

2001 DRAFTING REQUEST

Bill

Received: 10/09/2001

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Jim Baumgart (608) 266-2056

By/Representing: Patrick

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Children - miscellaneous

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Parental consent for abortion of minor; evidence needed for judicial waiver

Instructions:

Amend s. 48.375 (7) (b) to require court to hear evidence relating to the relationship between the minor and her parents in determining whether to grant waiver of parental consent requirement.

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			kfollet 10/17/2001	_____	lrb_docadmin 10/17/2001	lrb_docadmin 01/02/2002	lrb_docadmin 01/02/2002

FE Sent For:

<END>

none needed

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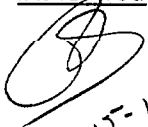
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Baumgart Pat

① Evidence re "relationship
minor + parents",

Why child feels

she cannot ~~get~~ get

Parental consent

48.375 (7) (b) 2mo



Gen

1 AN ACT... relating to: the evidence that a court must hear at a hearing on a
2 petition for a waiver of the requirement that a minor's parent consent before
3 the minor may have an abortion.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, before an unemancipated minor may have an abortion, she must have the written consent of one of her parents, a guardian or legal custodian, an adult family member 25 years of age or over, or, in certain cases, a foster parent or treatment foster parent, unless the minor obtains a waiver of that consent requirement from the circuit court. Before granting such a waiver, the circuit court must hold a hearing at which the court must hear evidence relating to the emotional development, maturity, intellect, and understanding of the minor and the understanding of the minor about the nature of, possible consequences of, and alternatives to the intended abortion. After the hearing, the court must grant the petition if the court finds either that the minor is mature and well-informed enough to make the abortion decision on her own or that the performance or inducement of the abortion is in the minor's best interests. This bill requires the circuit court, in addition to hearing the evidence that the court must hear under current law, to hear evidence relating to the nature of the relationship between the minor and her parents.

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

4 SECTION 1. 48.375 (7) (b) 2m. of the statutes is created to read:



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

October 17, 2001

MEMORANDUM

To: Senator Baumgart

From: Gordon M. Malaise, Senior Legislative Attorney

Re: LRB-4006/1 Parental consent for abortion of minor; evidence needed for judicial waiver

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

_____ JACKET FOR ASSEMBLY X JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9738 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.