

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 521**

1     **AN ACT** *to renumber* 48.025 (3); *to renumber and amend* 48.025 (2), 48.41 (2)  
2           (b), 48.42 (2m), 48.423 and 48.43 (6); *to amend* 46.03 (7) (bm), 48.025 (1), 48.27  
3           (3) (b) 1. a., 48.27 (5), 48.295 (1), 48.368 (1), 48.415 (2) (a) 3., 48.415 (6) (a) and  
4           (b), 48.415 (10) (a), 48.415 (10) (b), 48.42 (1) (a), 48.42 (2) (b) (intro.), 48.42 (2)  
5           (b) 1., 48.42 (3) (a), 48.42 (4) (a), 48.422 (6) (a), 48.64 (4) (c), 48.72, 48.78 (2) (a),  
6           48.825 (5), 48.833, 48.837 (1), 48.837 (4) (c), 48.837 (4) (e), 48.839 (2) (b), 48.839  
7           (2) (c), 48.91 (2), 48.913 (1) (c), (i) and (m), 808.04 (7), 808.04 (7m), 808.04 (8),  
8           809.82 (2) (b), 938.27 (3) (b) 1. a., 938.27 (5), 938.78 (2) (a) and 977.07 (1) (c); and  
9           **to create** 48.025 (2) (b), 48.025 (2) (d), 48.025 (3) (a), 48.025 (3) (c) and (d),  
10           48.025 (5), 48.025 (6), 48.235 (1) (g), 48.235 (5m), 48.40 (1r), 48.41 (2) (b) 2.,  
11           48.42 (1g), 48.42 (2) (bm), 48.42 (2m) (b), 48.42 (4) (b) 1m., 48.42 (5), 48.423 (2),  
12           48.43 (6) (b) and (c), 48.43 (6m), 48.48 (17) (bm), 48.57 (2m), 48.825 (3) (c),  
13           48.825 (3m), 48.837 (1m), 48.837 (2) (d), 48.837 (4) (cm), 48.84, 809.107 (5) (am)

1 and 938.57 (2m) of the statutes; **relating to:** termination of parental rights and  
2 adoption, granting rule-making authority, and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

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

3 **SECTION 1.** 46.03 (7) (bm) of the statutes is amended to read:

4 46.03 (7) (bm) Maintain a file containing records of artificial inseminations  
5 under s. 891.40 and records of declarations of paternal interest under s. 48.025, and  
6 of statements acknowledging paternity under s. 69.15 (3) (b). The department shall  
7 may release these those records, declarations, and statements only upon an order of  
8 the court except that the department may use nonidentifying information  
9 concerning artificial inseminations for the purpose of compiling statistics and except  
10 that records relating to, declarations of paternal interest shall be released as  
11 provided in s. 48.025 (3) (b) and (c), and statements acknowledging paternity shall  
12 be released without a court order to the department of workforce development or a  
13 county child support agency under s. 59.53 (5) without a court order upon the request  
14 of the that department of workforce development or a or county child support agency  
15 under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or by to any  
16 other person with a direct and tangible interest in the record statement.

17 **SECTION 2.** 48.025 (1) of the statutes is amended to read:

18 48.025 (1) Any person claiming to be the father of a nonmarital child who is not  
19 adopted or whose parents do not subsequently intermarry under s. 767.60 and whose  
20 paternity has not been established may, in accordance with procedures under this  
21 section, file with the department a declaration of his interest in matters affecting

1     ~~such the child. The department may not charge a fee for filing a declaration under~~  
2     ~~this section.~~

3             **SECTION 3.** 48.025 (2) of the statutes is renumbered 48.025 (2) (a) and amended  
4     to read:

5             48.025 (2) (a) ~~The A declaration provided in under~~ sub. (1) may be filed at any  
6     time ~~except after~~ before a termination of the father's parental rights under subch.  
7     VIII. This paragraph does not apply to a declaration that is filed on or after the  
8     effective date of this paragraph .... [revisor inserts date].

9             (c) The declaration shall be in writing, shall be signed and verified upon oath  
10     or affirmation by the person filing the declaration, and shall contain the person's  
11     name and address, the name and last-known address of the mother, the month and  
12     year of the birth or expected birth of the child, and a statement that ~~he~~ the person  
13     filing the declaration has reason to believe that he may be the father of the child. If  
14     the person filing the declaration is under 18 years of age, the declaration shall also  
15     be signed by a parent or guardian of the person.

16             **SECTION 4.** 48.025 (2) (b) of the statutes is created to read:

17             48.025 (2) (b) A declaration under sub. (1) may be filed at any time before the  
18     birth of the child or within 14 days after the birth of the child, except that a man who  
19     receives a notice under s. 48.42 (1g) (b) may file a declaration within 21 days after  
20     the date on which the notice was mailed. This paragraph does not apply to a  
21     declaration filed before the effective date of this paragraph .... [revisor inserts date].

22             **SECTION 5.** 48.025 (2) (d) of the statutes is created to read:

23             48.025 (2) (d) A person who has filed a declaration under sub. (1) may revoke  
24     the declaration at any time by filing with the department a statement, signed and  
25     verified upon oath or affirmation, that the person, to the best of his knowledge and

1 belief, is not the father of the child or that another person has been adjudicated as  
2 the father of the child. If the person filing the revocation is under 18 years of age,  
3 the revocation shall also be signed by a parent or guardian of the person.

4 **SECTION 6.** 48.025 (3) of the statutes is renumbered 48.025 (3) (b).

5 **SECTION 7.** 48.025 (3) (a) of the statutes is created to read:

6 48.025 (3) (a) The department shall keep confidential and may not open to  
7 public inspection or disclose the contents of any declaration, revocation of a  
8 declaration, or response to a declaration filed under this section, except as provided  
9 under pars. (b) and (c) or by order of the court for good cause shown.

10 **SECTION 8.** 48.025 (3) (c) and (d) of the statutes are created to read:

11 48.025 (3) (c) A court in a proceeding under s. 48.13, 48.133, 48.14, or 938.13  
12 or under a substantially similar law of another state or a person authorized to file  
13 a petition under s. 48.25, 48.42, 48.837, or 938.25 or under a substantially similar  
14 law of another state may request the department to search its files to determine  
15 whether a person who may be the father of the child who is the subject of the  
16 proceeding has filed a declaration under this section. If the department has on file  
17 a declaration of paternal interest in matters affecting the child, the department shall  
18 issue to the requester a copy of the declaration. If the department does not have on  
19 file a declaration of paternal interest in matters affecting the child, the department  
20 shall issue to the requester a statement that no declaration could be located. The  
21 department may require a person who requests a search under this paragraph to pay  
22 a reasonable fee that is sufficient to defray the costs to the department of  
23 maintaining its file of declarations and publicizing information relating to  
24 declarations of paternal interest under this section.

1 (d) Any person who obtains any information under this subsection may use or  
2 disclose that information only for the purposes of a proceeding under s. 48.13, 48.133,  
3 48.14, or 938.13 or under a substantially similar law of another state and may not  
4 use or disclose that information for any other purpose except by order of the court for  
5 good cause shown.

6 **SECTION 9.** 48.025 (5) of the statutes is created to read:

7 48.025 (5) (a) The department shall publicize, in a manner calculated to  
8 provide maximum notice to all persons who might claim to be the father of a  
9 nonmarital child, all of the following information:

10 1. That a person claiming to be the father of a nonmarital child may  
11 affirmatively protect his parental rights by filing a declaration of interest under this  
12 section.

13 2. The procedures for filing a declaration of interest.

14 3. The consequences of filing a declaration of interest.

15 4. The consequences of not filing a declaration of interest.

16 (b) The department may publicize the information under par. (a) by posting the  
17 information on the Internet, by creating a pamphlet for use by schools and health  
18 care providers, and by requiring agencies that provide services under contract with  
19 the department to provide the information to clients.

20 **SECTION 10.** 48.025 (6) of the statutes is created to read:

21 48.025 (6) (a) Any person who makes a false statement in a declaration,  
22 revocation of a declaration, or response to a declaration filed under this section that  
23 the person does not believe is true is subject to prosecution for false swearing under  
24 s. 946.32 (2).

1 (b) Except as permitted under sub. (3), any person who intentionally obtains,  
2 uses, or discloses information that is confidential under this section may be fined not  
3 more than \$1,000 or imprisoned for not more than 90 days or both.

4 **SECTION 11.** 48.235 (1) (g) of the statutes is created to read:

5 48.235 (1) (g) The court shall appoint a guardian ad litem for a parent who is  
6 the subject of a termination of parental rights proceeding, if any assessment or  
7 examination of a parent that is ordered under s. 48.295 (1) shows that the parent is  
8 not competent to participate in the proceeding or to assist his or her counsel or the  
9 court in protecting the parent's rights in the proceeding.

10 **SECTION 12.** 48.235 (5m) of the statutes is created to read:

11 48.235 (5m) MATTERS INVOLVING CONTESTED TERMINATION OF PARENTAL RIGHTS  
12 PROCEEDINGS. (a) In any termination of parental rights proceeding involving a child  
13 who has been found to be in need of protection or services and whose parent is  
14 contesting the termination of his or her parental rights, a guardian ad litem for a  
15 parent who has been appointed under sub. (1) (g) shall provide information to the  
16 court relating to the parent's competency to participate in the proceeding, and shall  
17 also provide assistance to the court and the parent's adversary counsel in protecting  
18 the parent's rights in the proceeding.

19 (b) The guardian ad litem may not participate in the proceeding as a party, and  
20 may not call witnesses, provide opening statements or closing arguments, or  
21 participate in any activity at trial that is required to be performed by the parent's  
22 adversary counsel.

23 **SECTION 13.** 48.27 (3) (b) 1. a. of the statutes is amended to read:

24 48.27 (3) (b) 1. a. A person who has filed a declaration of paternal interest under  
25 s. 48.025.

1           **SECTION 14.** 48.27 (5) of the statutes is amended to read:

2           48.27 (5) Subject to sub. (3) (b), the court shall make every reasonable effort  
3 to identify and notify any person who has filed a declaration of paternal interest  
4 under s. 48.025, any person who has acknowledged paternity of the child under s.  
5 767.62 (1), and any person who has been adjudged to be the ~~biological~~ father of the  
6 child in a judicial proceeding unless the ~~biological father's~~ person's parental rights  
7 have been terminated.

8           **SECTION 15.** 48.295 (1) of the statutes is amended to read:

9           48.295 (1) After the filing of a petition and upon a finding by the court that  
10 reasonable cause exists to warrant ~~an~~ a physical, psychological, mental, or  
11 developmental examination or an alcohol and other drug abuse assessment that  
12 conforms to the criteria specified under s. 48.547 (4), the court may order any child  
13 coming within its jurisdiction to be examined as an outpatient by personnel in an  
14 approved treatment facility for alcohol and other drug abuse, by a physician,  
15 psychiatrist or licensed psychologist, or by another expert appointed by the court  
16 holding at least a master's degree in social work or another related field of child  
17 development, in order that the child's physical, psychological, alcohol or other drug  
18 dependency, mental, or developmental condition may be considered. The court may  
19 also order ~~an~~ a physical, psychological, mental, or developmental examination or an  
20 alcohol and other drug abuse assessment that conforms to the criteria specified  
21 under s. 48.547 (4) of a parent, guardian, or legal custodian whose ability to care for  
22 a child is at issue before the court or of an expectant mother whose ability to control  
23 her use of alcohol beverages, controlled substances, or controlled substance analogs  
24 is at issue before the court. The court shall hear any objections by the child, or the  
25 child's parents, guardian, or legal custodian to the request for such an examination

1 or assessment before ordering the examination or assessment. The expenses of an  
2 examination, if approved by the court, shall be paid by the county of the court  
3 ordering the examination in a county having a population of less than 500,000 or by  
4 the department in a county having a population of 500,000 or more. The payment  
5 for an alcohol and other drug abuse assessment shall be in accordance with s. 48.361.

6 **SECTION 16.** 48.368 (1) of the statutes is amended to read:

7 **48.368 Continuation of dispositional orders. (1)** If a petition for  
8 termination of parental rights is filed under s. 48.41 or 48.415 or an appeal from a  
9 judgment terminating or denying termination of parental rights is filed during the  
10 year in which a dispositional order under s. 48.355 ~~or~~, an extension order under s.  
11 48.365, a voluntary agreement for placement of the child under s. 48.63, or a  
12 guardianship order under s. 48.977 or ch. 880 is in effect, the dispositional or  
13 extension order, voluntary agreement, or guardianship order shall remain in effect  
14 until all proceedings related to the filing of the petition or an appeal are concluded.

15 **SECTION 17.** 48.40 (1r) of the statutes is created to read:

16 **48.40 (1r)** “Parent” has the meaning given in s. 48.02 (13), except that for  
17 purposes of filing a petition seeking the involuntary termination of parental rights  
18 under s. 48.415 to a nonmarital child who is not adopted or whose parents do not  
19 subsequently intermarry under s. 767.60 and whose paternity has not been  
20 established, of finding grounds under s. 48.415 for the involuntary termination of  
21 parental rights to such a child, and of terminating the parental rights to such a child  
22 on a ground specified in s. 48.415, “parent” includes a person who may be the parent  
23 of such a child.

24 **SECTION 18.** 48.41 (2) (b) of the statutes is renumbered 48.41 (2) (b) (intro.) and  
25 amended to read:



1           48.41 (2) (b) (intro.) If the court finds that it would be difficult or impossible for  
2 the parent to appear in person at the hearing, the court may do any of the following:

3           1. Accept ~~accept~~ the written consent of the parent given before an embassy or  
4 consul official, a military judge, or a judge of any court of record in another county  
5 or state or a foreign jurisdiction. This written consent shall be accompanied by the  
6 signed findings of the embassy or consul official or judge who accepted the parent's  
7 consent. These findings shall recite that the embassy or consul official or judge or  
8 an attorney who represents any of the parties questioned the parent and found that  
9 the consent was informed and voluntary before the embassy or consul official or  
10 judge accepted the consent of the parent.

11           **SECTION 19.** 48.41 (2) (b) 2. of the statutes is created to read:

12           48.41 (2) (b) 2. On request of the parent, unless good cause to the contrary is  
13 shown, admit testimony on the record by telephone or live audiovisual means as  
14 prescribed in s. 807.13 (2).

15           **SECTION 20.** 48.415 (2) (a) 3. of the statutes is amended to read:

16           48.415 (2) (a) 3. That the child has been outside the home for a cumulative total  
17 period of 6 months or longer pursuant to such orders not including time spent outside  
18 the home as an unborn child; and that the parent has failed to meet the conditions  
19 established for the safe return of the child to the home and there is a substantial  
20 likelihood that the parent will not meet these conditions within the ~~12-month~~  
21 9-month period following the fact-finding hearing under s. 48.424.

22           **SECTION 21.** 48.415 (6) (a) and (b) of the statutes are amended to read:

23           48.415 (6) (a) Failure to assume parental responsibility, which shall be  
24 established by proving that the parent or the person or persons who may be the

1 parent of the child have never not had a substantial parental relationship with the  
2 child.

3 (b) In this subsection, “substantial parental relationship” means the  
4 acceptance and exercise of significant responsibility for the daily supervision,  
5 education, protection and care of the child. In evaluating whether the person has had  
6 a substantial parental relationship with the child, the court may consider such  
7 factors, including, but not limited to, whether the person has ever expressed concern  
8 for or interest in the support, care or well-being of the child, whether the person has  
9 neglected or refused to provide care or support for the child and whether, with respect  
10 to a person who is or may be the father of the child, the person has ever expressed  
11 concern for or interest in the support, care or well-being of the mother during her  
12 pregnancy.

13 **SECTION 22.** 48.415 (10) (a) of the statutes is amended to read:

14 48.415 (10) (a) That the child who is the subject of the petition has been  
15 adjudged to be in need of protection or services under s. 48.13 (2), (3) or (10); or that  
16 the child who is the subject of the petition was born after the filing of a petition under  
17 this subsection whose subject is a sibling of the child.

18 **SECTION 23.** 48.415 (10) (b) of the statutes is amended to read:

19 48.415 (10) (b) That, within 3 years prior to the date the court adjudged the  
20 child ~~who is the subject of the petition~~ to be in need of protection or services as  
21 specified in par. (a) or, in the case of a child born after the filing of a petition as  
22 specified in par. (a), within 3 years prior to the date of birth of the child, a court has  
23 ordered the termination of parental rights with respect to another child of the person  
24 whose parental rights are sought to be terminated on one or more of the grounds  
25 specified in this section.

1           **SECTION 24.** 48.42 (1) (a) of the statutes is amended to read:

2           48.42 **(1)** (a) The name, birth date or anticipated birth date, and address of the  
3 child.

4           **SECTION 25.** 48.42 (1g) of the statutes is created to read:

5           48.42 **(1g)** AFFIDAVIT. (a) Except as provided in par. (c), if the petition is filed  
6 by a person or agency other than the district attorney, corporation counsel, or other  
7 appropriate official under s. 48.09; if the petition seeks to terminate the parental  
8 rights of a person who may be the father of a nonmarital child who is under one year  
9 of age at the time the petition is filed, who is not adopted or whose parents do not  
10 subsequently intermarry under s. 767.60, and whose paternity has not been  
11 established; and if the mother of the child has voluntarily consented to or seeks to  
12 voluntarily consent to the termination of her parental rights to the child, the  
13 petitioner may file with the petition an affidavit signed by the mother that includes  
14 all of the following:

15           1. A statement that the mother has voluntarily consented to or seeks to  
16 voluntarily consent to the termination of her parental rights to the child.

17           2. A statement acknowledging that the mother has been asked to identify the  
18 father of the child.

19           3. A statement that the mother knows and is identifying the father or that she  
20 does not know the identity of the father.

21           4. A statement identifying any man who has lived in a familial relationship  
22 with the child and who may be the father of the child.

23           5. If the mother states that she knows and is identifying the father under subd.  
24 3. or 4., the father's name, age, and last-known mailing address, and the last-known  
25 mailing address of the father's employer.

1           6. If the mother states that she does not know the identity of the father, an  
2 explanation of why she is unable to identify him and a physical description of the  
3 father.

4           7. A statement that the mother has been informed and understands that if she  
5 misidentifies the father, she is permanently barred from attacking the termination  
6 of the father's or her parental rights on the basis that the father was not correctly  
7 identified.

8           8. A statement that the mother understands that she may be prosecuted under  
9 s. 946.32 (2) for false swearing if she makes a false statement that she does not  
10 believe is true in the affidavit under this paragraph.

11           9. A statement that the mother has reviewed and understands the affidavit,  
12 the name of the person who explained the affidavit and the consequences of signing  
13 the affidavit to her, and a statement that the mother is signing the affidavit  
14 voluntarily.

15           (b) The petitioner shall notify any man identified in the affidavit under par. (a)  
16 as an alleged father of his right to file a declaration of paternal interest under s.  
17 48.025 before the birth of the child, within 14 days after the birth of the child, or  
18 within 21 days after the date on which the notice is mailed, whichever is later; of the  
19 birth date or anticipated birth date of the child; and of the consequences of filing or  
20 not filing a declaration of paternal interest. The petitioner shall include with the  
21 notice a copy of the form required to file a declaration of paternal interest under s.  
22 48.025. The notice shall be sent by certified mail to the last-known address of the  
23 alleged father.

24           (c) If an affidavit under par. (a) is not filed with the petition, notice shall be  
25 given to an alleged father under sub. (2).

1           **SECTION 26.** 48.42 (2) (b) (intro.) of the statutes is amended to read:

2           48.42 (2) (b) (intro.) If Except as provided in par. (bm), if the child is a  
3 nonmarital child who is not adopted or whose parents do not subsequently  
4 intermarry under s. 767.60 and whose paternity has not been established:

5           **SECTION 27.** 48.42 (2) (b) 1. of the statutes is amended to read:

6           48.42 (2) (b) 1. A person who has filed ~~a~~ an unrevoked declaration of paternal  
7 interest under s. 48.025 before the birth of the child or within 14 days after the birth  
8 of the child.

9           **SECTION 28.** 48.42 (2) (bm) of the statutes is created to read:

10           48.42 (2) (bm) If the child is a nonmarital child who is under one year of age  
11 at the time the petition is filed and who is not adopted or whose parents do not  
12 subsequently intermarry under s. 767.60 and whose paternity has not been  
13 established and if an affidavit under sub. (1g) (a) is filed with the petition:

14           1. A person who has filed an unrevoked declaration of paternal interest under  
15 s. 48.025 before the birth of the child, within 14 days after the birth of the child, or  
16 within 21 days after a notice under sub. (1g) (b) is mailed, whichever is later.

17           2. A person who has lived in a familial relationship with the child and who may  
18 be the father of the child.

19           **SECTION 29.** 48.42 (2m) of the statutes is renumbered 48.42 (2m) (a) and  
20 amended to read:

21           48.42 (2m) (a) Parent as a result of sexual assault. Except as provided in this  
22 ~~subsection paragraph~~, notice is not required to be given to a person who may be the  
23 father of a child conceived as a result of a sexual assault in violation of s. 940.225 (1),  
24 (2) or (3), 948.02 (1) or (2), or 948.025 if a physician attests to his or her belief that  
25 a sexual assault as specified in this ~~subsection paragraph~~ has occurred or if the

1 person who may be the father of the child has been convicted of sexual assault as  
2 specified in this ~~subsection~~ paragraph for conduct which may have led to the child's  
3 conception. A person who under this ~~subsection~~ paragraph is not given notice does  
4 not have standing to appear and contest a petition for the termination of his parental  
5 rights, present evidence relevant to the issue of disposition, or make alternative  
6 dispositional recommendations. This ~~subsection~~ paragraph does not apply to a  
7 person who may be the father of a child conceived as a result of a sexual assault in  
8 violation of s. 948.02 (1) or (2) if that person was under 18 years of age at the time  
9 of the sexual assault.

10 **SECTION 30.** 48.42 (2m) (b) of the statutes is created to read:

11 48.42 **(2m)** (b) *Parent of nonmarital child.* A person who may be the father of  
12 a nonmarital child who is not adopted or whose parents do not subsequently  
13 intermarry under s. 767.60 and whose paternity has not been established, by virtue  
14 of the fact that he has engaged in sexual intercourse with the mother of the child, is  
15 considered to be on notice that a pregnancy and a termination of parental rights  
16 proceeding concerning the child may occur, and has the duty to protect his own rights  
17 and interests. He is therefore entitled to actual notice of such a proceeding only as  
18 provided in sub. (2) (b) or (bm). A person who is not entitled to notice under sub. (2)  
19 (b) or (bm) does not have standing to appear and contest a petition for the termination  
20 of his parental rights, present evidence relevant to the issue of disposition, or make  
21 alternative dispositional recommendations.

22 **SECTION 31.** 48.42 (3) (a) of the statutes is amended to read:

23 48.42 **(3)** (a) Contain the name and birth date or anticipated birth date of the  
24 child, and the nature, location, date and time of the initial hearing.

25 **SECTION 32.** 48.42 (4) (a) of the statutes is amended to read:

1           48.42 (4) (a) *Personal service.* ~~A Except as provided in this paragraph and par.~~  
2           ~~(b), a~~ copy of the summons and petition shall be served personally upon the parties  
3           specified in sub. (2), if known, at least 7 days before the date of the hearing, ~~except~~  
4           ~~that service.~~ Service of summons is not required if the party submits to the  
5           jurisdiction of the court. Service upon parties who are not natural persons and upon  
6           persons under a disability shall be as prescribed in s. 801.11.

7           **SECTION 33.** 48.42 (4) (b) 1m. of the statutes is created to read:

8           48.42 (4) (b) 1m. If the child's custody was relinquished under s. 48.195, service  
9           to the parents of the child may be made by publication of the notice under subd. 4.

10          **SECTION 34.** 48.42 (5) of the statutes is created to read:

11          48.42 (5) PENALTY. Any person who knowingly and willfully makes or causes  
12          to be made any false statement or representation of a material fact in the course of  
13          a proceeding under this section with an intent to deceive or mislead the court for the  
14          purpose of preventing a person who is entitled to receive notice of a proceeding under  
15          this section from receiving notice may be fined not more than \$10,000 or imprisoned  
16          for not more than 9 months, or both. It is not a violation of this subsection for a person  
17          to refuse to make a statement or representation of material fact in the course of a  
18          proceeding under this section for the purpose of preventing a person who is entitled  
19          to receive notice of a proceeding under this section from receiving notice if, at the time  
20          of the refusal, the person stated that he or she feared that making such a statement  
21          or representation would place the person or another person at risk of domestic abuse,  
22          as defined in s. 813.12 (1) (am), or abuse, as defined in s. 813.122 (1) (a), and if the  
23          person proves that he or she refused to make such a statement or representation  
24          because of a recent overt act, attempt, or threat that caused him or her reasonably  
25          to believe that refusing to make such a statement or representation was the only

1 means of preventing domestic abuse, as defined in s. 813.12 (1) (am), or abuse, as  
2 defined in s. 813.122 (1) (a), to himself or herself or to another.

3 **SECTION 35.** 48.422 (6) (a) of the statutes is amended to read:

4 48.422 (6) (a) ~~If the child is~~ In the case of a nonmarital child who is not adopted  
5 or whose parents do not subsequently intermarry under s. 767.60 and for whom  
6 paternity has not been established, or for whom a declaration of paternal interest has  
7 not been filed under s. 48.025 within 14 days after the date of birth of the child or,  
8 if s. 48.42 (1g) (b) applies, within 21 days after the date on which the notice under  
9 s. 48.42 (1g) (b) is mailed, the court shall hear testimony concerning the paternity of  
10 the child. Based on the testimony, the court shall determine whether all interested  
11 parties who are known have been notified under s. 48.42 (2). If not, the court shall  
12 adjourn the hearing and order appropriate notice to be given.

13 **SECTION 36.** 48.423 of the statutes is renumbered 48.423 (1) and amended to  
14 read:

15 48.423 (1) RIGHTS TO PATERNITY DETERMINATION. ~~If a man who alleges that he~~  
16 ~~is the father of the child~~ person appears at the hearing and ~~wishes to contest the~~  
17 ~~termination of his parental rights~~ claims that he is the father of the child, the court  
18 shall set a date for a hearing on the issue of paternity or, if all parties agree, the court  
19 may immediately commence hearing testimony concerning the issue of paternity.  
20 The court shall inform the ~~man~~ person claiming to be the father of the child of any  
21 right to counsel under s. 48.23. The ~~man~~ person claiming to be the father of the child  
22 must prove paternity by clear and convincing evidence. A person who establishes his  
23 paternity of the child under this section may further participate in the termination  
24 of parental rights proceeding only if the person meets the conditions specified in sub.  
25 (2) or meets a condition specified in s. 48.42 (2) or (b) or (bm).



1           **SECTION 37.** 48.423 (2) of the statutes is created to read:

2           48.423 **(2)** RIGHTS OF OUT-OF-STATE FATHERS. A person who may be the father  
3 of a nonmarital child who is not adopted or whose parents do not subsequently  
4 intermarry under s. 767.60 and whose paternity has not been established may  
5 contest the petition, present evidence relevant to the issue of disposition, and make  
6 alternative dispositional recommendations if the person appears at the hearing,  
7 establishes paternity under sub. (1), and proves all of the following by a  
8 preponderance of the evidence:

9           (a) That the person resides and has resided in another state where the mother  
10 of the child resided or was located at the time of or after the conception of the child.

11           (b) That the mother left that state without notifying or informing that person  
12 that she could be located in this state.

13           (c) That the person attempted to locate the mother through every reasonable  
14 means, but did not know or have reason to know that the mother was residing or  
15 located in this state.

16           (d) That the person has complied with the requirements of the state where the  
17 mother previously resided or was located to protect and preserve his paternal  
18 interests in matters affecting the child.

19           **SECTION 38.** 48.43 (6) of the statutes is renumbered 48.43 (6) (a) and amended  
20 to read:

21           48.43 **(6)** (a) Judgments under this subchapter terminating parental rights are  
22 final and are appealable under s. 808.03 (1) according to the procedure specified in  
23 s. 809.107 and are subject to a petition for rehearing or a motion for relief only as  
24 provided in s. 48.46 (1m) and (2). The attorney representing a person during a  
25 proceeding under this subchapter shall continue representation of that person by

1 filing a notice of intent to appeal under s. 809.107 (2), unless the attorney has been  
2 previously discharged during the proceeding by the person or by the trial court.

3 **SECTION 39.** 48.43 (6) (b) and (c) of the statutes are created to read:

4 48.43 **(6)** (b) The mother of a child who completes an affidavit under s. 48.42  
5 (1g) may not collaterally attack a judgment terminating parental rights on the basis  
6 that the father of the child was not correctly identified.

7 (c) In no event may any person, for any reason, collaterally attack a judgment  
8 terminating parental rights more than one year after the date on which the time limit  
9 for filing an appeal from the judgment has expired, or more than one year after the  
10 date on which all appeals from the judgment, if any were filed, have been decided,  
11 whichever is later.

12 **SECTION 40.** 48.43 (6m) of the statutes is created to read:

13 48.43 **(6m)** If a person whose parental rights are terminated is present in court  
14 when the court grants the order terminating those rights, the court shall provide  
15 written notification to the person of the time limits for appeal of the judgment. The  
16 person shall sign the written notification, indicating that he or she has been notified  
17 of the time limits for filing an appeal under ss. 808.04 (7m) and 809.107. The person's  
18 counsel shall file a copy of the signed, written notification with the court on the date  
19 on which the judgment is granted.

20 **SECTION 41.** 48.48 (17) (bm) of the statutes is created to read:

21 48.48 **(17)** (bm) As soon as practicable after learning that a person who is  
22 receiving child welfare services under par. (a) from the department has changed his  
23 or her county of residence, the department shall provide notice of that change to the  
24 county department of the person's new county of residence. The notice shall include  
25 a brief, written description of the services offered or provided to the person by the

1 department and the name, telephone number, and address of a person to contact for  
2 more information.

3 **SECTION 42.** 48.57 (2m) of the statutes is created to read:

4 48.57 (2m) A county department, as soon as practicable after learning that a  
5 person who is receiving child welfare services under sub. (1) from the county  
6 department has changed his or her county of residence, shall provide notice of that  
7 change to the county department of the person's new county of residence or, if that  
8 new county of residence is a county having a population of 500,000 or more, the  
9 department. The notice shall include a brief, written description of the services  
10 offered or provided to the person by the county department and the name, telephone  
11 number, and address of a person to contact for more information.

12 **SECTION 43.** 48.64 (4) (c) of the statutes is amended to read:

13 48.64 (4) (c) The circuit court for the county where the ~~child is placed~~  
14 dispositional order placing a child in a foster home, treatment foster home, or group  
15 home was entered or the voluntary agreement under s. 48.63 so placing a child was  
16 made has jurisdiction upon petition of any interested party over a child who is placed  
17 in a foster home, treatment foster home, or group home. The circuit court may call  
18 a hearing, at which the head of the home and the supervising agency under sub. (2)  
19 shall be present, for the purpose of reviewing any decision or order of that agency  
20 involving the placement and care of the child. If the child has been placed in a foster  
21 home, the foster parent may present relevant evidence at the hearing. ~~The court~~  
22 shall determine the case so as to promote The petitioner has the burden of proving  
23 by clear and convincing evidence that the decision or order issued by the agency is  
24 not in the best interests of the child.

25 **SECTION 44.** 48.72 of the statutes is amended to read:

1           **48.72 Appeal procedure.** Except as provided in s. 48.715 (6) and (7), any  
2 person aggrieved by the department’s refusal or failure to issue, renew, or continue  
3 a license or by any action taken by the department under s. 48.715 has the right to  
4 an administrative hearing provided for contested cases in ch. 227. To receive an  
5 administrative hearing under ch. 227, the aggrieved person shall send to the  
6 department a written request for a hearing under s. 227.44 within 10 days after the  
7 date of the department’s refusal or failure to issue, renew, or continue a license or the  
8 department’s action taken under s. 48.715. The department shall hold an  
9 administrative hearing under s. 227.44 within 30 days after receipt of the request  
10 for the administrative hearing unless the aggrieved person consents to an extension  
11 of that time period. Judicial review of the department’s decision may be had by any  
12 party in the contested case as provided in ch. 227.

13           **SECTION 45.** 48.78 (2) (a) of the statutes is amended to read:

14           48.78 (2) (a) No agency may make available for inspection or disclose the  
15 contents of any record kept or information received about an individual in its care  
16 or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or (5m) (d),  
17 48.432, 48.433, 48.48 (17) (bm), 48.57 (2m), 48.93, 48.981 (7), 938.51, or 938.78 or by  
18 order of the court.

19           **SECTION 45t.** 48.825 (3) (c) of the statutes is created to read:

20           48.825 (3) (c) A foster care and adoption resource center funded by this state  
21 or a postadoption resource center funded by this state.

22           **SECTION 46.** 48.825 (3m) of the statutes is created to read:

23           48.825 (3m) No person may publish by a public medium an advertisement that  
24 violates this section. If the owner, agent, or employee of the public medium receives  
25 a copy of the license of the person or agency requesting the advertisement that

1 indicates that the person or agency is licensed to provide adoption services in this  
2 state, there is a rebuttable presumption that the advertisement does not violate this  
3 section.

4 **SECTION 47.** 48.825 (5) of the statutes is amended to read:

5 48.825 (5) Any person who violates sub. (2) or (3m) may be fined not more than  
6 \$10,000 or imprisoned not more than 9 months or both.

7 **SECTION 48.** 48.833 of the statutes is amended to read:

8 **48.833 Placement of children for adoption by the department, county**  
9 **departments, and child welfare agencies.** The department, a county  
10 department under s. 48.57 (1) (e) or (hm)<sub>1</sub> or a child welfare agency licensed under  
11 s. 48.60 may place a child for adoption in a licensed foster home or a licensed  
12 treatment foster home without a court order if the department, county department  
13 ~~under s. 48.57 (1) (e) or (hm) or the~~ or child welfare agency is the guardian of the child  
14 or makes the placement at the request of another agency ~~which~~ that is the guardian  
15 of the child and if the proposed adoptive parents have completed the preadoption  
16 preparation required under s. 48.84 (1) or the department, county department, or  
17 child welfare agency determines that the proposed adoptive parents are not required  
18 to complete that preparation. Before placing a child for adoption under this section,  
19 the department, county department<sub>1</sub> or child welfare agency making the placement  
20 shall consider the availability of a placement for adoption with a relative of the child  
21 who is identified in the child's permanency plan under s. 48.38 or 938.38 or who is  
22 otherwise known by the department, county department<sub>1</sub> or child welfare agency.  
23 When a child is placed under this section in a licensed foster home or a licensed  
24 treatment foster home for adoption, the department, county department<sub>1</sub> or child  
25 welfare agency making the placement shall enter into a written agreement with the

1 proposed adoptive parent, which shall state the date on which the child is placed in  
2 the licensed foster home or licensed treatment foster home for adoption by the  
3 proposed adoptive parent.

4 **SECTION 49.** 48.837 (1) of the statutes is amended to read:

5 48.837 (1) ~~ADOPTIVE~~ IN-STATE ADOPTIVE PLACEMENT. ~~A-~~ When the proposed  
6 adoptive parent or parents of a child reside in this state and are not relatives of the  
7 child, a parent having custody of a child and the proposed adoptive parent or parents  
8 of the child may petition the court for placement of the child for adoption in the home  
9 of a person who is not a relative of the child if the home is licensed as a foster home  
10 or treatment foster home under s. 48.62.

11 **SECTION 50.** 48.837 (1m) of the statutes is created to read:

12 48.837 (1m) ~~OUT-OF-STATE~~ ADOPTIVE PLACEMENT. Notwithstanding s. 48.988,  
13 when the proposed adoptive parent or parents of a child reside outside this state and  
14 are not relatives of the child, a parent having custody of a child and the proposed  
15 adoptive parent or parents of the child may petition the court for placement of the  
16 child for adoption in the home of the proposed adoptive parent or parents, if the home  
17 meets the criteria established by the laws of the other state for a preadoptive  
18 placement of a child in the home of a nonrelative.

19 **SECTION 51.** 48.837 (2) (d) of the statutes is created to read:

20 48.837 (2) (d) That the proposed adoptive parents have completed the  
21 preadoption preparation required under s. 48.84 (1) or are not required to complete  
22 that preparation.

23 **SECTION 52.** 48.837 (4) (c) of the statutes is amended to read:

24 48.837 (4) (c) Shall, when the petition has been filed under sub. (1), order the  
25 department or a county department under s. 48.57 (1) (e) or (hm) to investigate the

1 proposed adoptive placement, to interview each petitioner, to provide counseling if  
2 requested and to report its recommendation to the court at least 5 days before the  
3 hearing on the petition. If a licensed child welfare agency has investigated the  
4 proposed adoptive placement and interviewed the petitioners, the court may accept  
5 a report and recommendation from the child welfare agency in place of the  
6 court-ordered report required under this paragraph.

7 **SECTION 53.** 48.837 (4) (cm) of the statutes is created to read:

8 48.837 (4) (cm) Shall, when the petition has been filed under sub. (1m), request  
9 the appropriate agency in the state where the proposed adoptive parent or parents  
10 reside to follow the procedure established by the laws of that state to ensure that the  
11 proposed adoptive home meets the criteria for a preadoptive placement of the child  
12 in the home of a nonrelative.

13 **SECTION 54.** 48.837 (4) (e) of the statutes is amended to read:

14 48.837 (4) (e) Shall, before hearing the petitions under subs. (2) and (3),  
15 ascertain whether the child's paternity of a nonmarital child who is not adopted or  
16 whose parents do not subsequently intermarry under s. 767.60 has been  
17 acknowledged under s. 767.62 (1) or a substantially similar law of another state or  
18 adjudicated in this state or another jurisdiction. ~~If any person has filed a declaration~~  
19 ~~of paternal interest under s. 48.025, the court shall determine the rights of that~~  
20 ~~person.~~ If the child's paternity has not been acknowledged or adjudicated ~~and if no~~  
21 ~~person has filed a declaration under s. 48.025,~~ the court shall attempt to ascertain  
22 the paternity of the child and shall determine the rights of any person who may be  
23 the father of the child as provided under s. 48.423. The court may not proceed with  
24 the hearing on the petitions under this section unless the parental rights of the  
25 nonpetitioning parent, whether known or unknown, have been terminated.

1           **SECTION 55.** 48.839 (2) (b) of the statutes is amended to read:

2           48.839 (2) (b) If the guardian files a judgment or order of a court under par. (a),  
3 the department shall review the judgment or order. If the department determines  
4 that the judgment or order has the effect of freeing the child for adoption, if the  
5 department has been furnished with a copy of a home study recommending the  
6 guardian as an adoptive parent, if a licensed child welfare agency has been identified  
7 to provide the services required under sub. (5) ~~and~~, if the guardian has filed the bond  
8 required under sub. (1), and if the guardian has completed the preadoption  
9 preparation required under s. 48.84 (1) or the department has determined that the  
10 guardian is not required to complete that preparation, the department shall certify  
11 to the U.S. immigration and naturalization service that all preadoptive  
12 requirements of this state that can be met before the child's arrival in the United  
13 States have been met.

14           **SECTION 56.** 48.839 (2) (c) of the statutes is amended to read:

15           48.839 (2) (c) If the guardian files an instrument other than a judgment or order  
16 of a court under par. (a), the department shall review the instrument. If the  
17 department determines that the instrument has the effect under the laws of the  
18 foreign jurisdiction of freeing the child for adoption, if the department has been  
19 furnished with a copy of a home study recommending the adoptive parents, if a  
20 licensed child welfare agency has been identified to provide the services required  
21 under sub. (5) ~~and~~, if the guardian has filed the bond required under sub. (1), and if  
22 the guardian has completed the preadoption preparation required under s. 48.84 (1)  
23 or the department has determined that the guardian is not required to complete that  
24 preparation, the department shall certify to the U.S. immigration and naturalization



1 service that all preadoptive requirements of this state that can be met prior to the  
2 child's arrival in the United States have been met.

3 **SECTION 57.** 48.84 of the statutes is created to read:

4 **48.84 Preadoption preparation for proposed adoptive parents. (1)**

5 Before a child may be placed under s. 48.833 for adoption by a proposed adoptive  
6 parent who has not previously adopted a child, before a proposed adoptive parent  
7 who has not previously adopted a child may petition for placement of a child for  
8 adoption under s. 48.837, and before a proposed adoptive parent who has not  
9 previously adopted a child may bring a child into this state for adoption under s.  
10 48.839, the proposed adoptive parent shall complete the preadoption preparation  
11 required under this section. The preparation shall be provided by a licensed child  
12 welfare agency, a licensed private adoption agency, the state adoption information  
13 exchange under s. 48.55, the state adoption center under s. 48.55, a state-funded  
14 foster care and adoption resource center, or a state-funded postadoption resource  
15 center. If the proposed adoptive parent does not reside in this state, he or she may  
16 meet this requirement by obtaining equivalent preparation in his or her state of  
17 residence.

18 **(2)** The department shall promulgate rules establishing the number of hours  
19 of preadoption preparation that is required under sub. (1) and the topics covered  
20 under that preparation. The preparation shall include training on issues that may  
21 confront adoptive parents, in general, and that may confront adoptive parents of  
22 special needs children or foreign children.

23 **(3)** A proposed adoptive parent who petitions to adopt a child under s. 48.837  
24 or 48.839 shall pay the costs of the preadoption preparation required under sub. (1).

1 The department shall pay the costs of the preadoption preparation required under  
2 sub. (1) for a proposed adoptive parent with whom a child is placed under s. 48.833.

3 **SECTION 58.** 48.91 (2) of the statutes is amended to read:

4 48.91 (2) In an adoption proceeding for a nonmarital child who is not adopted  
5 or whose parents do not subsequently intermarry under s. 767.60, the court shall  
6 establish ~~whether the rights of any persons who have filed declarations of paternal~~  
7 ~~interest under s. 48.025 have been determined or whether~~ the child's paternity has  
8 been acknowledged under s. 767.62 (1) or a substantially similar law of another state  
9 or adjudicated in this state or in another jurisdiction. If the court finds that no such  
10 determination has been made child's paternity has not been acknowledged or  
11 adjudicated, the court shall proceed, prior to any action on the petition for adoption,  
12 to attempt to ascertain the paternity of the child and the rights of any person who  
13 has filed a declaration under s. 48.025 shall determine the rights of any person who  
14 may be the father of the child as provided under s. 48.423. The court may not proceed  
15 with the hearing on the petition for adoption unless the parental rights of the  
16 nonpetitioning parent, whether known or unknown, have been terminated.

17 **SECTION 59.** 48.913 (1) (c), (i) and (m) of the statutes are amended to read:

18 48.913 (1) (c) Maternity clothes for the child's birth mother, ~~not to exceed a~~  
19 ~~reasonable~~ in an amount not to exceed \$300.

20 (i) Living expenses of the child's birth mother, in an amount not to exceed  
21 ~~\$1,000~~ \$5,000, if payment of the expenses by the proposed adoptive parents or a  
22 person acting on their behalf is necessary to protect the health and welfare of the  
23 birth mother or the fetus.

24 (m) A gift to the child's birth mother from the proposed adoptive parents, of no  
25 greater than ~~\$50~~ \$100 in value.

1           **SECTION 59x.** 808.04 (7) of the statutes is amended to read:

2           808.04 (7) An appeal by a party other than the state from a judgment or order  
3 granting adoption shall be initiated by filing the notice required by s. 809.30 (2) (b)  
4 within 40 days of after the date of entry of the judgment or order appealed from.  
5 Notwithstanding s. 809.82 (2) (~~b~~) (a), this time period may not be enlarged.

6           **SECTION 60.** 808.04 (7m) of the statutes is amended to read:

7           808.04 (7m) An appeal from a judgment or order terminating parental rights  
8 or denying termination of parental rights shall be initiated by filing the notice  
9 required by s. 809.107 (2) within 30 days after the date of entry of the judgment or  
10 order appealed from. Notwithstanding s. 809.82 (2) (~~b~~) (a), this time period may not  
11 be enlarged unless the judgment or order was entered as a result of a petition under  
12 s. 48.415 that was filed by a representative of the public under s. 48.09.

13           **SECTION 61.** 808.04 (8) of the statutes is amended to read:

14           808.04 (8) If the record discloses that the judgment or order appealed from was  
15 entered after the notice of appeal or intent to appeal was filed, the notice of appeal  
16 shall be treated as filed after such that entry and on the day thereof of the entry.

17           **SECTION 62.** 809.107 (5) (am) of the statutes is created to read:

18           809.107 (5) (am) *Notice of abandonment of appeal.* If the person who filed a  
19 notice of intent to appeal under sub. (2) and requested a transcript and case record  
20 under sub. (4) decides not to file a notice of appeal, that person shall notify the person  
21 required to be served under sub. (2) of this decision, within 30 days after the service  
22 of the transcript and case record under sub. (4).

23           **SECTION 63d.** 809.82 (2) (b) of the statutes is amended to read:

24           809.82 (2) (b) Notwithstanding the ~~provisions of~~ par. (a), the time for filing a  
25 notice of appeal or cross–appeal of a final judgment or order, other than in an appeal

1 under s. 809.107 of a judgment or order that was entered as a result of a petition  
2 under s. 48.415 that was filed by a representative of the public under s. 48.09 or an  
3 appeal under s. 809.30 or 809.32, may not be enlarged.

4 **SECTION 64.** 938.27 (3) (b) 1. a. of the statutes is amended to read:

5 938.27 (3) (b) 1. a. A person who has filed a declaration of paternal interest  
6 under s. 48.025.

7 **SECTION 65.** 938.27 (5) of the statutes is amended to read:

8 938.27 (5) Subject to sub. (3) (b), the court shall make every reasonable effort  
9 to identify and notify any person who has filed a declaration of paternal interest  
10 under s. 48.025, any person who has acknowledged paternity of the child under s.  
11 767.62 (1), and any person who has been adjudged to be the ~~biological~~ father of the  
12 juvenile in a judicial proceeding unless the ~~biological father's~~ person's parental  
13 rights have been terminated.

14 **SECTION 66.** 938.57 (2m) of the statutes is created to read:

15 938.57 (2m) A county department, as soon as practicable after learning that  
16 a person who is receiving juvenile welfare services under sub. (1) from the county  
17 department has changed his or her county of residence, shall provide notice of that  
18 change to the county department of the person's new county of residence. The notice  
19 shall include a brief, written description of the services offered or provided to the  
20 person by the county department and the name, telephone number, and address of  
21 a person to contact for more information.

22 **SECTION 67.** 938.78 (2) (a) of the statutes is amended to read:

23 938.78 (2) (a) No agency may make available for inspection or disclose the  
24 contents of any record kept or information received about an individual in its care

1 or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d)  
2 or (5m) (d), ~~or 938.51, or 938.57 (2m)~~ or by order of the court.

3 **SECTION 68.** 977.07 (1) (c) of the statutes is amended to read:

4 977.07 (1) (c) For all referrals made under ss. 809.107, 809.30, 974.06 (3) (b)  
5 and 974.07 (11), except a referral of a child who is entitled to be represented by  
6 counsel under s. 48.23 or 938.23, a representative of the state public defender shall  
7 determine indigency. For referrals made under ss. 809.107, 809.30 and 974.06 (3) (b),  
8 except a referral of a child who is entitled to be represented by counsel under s. 48.23  
9 or 938.23, the representative of the state public defender may, unless a request for  
10 redetermination has been filed under s. 809.30 (2) (d) or the defendant's person's  
11 request for representation states that his or her financial circumstances have  
12 materially improved, rely upon a determination of indigency made for purposes of  
13 trial representation under this section.

14 **SECTION 69. Nonstatutory provisions.**

15 (1) PREADoption PREPARATION. The department of health and family services  
16 shall submit in proposed form the rules required under section 48.84 (2) of the  
17 statutes, as created by this act, to the legislative council staff under section 227.15  
18 (1) of the statutes no later than the first day of the 4th month beginning after the  
19 effective date of this subsection.

20 **SECTION 70. Initial applicability.**

21 (1) NOTICE OF AND PARTICIPATION IN TERMINATION OF PARENTAL RIGHTS  
22 PROCEEDINGS. The treatment of sections 48.42 (1) (a), (1g), (2) (b) (intro.) and 1. and  
23 (bm) and (3) (a), 48.422 (6) (a), 48.837 (4) (e), and 48.91 (2) of the statutes, the  
24 renumbering and amendment of sections 48.42 (2m), 48.423, and 48.43 (6) of the  
25 statutes, and the creation of sections 48.42 (2m) (b), 48.423 (2), and 48.43 (6) (b) and

1 (c) of the statutes first apply to a termination of parental rights petition filed on the  
2 effective date of this subsection.

3 (2) NOTICE TO COUNTY WHEN PERSON RECEIVING SERVICES CHANGES COUNTY OF  
4 RESIDENCE. The treatment of sections 48.48 (17) (bm), 48.57 (2m), 48.78 (2) (a), 938.57  
5 (2m), and 938.78 (2) (a) of the statutes first applies to a person who changes his or  
6 her county of residence on the effective date of this subsection.

7 (3) TERMINATION OF PARENTAL RIGHTS GROUNDS.

8 (a) The treatment of section 48.415 (2) (a) 3. of the statutes first applies to court  
9 orders required to contain the notice under section 48.356 (2) or 938.356 (2) of the  
10 statutes granted on the effective date of this subsection.

11 (b) The treatment of section 48.415 (10) (a) and (b) of the statutes first applies  
12 to a petition filed on the effective date of this paragraph for termination of parental  
13 rights to a child who was born after the filing of a petition for termination of parental  
14 rights to a sibling of the child, but does not preclude consideration of prior orders of  
15 a court terminating parental rights with respect to a child who is not the subject of  
16 the petition in determining whether to terminate, or to find grounds to terminate,  
17 the parental rights of a person under section 48.415 (10) of the statutes, as affected  
18 by this act.

19 (4) TERMINATION OF PARENTAL RIGHTS APPEALS. The treatment of sections 48.43  
20 (6m), 808.04 (7m) and (8), 809.107 (5) (am), and 809.82 (2) (b) of the statutes first  
21 applies to judgments or orders granted under section 48.43 of the statutes, as  
22 affected by this act, on the effective date of this paragraph.

23 (5) AGENCY DECISIONS INVOLVING PLACEMENT OF CHILD. The treatment of section  
24 48.64 (4) (c) of the statutes first applies to a decision or order of an agency involving  
25 the placement and care of a child made on the effective date of this subsection.

1           (6) JUDICIAL REVIEW. The treatment of section 48.72 of the statutes first applies  
2 to a decision made or action taken by the department of health and family services  
3 on the effective date of this subsection.

4           (7) ADVERTISING RELATING TO ADOPTION. The treatment of section 48.825 (3) (c),  
5 (3m), and (5) of the statutes first applies to advertisements published on the effective  
6 date of this subsection.

7           (8) PAYMENT OF BIRTH PARENTS' EXPENSES. The treatment of section 48.913 (1) (c),  
8 (i), and (m) of the statutes first applies to the payment of expenses that are incurred  
9 on the effective date of this subsection.

10          (9) PREADOPTON PREPARATION. The treatment of sections 48.833, 48.837 (2) (d),  
11 48.839 (2) (b) and (c), and 48.84 of the statutes first applies to a child placed for  
12 adoption under section 48.833 of the statutes, as affected by this act, a petition for  
13 adoptive placement of a child filed under s. 48.837 (2) of the statutes, as affected by  
14 this act, or a child brought into this state for purposes of adoption under section  
15 48.839 of the statutes, as affected by this act, on the effective date of this subsection.

16          **SECTION 71. Effective dates.** This act takes effect on the day after publication,  
17 except as follows:

18          (1) DECLARATION OF PATERNAL INTEREST. The treatment of sections 46.03 (7) (bm),  
19 48.025 (1), (5) and (6), 48.27 (3) (b) 1. a., 48.27 (5), 48.42 (1) (a), (1g), (2) (b) (intro.)  
20 and 1. and (bm), and (3) (a), 48.422 (6) (a), 48.837 (4) (e), 48.91 (2), 938.27 (3) (b) 1.  
21 a. and (5) of the statutes, the renumbering of section 48.025 (3) of the statutes, the  
22 renumbering and amendment of sections 48.025 (2), 48.42 (2m), 48.423, and 48.43  
23 (6) of the statutes, and the creation of sections 48.025 (2) (b) and (d) and (3) (a), (c),  
24 and (d), 48.42 (2m) (b), 48.423 (2), and 48.43 (6) (b) and (c) of the statutes and SECTION

1 70 (1) of this act take effect on the first day of the 3rd month beginning after  
2 publication.

3 (2) PREADOPTON PREPARATION. The treatment of sections 48.833, 48.837 (2) (d),  
4 48.839 (2) (b) and (c), and 48.84 of the statutes and SECTION 70 (9) of this act take  
5 effect on the first day of the 12th month beginning after publication.

6 (END)