

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2751/1dn  
GMM:kjf:rs

June 7, 2005

Anne and Laura:

This draft makes numerous nonsubstantive changes to WLC: 0166/1. In addition to those nonsubstantive changes, the draft makes the following minor substantive changes:

1. In s. 48.355 (2) (b) 1., advising the parent of available services, advising the correctional institution of mandated services, and monitoring participation in services are not really "services." Accordingly, the draft provides that "services for the parent shall be limited to services that are available within the correctional institution, and the agency...shall...advise,...monitor,...and provide visitation."
2. In s. 48.368, a guardianship may be ordered under s. 48.977 as well as under ch. 880. Accordingly, the draft inserts a reference to s. 48.977.
3. The definition of "parent" for purposes of an involuntary TPR is created in s. 48.40, which is the definitions section of the TPR subchapter, but limited in its scope to involuntary TPR's.
4. In s. 48.43 (6m), "entered" is deleted and "granted" inserted instead. An order is "granted" when it is given orally in open court and on the record. An order is "entered" when it is filed in the office of the clerk of court. See s. 806.06 (1) (b) and (d). Accordingly, because the notification is given if the person is present in court, "granted" is the appropriate term to use.
5. In s. 48.64 (4) (c), the draft inserts a reference to voluntary placements under s. 48.63 in that a child may be placed in a foster home not only under a dispositional order, but also pursuant to a voluntary placement agreement.
6. The draft conforms ss. 48.833, 48.837, and 48.839 to the creation of the preadoption preparation requirement by requiring that preparation to be completed before the child is placed for adoption, before an adoptive placement petition is filed, and before a foreign child is brought into the state for purposes of adoption.

Also, because the preadoption preparation requirement cannot be implemented until DHFS promulgates rules, the draft provides for a delayed effective date of 12 months to allow DHFS time to promulgate the rules.

7. Finally, in s. 808.04 (7m), the draft deletes “48.417” and inserts “48.415” which is the proper cross-reference for involuntary TPR’s. Section 48.417 refers to cases in which the federal Adoption and Safe Families Act (ASFA) mandates the filing of a TPR petition.

If you have any questions about this draft, please do not hesitate to contact me at the phone number or e-mail address listed below.

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