

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-AB809)**

Received: 02/22/2002

Received By: malaigm

Wanted: 02/25/2002

Identical to LRB:

For: Steve Kestell (608) 266-8530

By/Representing: Michelle Jensen, DHFS

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Children - out-of-home placement

Extra Copies:

Submit via email: YES

Requester's email: Rep.Kestell@legis.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Fosterparent statements; elimination of oath requirement

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**Instructions:**

See Attached--eliminate requirement that foster parent statements made to the court be made under oath or affirmation.

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**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>
/?	malaigm 02/22/2002	gilfokm 02/22/2002		_____			
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Page 2

FE Sent For:

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FE Sent For:

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PS

AB 809

Kestell

Michelle Jensen

Remove - written or oral oath or affirmation

✓ 48.27 (3) (a) 1m

✓ 48.357 (2r)

✓ 48.38 (5) (b)

AM  
current

48.363 (1m)

46m

Out

✓ 48.42 (2g) (am)

low

✓ 48.365 (2m) (ag)

✓ 48.427 (1m)

✓ 938.357 (2r)

✓ 938.27 (3) (a) 1m

938.363 (1m)

149m

✓ 938.38 (5) (b)

✓ 938.365 (2m) (ag)

Take

out

✓ 48.27 (5) (2) 3

✓ 48.32 (1) (c) 3, (d) 3

✓ 48.355 (22) (e) 3

✓ 48.357 (2v) (c) 3

✓ 48.38 (5m) (c)



State of Wisconsin  
2001 - 2002 LEGISLATURE

MON AM

(Floor Time)

LRBa1324/10  
GMM.....  
KMG

ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 809

LPS: Print w/ Line #'s

At the locations indicated, amend the bill as follows:

- ✓ 1. Page 12, line 6: delete "Any written or oral statement".
- ✓ 2. Page 12, line 7: delete that line and substitute <sup>e</sup> "A foster parent,".
- ✓ 3. Page 13, line 11: delete lines 11 to 22.
- ✓ 4. Page 16, line 22: delete "Any written or oral statement".
- ✓ 5. Page 16, line 23: delete that line and substitute <sup>e</sup> "A foster parent,".
- ✓ 6. Page 23, line 9: delete "Any written or oral statement".
- ✓ 7. Page 23, line 10: delete that line and substitute <sup>e</sup> "A foster parent,".
- ✓ 8. Page 29, line 23: delete "Any written or oral" and substitute "Any written or oral".
- ✓ 9. Page 29, line 24: delete that line and substitute <sup>e</sup> "statement made under this subsection shall be made under oath or affirmation. A".

- ✓ **10.** Page 32, line 14: delete “Any written or oral statement”.
- ✓ **11.** Page 32, line 15: delete that line and substitute “A foster parent,”.
- ✓ **12.** Page 33, line 9: after that line insert:

“SECTION 46m. 48.363 (1m) of the statutes is amended to read:

48.363 (1m) If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral statement made under this subsection shall be made under oath or affirmation.~~ A foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.”

History: 1977 c. 354; 1979 c. 300; 1985 a. 172; 1993 a. 481; 1995 a. 275, 404; 1997 a. 3, 80, 237, 292; 1999 a. 103, 149; 2001 a. 38.

✓ **13.** Page 36, line 22: delete lines 22 and 23 and substitute “relevant to the issue of extension. ~~Any written or oral statement made under this paragraph shall be made under oath or affirmation.~~ A foster parent, treatment foster”.

- ✓ **14.** Page 44, line 6: delete lines 6 to 8 and substitute “before the review”.
- ✓ **15.** Page 44, line 9: delete “affirmation.”.

✓ **16.** Page 46, line 2: delete lines 2 to 5 and substitute *e* “of the hearing or by participating at the hearing. A foster parent, treatment foster parent,”.

✓ **17.** Page 49, line 20: delete lines 20 to 25.

✓ **18.** Page 50, line 1: delete lines 1 to 19.

✓ **19.** Page 57, line 6: delete “Any written or oral statement”.

✓ **20.** Page 57, line 7: delete that line and substitute *e* “A foster parent,”.

✓ **21.** Page 57, line 24: delete that line.

✓ **22.** Page 58, line 1: delete lines 1 to 11.

✓ **23.** Page 61, line 4: delete “Any written or oral statement”.

✓ **24.** Page 61, line 5: delete that line and substitute *e* “A foster parent,”.

✓ **25.** Page 68, line 2: delete “Any written or oral statement”.

✓ **26.** Page 68, line 3: delete that line and substitute *e* “A foster parent,”.

✓ **27.** Page 76, line 12: delete “Any written or oral” and substitute “Any written or oral”.

✓ **28.** Page 76, line 13: delete that line and substitute *e* “~~statement made under this subsection shall be made under oath or affirmation.~~ A”.

✓ **29.** Page 79, line 4: delete “Any written or oral statement”.

✓ **30.** Page 79, line 5: delete that line and substitute *e* “A foster parent,”.

✓ **31.** Page 82, line 25: after that line insert:

“SECTION 149m. 938.363 (1m) of the statutes is amended to read:

938.363 (1m) If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the

court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral statement made under this subsection shall be made under oath or affirmation.~~ A foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.”

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275; 1997 a. 35, 80, 237, 252; 1999 a. 103; 2001 a. 38.

✓ **32.** Page 86, line 15: delete lines 15 and 16 and substitute: “relevant to the issue of extension. ~~Any written or oral statement made under this paragraph shall be made under oath or affirmation.~~ A foster parent, treatment foster”.

✓ **33.** Page 93, line 25: delete that line and substitute: “the review.”

✓ **34.** Page 94, line 1: delete lines 1 and 2.

✓ **35.** Page 94, line 3: delete “affirmation.”.

✓ **36.** Page 95, line 20: delete lines 20 to 23 and substitute: “of the hearing or by participating at the hearing. A foster parent, treatment foster ~~parent~~”.

✓ **37.** Page 99, line 12: delete that line and substitute: “(am) and (e), 48.335 (2g), 48.363 (1m), 938.21 (1)”.  
 ✓<sup>x</sup> (am) and (e)<sup>x</sup>, 48.335 (2g)<sup>x</sup>, 48.363 (1m)<sup>x</sup>, 938.21 (1)<sup>x</sup>”.



✓ **38.** Page 99, line 13: delete "938.27 (3) (a) 1m., and 938.335 (3g)" and substitute "938.335 (3g), and 938.363 (1m)".

(END)