child relinquishes custody of the child to a law enforcement officer, an emergency
9 medical technician or a hospital emergency room staff member with the intent not
10 to return for the child. If a parent of a child who is 30 days old or younger relinquishes
11 custody of the child to a law enforcement officer, emergency medical technician or
12 hospital emergency room staff member and expresses the intent not to return for the

1 child, the law enforcement officer, emergency medical technician or hospital
2 emergency room staff member shall take the child into custody, take any action
3 necessary to protect the health and safety of the child and, within 24 hours after
4 taking the child into custody, deliver the child to the intake worker under s. 48.20.

5 (2) ANONYMITY AND CONFIDENTIALITY, (a) A parent who relinquishes custody of
6 a child under sub. (1) and any person who assists the parent in that relinquishment
7 have the right to remain anonymous. The exercise of that right shall not affect the
8 manner in which a law enforcement officer, emergency medical technician or
9 hospital emergency room staff member performs his or her duties under this section.
10 No person may induce or coerce or attempt to induce or coerce a parent or person
11 assisting a parent who wishes to remain anonymous into revealing his or her
12 identity.

13 (b) A parent who relinquishes custody of a child under sub. (1) and any person
14 who assists the parent in that relinquishment may leave the presence of the law
15 enforcement officer, emergency medical technician or hospital emergency room staff
16 member who took custody of the child at any time, and no person may follow or
17 pursue the parent or person assisting the parent.

18 (c) No officer, employe or agent of this state or of a political subdivision of this
19 state may attempt to locate or ascertain the identity of a parent who relinquishes
20 custody of a child under sub. (1) or any person who assists the parent in that
21 relinquishment.

22 (d) All records relating to the relinquishment of a child under sub. (1) are
23 confidential and may not be disclosed, except to the following persons:

1 1. The birth parent of the child, if the birth parent has waived his or her right
2 under sub. (2) (a) to remain anonymous, or the adoptive parent of the child, if the
3 child is later adopted.

4 2. Appropriate staff of the department, county department or licensed child
5 welfare agency that is providing services to the child.

6 3. A person authorized to provide or providing intake or dispositional services
7 under s. 48.067, 48.069 or 48.10.

8 4. An attending physician for purposes of diagnosis and treatment of the child.

9 5. The child's foster parent, treatment foster parent or other person having
10 physical custody of the child.

11 6. A court conducting proceedings under s. 48.21, proceedings relating to a
12 petition under s. 48.13 (2m) or 48.42 or dispositional proceedings under subch. VI or
13 VIII relating to the child, the county corporation counsel, district attorney or agency
14 legal counsel representing the interests of the public in those proceedings or the
15 guardian ad litem representing the interests of the child in those proceedings.

16 7. A tribal court, or other adjudicative body authorized by an American Indian
17 tribe or band to perform child welfare functions, that is exercising jurisdiction over
18 proceedings relating to the child, an attorney representing the interests of the
19 American Indian tribe or band in those proceedings or an attorney representing the
20 interests of the child in those proceedings.

21 (3) **PARENTAL OPTIONS.** (a) Subject to par. (b), a law enforcement officer,
22 emergency medical technician or hospital emergency room staff member who takes
23 a child into custody under sub. (1) shall make available to the parent who
24 relinquishes custody of the child all of the following:

1 1. Information relating to the means specified in sub. (4) (a) by which the parent
2 may, until the granting of an order terminating parental rights, choose to be
3 identified as the child's parent.

4 2. The set of written materials specified in sub. (4) (b) that describe the services
5 that are available to assist parents and newborn children.

6 3. The affidavit specified in sub. (4) (c) by which the parent may voluntarily
7 disclaim any parental rights that he or she may have to the child, including the right
8 to notice of proceedings under subch. VIII.

9 4. The form specified in sub. (4) (d) on which the parent may disclose the
10 medical and genetic information specified in s. 48.425 (1) (am).

11 (b) The decision whether to accept any information made available under par.

12 (a) 1. or written materials made available under par. (a) 2., to complete the
13 affidavit made available under par. (a) 3. or to complete, in whole or in part, the form

14 made available under par. (a) 4. is entirely voluntary ^{of/on} the part of the parent. No
15 person may induce or coerce or attempt to induce or coerce any parent into accepting
16 that information or those materials or into completing that affidavit or form.

17 (4) RULES. The department shall promulgate rules to implement this section.
18 In promulgating those rules, the department shall consider the different
19 circumstances under which a parent might relinquish custody of a child under sub.

20 (1). The rules shall include rules prescribing all of the following:

21 (a) A means by which a parent who relinquishes custody of his or her child
22 under sub. (1) may, until the granting of an order terminating parental rights, choose
23 to be identified as the child's parent.

24 (b) A set of written materials that describe the services that are available to
25 assist parents and newborn children. The materials shall include materials that are

1 directly relevant to circumstances that might cause a parent to relinquish custody
2 of a child under sub. (1) and materials that provide information as to how a parent
3 may regain custody of a child relinquished under sub. (1) if the parent later decides
4 to do so.

5 (c) An affidavit by which a parent who relinquishes custody of a child under sub.
6 (1) may voluntarily disclaim any rights that the parent may have to the child. The
7 affidavit shall advise the parent as to the effect of an order terminating parental
8 rights and shall recite that the parent has been informed of and understands the
9 effect of such an order and that the parent voluntarily disclaims any rights that the
10 parent may have to the child, including the right to notice of proceedings under
11 subch. VIII.

12 (d) A form on which a parent who relinquishes custody of a child under sub. (1)
13 may voluntarily disclose the medical and genetic information specified in s. 48.425
14 (1) (am). The form prescribed under this paragraph shall be identical to the form
15 provided by the department under s. 48.425 (1) (am), except that the form prescribed
16 under this paragraph shall clearly and unambiguously state on each page of the form
17 all of the following:

18 1. That the information requested is intended to facilitate the provision of
19 medical care for the child.

20 2. That the form may be completed in whole or in part or left completely blank.

21 3. That the decision whether to complete the form in whole or in part or to leave
22 the form completely blank is entirely voluntary on the part of the parent.

23 4. That the parent may not be held civilly or criminally liable for failing to
24 complete the form or any part of the form.

1 (5) **IMMUNITY FROM LIABILITY.** (a) Any parent who relinquishes custody of his
2 or her child under sub. (1) and any person who assists the parent in that
3 relinquishment are immune from any civil or criminal liability for any good faith act
4 or omission in connection with that relinquishment. The immunity granted under
5 this paragraph includes immunity for exercising the right to remain anonymous
6 under sub. (2) (a), the right to leave at any time under sub. (2) (b) and the right not
7 to accept any information or written materials and not to complete any affidavit or
8 form under sub. (3) (b).

9 (b) Any law enforcement officer, emergency medical technician or hospital
10 emergency room staff member who takes a child into custody under sub. (1) is
11 immune from any civil or criminal liability for any good faith act or omission
12 occurring within the scope of his or her duties under this section.

13 (c) In any civil or criminal proceeding, the good faith of a person specified in par.
14 (a) or (b) is presumed. This presumption may be overcome only by clear and
15 convincing evidence.

16 SECTION 3. 48.355 (2d) (b) 5. of the statutes is created to read:

17 48.355 (2d) (b) 5. That the parent has been found under s. 48.13 (2m) or under
18 a law of any other state or a federal law that is comparable to s. 48.13 (2m) to have
19 relinquished custody of the child under s. 48.195 (1) or under a law of any other state
20 or a federal law that is comparable to s. 48.195 (1) when the child was 30 days old
21 or younger.

22 SECTION 4. 48.355 (2d) (c) of the statutes is amended to read:

23 48.355 (2d) (c) If the court makes a finding specified in par. (b) 1., 2., 3. ~~or~~ 4.
24 or 5., the court shall hold a hearing within 30 days after the date of that finding to
25 determine the permanency plan for the child. If a hearing is held under this

1 paragraph, the agency responsible for preparing the permanency plan shall file the
2 permanency plan with the court not less than 5 days before the date of the hearing.

385, 395, 446, 481, 491; 1975 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377,

3 SECTION 5. 48.38 (4) (a) of the statutes is amended to read:

4 48.38 (4) (a) The services offered and any service provided in an effort to
5 prevent holding or placing the child outside of his or her home, while assuring that
6 the health and safety of the child are the paramount concerns, and to make it possible
7 for the child to return safely home, except that the permanency plan need not include
8 a description of those services offered or provided with respect to a parent of the child
9 if any of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3. ~~or~~ 4. [✓] or 5. [✓] apply to
10 that parent.

History: 1983 a. 399; 1985 a. 70 ss. 1.10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237.

11 SECTION 6. 48.38 (5) (c) 7. of the statutes is amended to read:

12 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to make
13 it possible for the child to return safely to his or her home, except that the court or
14 panel need not determine whether those reasonable efforts were made with respect
15 to a parent of the child if any of the ci
16 2., 3. ~~or~~ 4. ^{don't strike scored comma} or 5. apply to that parent. ..circumstances specified in s. 48.355 (2d) (b) 1.,

History: 1983 a. 399; 1985 a. 70 ss. 1.10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237.

17 SECTION 7. 48.41 (2) (e) of the statutes is created to read:

18 48.41 (2) (e) The person filing the petition under s. 48.42 files with the court
19 an affidavit signed by a parent who has relinquished custody of his or her child under
20 s. 48.195 (1) and witnessed by 2 persons stating that the parent has been informed
21 and understands the effect of an order to terminate parental rights and that the
22 parent voluntarily disclaims all rights to the child, including the right to notice of
23 proceedings under this subchapter.

1 SECTION 8. 48.415 (1m) of the statutes is created to read:

2 48.415 (1m) RELINQUISHMENT. Relinquishment, which shall be established by
3 proving that a court of competent jurisdiction has found under s. 48.13 (2m) or under
4 a law of any other state or a federal law that is comparable to s. 48.13 (2m) that the
5 parent has relinquished custody of the child under s. 48.195 (1) or under a law of any
6 other state or a federal law that is comparable to s. 48.195 (1) when the child was 30
7 days old or younger.

8 SECTION 9. 48.42 (2) (a) of the statutes is amended to read:

9 48.42 (2) (a) The parent or parents of the child, unless the child's parent has
10 waived the right to notice under s. 48.41 (2) (d) or (e).

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395,446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9.

11 SECTION 10. 48.422 (9) (a) of the statutes is amended to read:

12 48.422 (9) (a) If a petition for termination of the rights of a birth parent, as
13 defined under s. 48.432 (1) (am), is filed by a person other than an agency
14 enumerated under s. 48.069 (1) or (2) or if the court waives the report required under
15 s. 48.425, the court shall order any parent whose rights may be terminated to file
16 with the court the information specified under s. 48.425 (1) (am), unless the parent
17 has chosen under s. 48.195 (3) (b) not to disclose the information.

History: 1979 c. 330; 1981 c. 359; 1983 a. 326; 1983 a. 447 ss. 10.67; 1985 a. 176; 1997 a. 104.

18 SECTION 11. 48.425 (2) of the statutes is amended to read:

19 48.425 (2) The court may waive the report required under this section if
20 consent is given under s. 48.41, but shall order the birth parent or parents to provide
21 the department with the information specified under sub. (1) (am), unless the parent
22 has chosen under s. 48.195 (3) (b) not to disclose the information.

History: 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 359; 1983 a. 471; 1985 a. 176; 1995 a. 275; 1997 a. 237.

23 SECTION 12. 48.977 (2) (f) of the statutes is amended to read:

1 48.977 (2) (f) That the agency primarily responsible for providing services to
2 the child under a court order has made reasonable efforts to make it possible for the
3 child to return to his or her home, while assuring that the child's health and safety
4 are the paramount concerns, but that reunification of the child with the child's
5 parent or parents is unlikely or contrary to the best interests of the child and that
6 further reunification efforts are unlikely to be made or are contrary to the best
7 interests of the child, except that the court need not find that the agency has made
8 those reasonable efforts with respect to a parent of the child if any of the
9 circumstances specified in s. 48.355 (2d) (b) 1., 2., 3. ~~or~~ 4. or 5. apply to that parent.

History: 1995 a. 215; 1997 a. 27, 35, 80, 237.

10 SECTION 13. 938.355 (2d) (b) 5. of the statutes is created to read:

11 938.355 (2d) (b) 5. That the parent has been found under s. 48.13 (2m) or under
12 a law of any other state or a federal law that is comparable to s. 48.13 (2m) to have
13 relinquished custody of the juvenile under s. 48.195 (1) or under a law of any other
14 state or a federal law that is comparable to s. 48.195 (1) when the juvenile was 30
15 days old or younger.

16 SECTION 14. 938.355 (2d) (c) of the statutes is amended to read:

17 938.355 (2d) (c) If the court makes a finding specified in par. (b) 1., 2., 3., ~~or~~ 4.
18 or 5., the court shall hold a hearing within 30 days after the date of that finding to
19 determine the permanency plan for the juvenile. If a hearing is held under this
20 paragraph, the agency responsible for preparing the permanency plan shall file the
21 permanency plan with the court not less than 5 days before the date of the hearing.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. ~~0~~s. 13.93 (2) (c).

22 SECTION 15. 938.38 (4) (a) of the statutes is amended to read:

23 938.38 (4) (a) The services offered and any service provided in an effort to
24 prevent holding or placing the juvenile outside of his or her home, while assuring

1 that the health and safety of the juvenile are the paramount concerns, and to make
2 it possible for the juvenile to return safely home, except that the permanency plan
3 need not include a description of those services offered or provided with respect to
4 a parent of the juvenile if any of the circumstances specified in s. 938.355 (2d) (b) 1.,
5 2., 3. ~~or~~ 4. or 5. apply to that parent.

6 History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9. ✓

SECTION 16. 938.38 (5) (c) 7. of the statutes is amended to read:

7 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to make
8 it possible for the juvenile to return safely to his or her home, except that the court
9 or panel need not determine whether those reasonable efforts were made with
10 respect to a parent of the juvenile if any of the circumstances specified in s. 938.355
11 (2d) (b) 1., 2., 3. ~~or~~ 4. or 5. apply to that parent.

12 History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9.

SECTION 17. Initial applicability.

13 (1) **RELINQUISHMENT OF NEWBORN CHILD.** This act first applies to a child whose
14 custody is relinquished, as described in section 48.195 (1) of the statutes, as created
15 by this act, on the effective date of this subsection. ✓

16 (END)

**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: 03/20/2000

To: Representative Plale

Relating to LRB drafting number: LRB-4772

Topic

Relinquishment of newborn child

Subject(s)

Children - TPR and adoption

1. **JACKET** the draft for introduction

J. Plale

in the Senate As or them by (check only one). Only the requester under whose name the drafting request is entered in the 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 indicated or attached _____

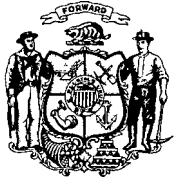
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations 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 fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility 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



STEPHEN R MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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REFERENCE SECTION (608) 266-0341
REFERENCE FAX (608) 266-5646

FISCAL ESTIMATES

BILL NUMBER:

ASSEMBLY BILL 926

Note: The analysis of this bill states that a fiscal estimate was required for this bill. A request was made though the department of administration to have a fiscal estimate prepared. The agency(s) assigned to prepare a fiscal estimate for this bill did not return a estimate for this bill so none are included in this file.