



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 73	Assembly Substitute Amendment 1
<i>Memo published: May 28, 2003</i>	<i>Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)</i>

Under current law, a parent of a child who is under 72 hours of age (newborn child) may confidentially relinquish custody of the newborn child to certain health care providers or law enforcement.

Assembly Bill 73 provides that the juvenile court must transfer guardianship and legal custody of such a child to the Department of Health and Family Services (DHFS) or to a child welfare agency or county department of human or social services that is authorized to accept guardianship of children and to place children for adoption at the child's initial custody hearing. The court must also order the agency with guardianship to place the newborn child for adoption in a licensed foster home under the bill.

If a court has found that a parent of a child relinquished custody of the child, an agency (i.e., DHFS, a county department, or a licensed child welfare agency) or the district attorney (DA), corporation counsel, or other appropriate official designated by the county board of supervisors to represent the interests of the public must file a petition to terminate the child's parents' parental rights or join in a TPR petition that has already been filed. The petition must be filed or joined 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 the child was relinquished.

The substitute amendment does the following:

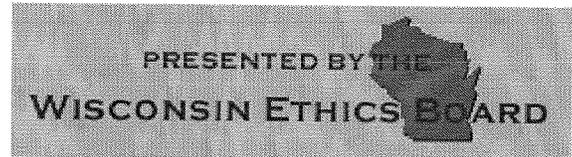
- a. Specifies that the juvenile court has jurisdiction over the appointment and removal of a guardian for a child found to be in protection or services because custody of the child has been relinquished.
- b. Provides that venue for juvenile court proceedings relating to the relinquishment of a newborn child is the county in which the relinquishment occurred. (Under current law, the venue is the county where the child resides or is present.)
- c. Requires the court to include in the guardianship and custody order, described above, a finding that there is probable cause to believe that a parent of the child has relinquished custody of the child.

- d. Provides that the DA, corporation counsel, or other appropriate official, not an agency, must file or join the TPR petition. In addition, the petition must be filed no later than 60 days after the date on which the juvenile court found probable cause to believe that the child was relinquished, as described above.

The Assembly Committee on Children and Families introduced and voted unanimously to recommend adoption of Assembly Substitute Amendment 1 on May 28, 2003. The committee also voted unanimously to recommend passage of the bill as amended.

AS:ksm

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as of Friday, September 12, 2003

2003-2004 legislative session

Legislative bills and resolutions

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Assembly Bill 73

termination of parental rights and adoptive placement of a newborn child whose custody has been relinquished by his or her parent. (FE)

Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comment click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comm
●	●	American Medical Security	7/16/2003	↓	
●	●	State Bar of Wisconsin	4/14/2003	?	
●	●	Wisconsin Professional Police Association	3/12/2003	?	
●	●	Wisconsin Sheriffs and Deputy Sheriffs Association	4/18/2003	↑	

Select a legislative proposal and click "go"

House
Proposal Type
Proposal Number (enter proposal number)
Legislative Session

AB73

Senate Committee on Health, Children, Families, Aging and Long Term Care

KEEP IN MIND WE HAVE ANOTHER HEARING AT 10:00 ☺

Attendance of Members

The following members will be at the hearing: Senators Brown, Carpenter, Chvala Jauch, Kanavas, Robson and Schultz.

Not attending: Senator Welch (excused).

Voting

The hearing notice states, "An Executive Session may be held on any of the other items before the Committee."

If there are no major concerns raised relating to SB 243 and AB 37, you should hold an Executive session.

If you choose to go into Executive Session, the roll will be held open until 5 p.m.

Agenda

①

Senate Bill 243 (Roessler, Wieckert)

- Relating to: provision of dental and dental hygiene services to Medical Assistance recipients by a volunteer health care provider.
- **You have testimony prepared.**
- **Mara Brooks, WI Dental Association, told me they would have a dentist who is part of the Tri County Community Dental Clinic.**
- **I called Dr. Swanson to make him aware of the hearing. He was not sure if he would be able to attend.**

Senate Bill 204 (Harsdorf, Gielow)

Details

- Relates to authorizing a health benefit purchasing cooperative pilot project.
- The bill authorizes a pilot project in which one nonstock health benefit purchasing cooperative may be organized in each of five geographic areas of the state that are designated by the Commissioner of Insurance by rule.
- A Cooperative may be formed by one or more persons, defined by the bill as: any type of business, an association, a trade or labor organization, a municipality, or a self-employed individual.

X

- The purpose of the cooperatives is to provide health care benefits to the employees, members and officers of the members of each cooperative and to their dependents through a 3-year contract with a defined network plan.
- The health insurance risk of all cooperative members is pooled; the members are actively involved in designing the health care benefit options offered by the defined network plan; and all members purchase their health care benefits from the defined network plan (however, a person can choose a point of service option and pay the difference between what the provider charges and what the defined network plan would pay a participating provider).
- **Melissa Duffy (She used to work for Sen. Moen) from the WI Federation of Cooperatives will testify in favor with her co-worker Steve Rudolff. Both are new to the Federation.**
- **Melissa has organized for a Dairy farmer to testify and Senator Harsdorf will also testify in favor.**
- **Melissa informed me that the authority to form a nonstock health benefit purchasing cooperative currently exists. However, legislative support/authority to do so will help leverage federal funding.**
- **WI Federation of Cooperatives is working on a few amendments to the bill that will address an OCI concern relating to contracting with HMOs and language relating to "self-employed."**

②
Assembly Bill 73 (Ladwig, Stepp)

- Relating to termination of parental rights and adoptive placement of a newborn child whose custody has been relinquished by his or her parent.
- A substitute amendment was adopted 8-0 by the Assembly Committee on Children and Families (Kestell, Ladwig, Albers, Jeskewitz, Vukmir, Sinicki, Miller and Krug). The bill passed as amended 8-0. **There is a Legislative Council memo in your binder which explains the substitute amendment.**
- The Substitute Amendment does the following:
 - *Specifies that the juvenile court has jurisdiction over the appointment and removal of a guardian for a child found to be in protection or services because custody of the child has been relinquished.
 - *Provides that venue for juvenile court proceedings relating to the relinquishment of a newborn child is the county in which the relinquishment occurred. (Under current law, the venue is the county where the child resides or is present.)
 - *Requires the court to include in the guardianship and custody order (described in the Leg. Council memo) a finding that there is probable cause to believe that a parent of the child has relinquished custody of the child.
 - *Provides that the DA, corporation counsel, or other appropriate official, not an agency, must file or join the TPR petition. In addition, the petition must be filed no later than 60 days after the date on which the juvenile court found probable cause to believe that the child was relinquished.
- **Representative Ladwig and DHFS will be testifying in favor.**

State Representative
Bonnie L. Ladwig
63rd Assembly District



July 2, 2003

The Honorable Carol Roessler
State Senator
Chairperson of the Senate Health, Children, Families, Aging and Long-Term Care Committee
P.O. Box 7882
8 South, State Capitol
Madison, WI 53707

Dear Senator Roessler:

I am contacting you to request a hearing on Assembly Bill 73 relating to the adoptive placement of abandoned babies. This bill was referred to your committee after it passed the full Assembly on a vote of 88-9 on June 24th. This bill, of which you are a co-sponsor, also unanimously passed the Assembly Children and Families Committee on June 3rd.

Wisconsin's "safe harbor" law works to place abandoned children in permanent loving homes, but it can take months for that to happen. These abandoned children are placed in foster care until the legal proceedings are complete and then they are adopted. In most cases these adoptive families have already been approved and are on waiting lists for a new baby when an abandoned child becomes available. If they decide to adopt an abandoned baby, they lose precious bonding time with the child while the legal proceedings are being worked out.

Assembly Bill 73 would allow an abandoned child to go directly into the care of their prospective adoptive family instead of foster care. Under the bill the proposed adoptive parent would sign a statement acknowledging that there is no guarantee that the adoption will be finalized.

This legislation streamlines the process by having an abandoned child being in one home instead of potentially many before settling into a permanent home. It is beneficial to the well being of the child and its adoptive parents by being together as soon as possible to develop that special parent/child bond. Many of these adoptive families have waited a long time for a child. There is no reason they should wait any longer when in all likelihood the adoption will be final.

Your consideration of this bill would be greatly appreciated. Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie".

Bonnie Ladwig
State Representative
63rd Assembly District

BLL:jlh

Cc: Representative Steve Foti, Assembly Majority Leader



Testimony on Assembly Bill 73 – Adoptive Placement of Abandoned Babies
State Representative Bonnie Ladwig
September 16, 2003
Senate Committee on Health, Children, Families, Aging and Long Term Care

Dear Chairman Roessler and members of the Senate Health Committee:

Thank you for holding a hearing on Assembly Bill 73 relating to adoptive placement of abandoned babies.

In recent years states nationwide have begun to pass "safe harbor" laws to give desperate parents a safe alternative to abandoning their child. These laws allow a parent to anonymously give their child to a hospital, police officer or emergency medical technician within 72 hours of birth with no strings attached. The child is then handed over to proper authorities that seek to place the child in a good home.

Through the leadership of Representative Jeskewitz, Senator Plale, and former Senator Burke, Wisconsin passed its "safe harbor" law last session, which became 2001 Wisconsin Act 2.

While the "safe harbor" law works to place these abandoned children in permanent loving homes, it can take months for that to happen. The abandoned children are placed in foster care until the legal proceedings are complete and then they are adopted. In most cases these adoptive families have already been approved and are on waiting lists for a new baby when an abandoned child becomes available. If they decide to adopt an abandoned baby, they lose precious bonding time with the child while the legal bureaucracy shuffles its paperwork. Studies show that the first six months of a child's life are key bonding time.

To address this issue, I have introduced Assembly Bill 73, which would allow an abandoned child to go directly into the care of their prospective adoptive family instead of foster care. Under the bill the proposed adoptive parent would sign a statement acknowledging that there is no guarantee that the adoption will be finalized.

I feel this legislation would streamline the process by having an abandoned child being in one home instead of potentially many before settling into a permanent home. It would also be beneficial to the well being of the child and its adoptive parents by being together as soon as possible to develop that special parent/child bond. Many of these adoptive families have waited a long time for a child. There is no reason they should wait any longer when in all likelihood the adoption will be final.

Michigan included this provision in their original safe harbor law and the process is doing well.

Assembly Bill 73 as amended passed the Assembly Children and Families Committee by a vote of 8-0. It then passed the full Assembly by a vote of 88-9 on June 24th. Assembly Substitute Amendment 1 was introduced by the request of the Department of Health and Family Services to clear up some procedural aspects relating to the guardianship and legal custody of an abandoned child. I've attached a Legislative Council memo to my written testimony, which explains the substitute amendment. I know that the department is also here today and they can speak further to their requested changes.

Again thank you for holding a hearing on Assembly Bill 73 and I would be happy to answer any questions.

Modelled after Michigan memo to yr

8-0
88-9



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