

2003 DRAFTING REQUEST

Bill

Received: **10/04/2002**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **Anne Sappenfield**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - TPR and adoption**

Extra Copies: **Anne Sappenfield, Leg. Council**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Adoptive placement of abandoned babies

Instructions:

1. Require TPR to be filed for a baby relinquished under 2001 Act 2, but no earlier than 30 days after the relinquishment.
2. At the temporary custody hearing for such a child transfer guardianship and legal custody to DHFS, a child welfare agency, or a county department (like after TPR) and place the child in a preadoptive foster home.
3. Require proposed adoptive parents of such a child to sign a statement that they understand there is no guarantee that the adoption will be finalized.

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>
/?	gmalaise 11/12/2002	kgilfoy 11/20/2002		_____			S&L

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/1			jfrantze 11/20/2002	_____	mbarman 11/20/2002	amentkow 01/16/2003	

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At intro.

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FE Sent For:

		1-11/19 KMG	10-11/20	11/20 Self			
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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0355/T
GMM...
KMG

- 1 AN ACT ^{Gen. Cat.}; relating to: termination of parental rights and adoptive placement
2 of a newborn child whose custody has been relinquished by his or her parent.

Analysis by the Legislative Reference Bureau

Under current law, a child whom a law enforcement officer, emergency medical technician, or hospital staff member reasonably believes to be 72 hours old or younger (newborn child) may be taken into custody under circumstances in which a parent of the newborn child relinquishes custody of the newborn child to the law enforcement officer, emergency medical technician, or hospital staff member and does not indicate an intent to return for the newborn child. Within 24 hours after taking the newborn child into custody, the law enforcement officer, emergency medical technician, or hospital staff member must deliver the newborn child to the intake worker of the court assigned to exercise jurisdiction under the Children's Code (juvenile court), and the intake worker must determine whether to hold the newborn child in custody. If the intake worker determines to hold the newborn child in custody, a hearing must be held within 48 hours of that determination to determine whether the newborn child shall continue to be held in custody. If the juvenile court finds that the newborn child should continue to be held in custody, the juvenile court must include in its order continuing the newborn child in custody a determination that reasonable efforts to make it possible for the newborn child to return safely home are not required and must hold a hearing within 30 days after that determination to determine a permanency plan for the newborn child, which is a plan designed to ensure that a child quickly attains a placement or home providing long-term stability. Current law also permits the juvenile court to involuntarily terminate the parental rights of a parent of a newborn child on the grounds that the parent relinquished custody of the newborn child when the newborn child was 72 hours old or younger.

This bill provides that if a juvenile court determines that a newborn child whose custody has been relinquished as provided under current law should be continued to be held in custody, the juvenile court must transfer guardianship and legal custody of the newborn child to the department of health and family services (DHFS), a child welfare agency that is licensed to accept guardianship of children and to place children for adoption, or a county department of human services or social services (county department) that is authorized to accept guardianship of children and to place children for adoption and must order DHFS, the child welfare agency, or the county department (collectively, "agency") to place the newborn child for adoption in a licensed foster home or a licensed treatment foster home. Under the bill, the agency making the placement must require the proposed adoptive parent to sign a statement acknowledging that the proposed adoptive parent understands that there is no guarantee that the adoption will be finalized. The bill also requires a petition to terminate the parental rights of a parent of a newborn child who has been relinquished as provided under current law to be filed no earlier than 30 days after the date on which the child was relinquished and no later than 60 days after the date on which the juvenile court found that the child was relinquished.

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. 48.21 (4) (intro.) of the statutes is amended to read:

2 48.21 (4) CONTINUATION OF CUSTODY. (intro.) ~~If Subject to sub. (4m),~~ if the judge
3 or circuit court commissioner finds that the child should be continued in custody
4 under the criteria of s. 48.205, ~~he or she~~ the judge or circuit court commissioner shall
5 enter one of the following orders:

6 History: 1977 c. 354, 447; 1979 c. 300; 1983 a. 399; 1985 a. 311; 1993 a. 98; 1995 a. 27, 77, 275; 1997 a. 35, 237, 292; 2001 a. 16, 61, 109.

6 SECTION 2. 48.21 (4m) of the statutes is created to read:

7 48.21 (4m) CONTINUATION OF CUSTODY; RELINQUISHED NEWBORN CHILD. If the
8 judge or circuit court commissioner finds that a child who has been taken into
9 custody under s. 48.195 (1) should be continued in custody under the criteria of s.
10 48.205, the judge or circuit court commissioner shall transfer guardianship and legal
11 custody of the child to the department, a child welfare agency licensed under s. 48.61

1 (5), or a county department authorized to accept guardianship under s. 48.57 (1) (e) ✓
 2 and shall order the department, child welfare agency, or county department to place
 3 the child for adoption under s. 48.833. ✓ The department, child welfare agency, or
 4 county department making the placement shall require the proposed adoptive
 5 parent to sign a statement acknowledging that the proposed adoptive parent
 6 understands that there is no guarantee that the adoption will be finalized.

7 **SECTION 3.** 48.417 (1) (bm) ✓ of the statutes is created to read:

8 48.417 (1) (bm) A court of competent jurisdiction has found that a parent of the
 9 child relinquished custody of the child under s. 48.195 (1) ✓ or under the law of any
 10 other state or a federal law that is comparable to s. 48.195 (1). ✓ If the circumstances
 11 specified in this paragraph apply, the petition shall be filed or joined in no earlier
 12 than 30 days after the date on which the child was relinquished as described in this
 13 paragraph and no later than 60 days after the date on which the court of competent
 14 jurisdiction found that the child was relinquished as described in this paragraph.

15 **SECTION 4. Initial applicability.**

16 (1) **TERMINATION OF PARENTAL RIGHTS AND ADOPTIVE PLACEMENT OF NEWBORN CHILD**
 17 **WHOSE CUSTODY HAS BEEN RELINQUISHED.** This act first applies to a child whose custody
 18 is relinquished, as described in ~~§~~ 48.195 (1) ✓ of the statutes, on the effective date of
 19 this subsection.

20 *section*
(END)

Mentkowski, Annie

From: Hale, Janine
Sent: Thursday, January 16, 2003 12:39 PM
To: LRB.Legal
Subject: Draft review: LRB-0355/1 Topic: Adoptive placement of abandoned babies

It has been requested by <Hale, Janine> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0355/1 Topic: Adoptive placement of abandoned babies

Basford, Sarah

From: Basford, Sarah
Sent: Wednesday, January 22, 2003 1:01 PM
To: Rep.Ladwig
Subject: LRB -0355/1 (attached)



03-0355/1

Sarah Basford
Program Assistant
State of Wisconsin
Legislative Reference Bureau
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sarah.basford@legis.state.wi.us