

notice may be fined not more than \$10,000 or imprisoned for not more than 9 months, or both.

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

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

NOTE: Under current law, if paternity has not been established at the time of a TPR fact-finding hearing regarding a nonmarital child, the court must hear testimony concerning the paternity of the child. Based on the testimony, the court must determine whether all interested parties who are known have been notified of the hearing. If not, the court must adjourn the hearing and order appropriate notice to be given.

This SECTION requires the court to determine whether all interested parties who are known have been notified of the hearing in cases in which a declaration of paternal interest has not been timely filed.

<sup>13</sup> Rights of persons alleging paternity.

11           **SECTION 36.** 48.423 of the statutes is amended to read:

12           48.423 ~~If a man who alleges that he is the father of the child~~ person appears  
13           at the hearing and wishes to ~~contest the termination of his parental rights~~ claims  
14           that he is the father of the child, the court shall set a date for a hearing on the issue  
15           of paternity or, if all parties agree, the court may immediately commence hearing  
16           testimony concerning the issue of paternity. The court shall inform the man person  
17           claiming to be the father of the child of any right to counsel under s. 48.23. The man  
18           person claiming to be the father of the child must prove paternity by clear and  
19           convincing evidence. A person who establishes his paternity of the child under this

1 subsection may further participate in the termination of parental rights proceeding  
 2 only if the person meets a condition specified in s. 48.42 (2) (am) or (b). <sup>or (bm)</sup>

NOTE: Under current law, if a man who alleges that he is the father of the child appears at the hearing and wishes to contest the termination of his parental rights, the court must set a date for a hearing on the issue of paternity or, if the parties all agree, the court may immediately commence hearing testimony concerning the issue of paternity. The man must prove paternity by clear and convincing evidence.

Under this SECTION, the man may participate in the TPR proceeding only if he would be entitled to notice under s. 48.42 (2) (am) or (b) or (bm)

3 **SECTION 37.** 48.43 (6) of the statutes is renumbered 48.43 (6) (a) and amended  
 4 to read:

5 48.43 (6) (a) Judgments under this subchapter terminating parental rights are  
 6 final and are appealable under s. 808.03 (1) according to the procedure specified in  
 7 s. 809.107 and are subject to a petition for rehearing or a motion for relief only as  
 8 provided in s. 48.46 (1m) and (2). The attorney representing a person during a  
 9 proceeding under this subchapter shall continue representation of that person by  
 10 filing a notice of intent to appeal under s. 809.107 (2), unless the attorney has been  
 11 previously discharged during the proceeding by the person or by the trial court. <sup>no score</sup>

12 **SECTION 38.** 48.43 (6) (b) and (c) of the statutes are created to read:

13 48.43 (6) (b) The mother of a child who completes an affidavit under s. 48.42  
 14 (1g) may not collaterally attack a judgment terminating parental rights on the basis  
 15 that the father of the child was not correctly identified.

16 (c) In no event may any person, for any reason, collaterally attack a judgment  
 17 terminating parental rights more than one year after the date on which the time limit  
 18 for filing an appeal from the judgment has expired, or more than one year after the  
 19 date on which all appeals from the judgment, if any were filed, have been decided.

NOTE: Under current law, a parent who has consented to a TPR or a parent who did not contest a petition for an involuntary TPR and whose rights were terminated may file a motion with the court for relief from judgment. The motion must be based on specified grounds such as mistake, newly discovered evidence, or fraud. Such a motion

which ever is later

must generally be filed within 30 days after the entry of the TPR judgment. A person may also appeal to the court of appeals.

Current law does not address the appeal rights of a person who was not a party in the TPR proceeding.

The bill ~~draft~~ modifies current law as follows:

- Requires an attorney who represents a person in a TPR proceeding to continue representation of that person during the appeal process by filing a notice of intent to appeal under s. 809.107 (2), unless the attorney has been previously discharged during the proceeding by the person or by the trial court.

- Prohibits any person, for any reason, from collaterally attacking a TPR judgment more than one year after the date on which the time limit for filing an appeal from the judgment has expired, or more than one year after the date on which all appeals from the judgment, if any were filed, have been decided.

- Prohibits a mother who has completed an affidavit under s. 48.42 (1g) relating to the identity of the child's father from attacking a TPR judgment on the basis that the father was not identified correctly.

*states as created by the bill*

*If a person whose parental rights are terminated is present in court when*

1 SECTION 39. 48.43 (6m) of the statutes is created to read:

2 48.43 (6m) ~~When the court orders the termination of a person's parental rights,~~

3 the court shall provide written notification to the person, ~~if present in court when the~~

4 ~~order is entered~~ of the time limits for appeal of the judgment. The person shall sign

5 the written notification, indicating that he or she has been notified of the time limits

6 for filing an appeal under ss. 808.04 (7m) and 809.107. The person's counsel shall

7 file a copy of the signed, written notification with the court on the date ~~the judgment~~

8 is ~~entered~~ *granted*

*if the person is present in juvenile court when the order is granted*

NOTE: Requires the court that orders the termination of a person's parental rights to provide written notification to the person, ~~if present in court when the order is entered~~, of the time limits for appeal of the judgment. The person must sign the written notification, indicating that he or she has been notified of the time limits for filing an appeal under ss. 808.04 (7m) and 809.107. The person's counsel shall file a copy of the signed, written notification with the court on the date ~~the judgment is entered~~.

9 SECTION 40. 48.48 (17) (bm) of the statutes is created to read:

10 48.48 (17) (bm) As soon as practicable after learning that a person who is

11 receiving child welfare services under par. (a) from the department has changed his

12 or her county of residence, the department shall provide notice of that change to the

13 county department of the person's new county of residence. The notice shall include

14 a brief, written description of the services offered or provided to the person by the

*juvenile states on which*

1 department and the name, <sup>tele</sup> phone number, and address of a person to contact for more  
2 information.

NOTE: Provides that as soon as practicable after learning that a person who is receiving child welfare services from DHFS has changed his or her county of residence from Milwaukee County, DHFS must provide notice of that change to the county department of that person's new county of residence.

The notice must include a brief, written description of the services offered or provided to the person by DHFS and the name, telephone number, and address of a person to contact for more information.

3 SECTION 41. 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, <sup>tele</sup> phone  
11 number, and address of a person to contact for more information.

NOTE: Requires notice when a person who is receiving child welfare services moves from a county other than Milwaukee County, to another county. See the note to s. 48.48 (17) (bm) ~~in this bill draft~~ <sup>as created by this bill</sup> <sup>renumbered 48.64 (4)(a)1.</sup> <sup>and</sup>

12 SECTION 42. 48.64 (4) (a) of the statutes is amended to read:

13 48.64 (4) (a) <sup>1</sup> Any decision or order issued by an agency that affects the head of  
14 a foster, treatment foster <sup>2</sup> or group home or the children involved may be appealed to  
15 the department under fair hearing procedures established under department rules.  
16 The department shall, upon receipt of an appeal, give the head of the home  
17 reasonable notice and opportunity for a fair hearing. The department may make  
18 such additional investigation as the department considers necessary. The  
19 department shall give notice of the hearing to the head of the home and to the  
20 departmental subunit, county department <sup>2</sup> or child welfare agency that issued the

change component

of the hearing of the hearing P 2. of intent of intent to remove the ch. 12 SECTION 42 requests and who requests a hearing under this paragraph

1 decision or order. Each person receiving notice is entitled to be represented at the  
 2 hearing. The head of a home who receives notice under sub. (1m) is a party to the  
 3 proceeding under this paragraph. At all hearings conducted under this subsection,  
 4 the head of the home, or a representative of the head of the home, shall have an  
 5 adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all documents and  
 6 records ~~to be used at the hearing~~ that are relevant to the issue of the child's removal at a  
 7 reasonable time before the date of the hearing as well as during the hearing, except  
 8 that the agency may redact information from documents and records to protect the  
 9 identity of an individual who provided information under s. 48.981 (2). The head of  
 10 home, or a representative of the head of home, shall also have adequate opportunity  
 11 to bring witnesses, to establish all pertinent facts and circumstances, and to question  
 12 or refute any testimony or evidence, including opportunity to confront and  
 13 cross-examine adverse witnesses. The department shall grant a continuance for a  
 14 reasonable period of time when an issue is raised for the first time during a hearing.  
 15 This requirement may be waived with the consent of the parties. The decision of the  
 16 department shall be based exclusively on evidence introduced at the hearing. A  
 17 transcript of testimony and exhibits, or an official report containing the substance  
 18 of what transpired at the hearing, together with all papers and requests filed in the  
 19 proceeding, and the findings of the hearing examiner shall constitute the exclusive  
 20 record for decision by the department. The department shall make the record  
 21 available at any reasonable time and at an accessible place to the head of the home  
 22 or his or her representative. Decisions by the department shall specify the reasons  
 23 for the decision and identify the supporting evidence. No person participating in an  
 24 agency action being appealed may participate in the final administrative decision on  
 25 that action. The department shall render its decision as soon as possible after the

paragraph

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and who appeals that determination under fair hearing procedures established

OHFS by rule by case

home

foster

2

1 hearing and shall send a certified copy of its decision to the head of the home and to  
2 the departmental subunit, county department or child welfare agency that issued  
3 the decision or order. The decision shall be binding on all parties concerned.

the fair hearing

foster, treatment foster, or group

intent to remove the child from the home

NOTE: Provides that a head of a home who receives notice of a fair hearing is a party to that proceeding. In addition, allows the head of the home, or his or her representative, to examine all documents and records, except that an agency may redact information from documents and records that are relevant to the child's removal in order to protect the identity of an individual who provided information in reporting suspected child abuse or neglect.

so placing a child

or the voluntary agreement under s. 48.63 made was made

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

5 48.64 (4) (c) The circuit court for the county where the child is placed  
6 placing a child in a foster home, treatment foster home, or group home  
dispositional order was entered has jurisdiction upon petition of any interested party

7 over a child who is placed in a foster home, treatment foster home, or group home.

8 The circuit court may call a hearing, at which the head of the home and the

9 supervising agency under sub. (2) shall be present, for the purpose of reviewing any

10 decision or order of that agency involving the placement and care of the child. If the

11 child has been placed in a foster home, the foster parent may present relevant

12 evidence at the hearing. ~~The court shall determine the case so as to promote~~ The

13 petitioner has the burden of proving by clear and convincing evidence that the

placing a child in a

14 decision or order issued by the agency is not in the best interests of the child.

NOTE: Provides that the circuit court in which a CHIPS dispositional order was entered has jurisdiction upon petition of any interested party over a child who is placed in a foster home or group home. If the court holds a hearing to review an agency decision or order involving the care of the child, provides that the petitioner has the burden of proving by clear and convincing evidence that the decision or order is not in the best interests of the child.

foster, treatment foster, or group home

or a voluntary agreement so placing a child was made

This SECTION also provides that if the circuit

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

16 48.72 Appeal procedure. Except as provided in s. 48.715 (6) and (7), any

17 person aggrieved by the department's refusal or failure to issue, renew or continue

18 a license or by any action taken by the department under s. 48.715 has the right to

19 an administrative hearing provided for contested cases in ch. 227. To receive an

1 administrative hearing under ch. 227, the aggrieved person shall send to the  
 2 department a written request for a hearing under s. 227.44 within 10 days after the  
 3 date of the department's refusal or failure to issue, renew or continue a license or the  
 4 department's action taken under s. 48.715. The department shall hold an  
 5 administrative hearing under s. 227.44 within 30 days after receipt of the request  
 6 for the administrative hearing unless the aggrieved person consents to an extension  
 7 of that time period. Judicial review of the department's decision may be had by any  
 8 party in the contested case as provided in ch. 227.

NOTE: Specifically grants the BMCW the right to judicial review of the administrative law judge's decision, in cases ~~where~~ <sup>in which</sup> an administrative law judge has made a licensing decision that the BMCW disagrees with and wishes to appeal.

Section 48.72 sets forth the appeal procedure of foster home licensing decisions. Under s. 48.72, any person aggrieved by ~~the~~ <sup>stats,</sup> DHFS's refusal or failure to issue, renew, or continue a license has the right to an administrative hearing provided for contested cases in ch. 227. Because this statute does not specify that the public licensing agency or child welfare agency also has a right to subsequent judicial review of the administrative law judge's decision on a licensing issue, the BMCW has taken the position that ~~they~~ <sup>stats,</sup> do not have the right to challenge decisions of administrative law judges in circuit court. <sup>the BMCW does</sup>

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

10 48.78 (2) (a) No agency may make available for inspection or disclose the  
 11 contents of any record kept or information received about an individual in its care  
 12 or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or (5m) (d),  
 13 48.432, 48.433, 48.48 (17) (bm), 48.57 (2m), 48.93, 48.981 (7), 938.51, or 938.78 or by  
 14 order of the court. <sup>as created  
as created by the bill,</sup>

NOTE: Permits a county department or DHFS to make available for inspection or disclose the contents of any record kept or information received about an individual in its care or legal custody in order to provide the notice as required under ss. 48.48 (17) (bm) and 48.57 (2m) when a child receiving child welfare services moves to another county.

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

16 48.825 (3m) No person may publish by a public medium an advertisement that  
 17 violates this section. If the owner, agent, or employee of the public medium receives  
 18 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.

NOTE: Prohibits any person from publishing by public medium an adoption advertisement that violates current law relating to advertising for adoption. Under this provision, if the owner, agent, or employee of the public medium receives a copy of the license of the person or agency requesting the advertisement that indicates that the person or agency is licensed to provide adoption services in this state, there is a rebuttable presumption that the advertisement does not violate the prohibition on certain advertising.

A person who violates this provision is subject to a penalty of a fine not to exceed \$10,000 and imprisonment not to exceed 9 months.

Insert  
36-7

7

CS SECTION 48. 48.837 (1m) of the statutes is created to read:

OUT-OF-STATE ADOPTIVE PLACEMENT.

8

48.837 (1m) Notwithstanding s. 48.988, a parent having custody of a child, and

9 the proposed adoptive parent or parents of the child if those proposed adoptive

10 parents live out of this state and are not related to the child, may petition the court

11 for placement of the child for adoption in the home, if the home meets the criteria

12 established by the laws of the other state for the acceptance of the child by

13 nonrelatives for a pre-adoptive placement.

Insert  
36-13A

14

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

15 48.837 (4) (c) Shall When the petition has been filed under sub. (1), shall order

16 the department or a county department under s. 48.57 (1) (e) or (hm) to investigate

17 the proposed adoptive placement, to interview each petitioner, to provide counseling

18 if requested and to report its recommendation to the court at least 5 days before the

19 hearing on the petition. If a licensed child welfare agency has investigated the

20 proposed adoptive placement and interviewed the petitioners, the court may accept

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when  
in a case in which the proposed adoptive parent or parents of a child reside outside this state and are not relatives of the child.  
if those proposed adoptive parents live out of this state and are not related to the child, may petition the court for placement of the child for adoption in the home, if the home meets the criteria established by the laws of the other state for the acceptance of the child by nonrelatives for a pre-adoptive placement.  
when  
for a pre-adoptive placement of the child in the home of a nonrelative



parent of  
when the proposed adoptive parents of a child reside outside this state and are not relatives of the child,

1 a report and recommendation from the child welfare agency in place of the  
2 court-ordered report required under this paragraph.

of the proposed adoptive parent or parents

Move to  
36-13A

NOTE: Creates a new provision, in the statute relating to pre-adoptive placement of a child in the home of the proposed adoptive parents who are nonrelatives, that applies when the proposed adoptive parents live in a state outside of Wisconsin. Under this provision a parent having custody of the child, and the proposed adoptive parent or parents of the child if those parents live out of this state and are not related to the child, may petition the court for placement of the child for adoption in the home, if the home meets the criteria established by the laws of the other state for the acceptance of the child by nonrelatives for a pre-adoptive placement.

juvenile

3 SECTION 50. 48.837 (4) (cm) of the statutes is created to read:

shall, when of a child in the home of a nonrelative

4 48.837 (4) (cm) When the petition has been filed under sub. (1m), shall request

in the state

5 that the appropriate agency where the proposed adoptive parent or parents reside

6 to follow the procedure established by the laws of that state to ensure that the

7 proposed adoptive home meets the criteria for the acceptance of the child by

8 nonrelatives for a pre-adoptive placement.

of a child in the home of a nonrelative  
use twice

NOTE: Requires the court to request, rather than order, an out-of-state agency to ensure that the proposed adoptive home meets the criteria for the acceptance of the child by nonrelatives for a pre-adoptive placement, when the proposed adoptive parents live in a state outside of Wisconsin and are seeking a pre-adoptive placement of the child in their home under s. 48.837 (1m).

reside

as created by the bill

9 SECTION 51. 48.837 (4) (e) of the statutes is amended to read:

10 48.837 (4) (e) Shall, before hearing the petitions under subs. (2) and (3),

11 ascertain whether the child's paternity of a nonmarital child who is not adopted or

12 whose parents do not subsequently intermarry under s. 767.60 has been

13 acknowledged under s. 767.62 (1) or a substantially similar law of another state or

14 adjudicated in this state or another jurisdiction. If any person has filed a declaration

15 of paternal interest under s. 48.025, the court shall determine the rights of that

16 person. If the child's paternity has not been acknowledged or adjudicated and if no

17 person has filed a declaration under s. 48.025, the court shall attempt to ascertain

18 the paternity of the child and shall determine the rights of any person who may be

SECTION 51

CPS: This cuts through words

Bill of child may be placed for adoption under s. 48.839 before a court for adoption by a person who has not previously adopted a child.  
Proposed adoptive parent may petition for placement of a child for adoption under s. 48.839 before a court for adoption by a person who has not previously adopted a child.  
Parent who has not previously adopted a child may petition for adoption under s. 48.839 before a court for adoption by a person who has not previously adopted a child.

1 the father of the child as provided under s. 48.423. The court may not proceed with  
2 the hearing on the petitions under this section unless the parental rights of the  
3 nonpetitioning parent, whether known or unknown, have been terminated.

NOTE: Provides that before holding a hearing on adoptive placement and TPR petitions filed by the child's parent and the proposed adoptive parent or parents, the court must ascertain whether the paternity of a nonmarital child has been established. If the child's paternity has not been established, the court must attempt to ascertain the paternity of the child and must determine the rights of any person who may be the father of the child. These rights are the rights that are set forth regarding alleged fathers' participation in TPR proceedings under s. 48.42 (2m) (b). As under current law, the court may not proceed with the hearing on the petitions unless the parental rights of the nonpetitioning parent have been terminated.

Insert 38-4

SECTION 52. 48.8395 of the statutes is created to read:

**48.8395 Preparation for prospective adoptive parents.** (1) A person who

petitions to adopt a child under s. 48.833 or 48.837 or is proposing to adopt a foreign child under s. 48.839 and has not previously adopted any children shall complete preparation prior to the placement of the child in the prospective adoptive home. The

preparation shall be provided by a licensed child welfare agency, a licensed private adoption agency, or a state-funded post-adoption resource center. If the person does not live in this state, the person may meet this requirement by obtaining equivalent preparation in the person's state of residence.

(2) The department shall promulgate rules establishing the number of hours of required pre-adoption preparation under sub. (1) and the topics it shall cover. The preparation shall include training on issues that may confront adoptive parents, in general, and that may confront adoptive parents of special needs or foreign children.

(3) A proposed adoptive parent who petitions to adopt a child under s. 48.837 or 48.839 shall pay the costs of pre-adoption preparation required under sub. (1). The county department of the prospective adoptive parents' county of residence, or, if the prospective adoptive parents reside in a county with a population of 500,000 or more, the

Insert 38-8

of a proposed adoptive parent with whom a child is placed under s. 48.833

1 department, shall pay the costs of the ~~training~~ <sup>preparation</sup> for persons petitioning to adopt a child  
2 under s. 48.833. <sup>pre-adoption preparation required under sub. (1)</sup>

NOTE: Requires the court, in a proceeding on a petition for adoption of a child by ~~nonrelatives~~ <sup>a nonrelative proposed adoptive parent</sup> to order a person who is a first-time adoptive parent to obtain pre-adoption preparation on issues that may confront adoptive parents. The preparation may be provided by a licensed child welfare agency, a licensed private adoption agency, or a state-funded post-adoption resource center. If the ~~person~~ <sup>proposed adoptive parent</sup> lives in another state, the ~~petitioner~~ <sup>he or she</sup> may obtain equivalent preparation in that state. ~~The department~~ <sup>the</sup> is required to promulgate rules on the number of hours of ~~required~~ <sup>that is required</sup> pre-adoption preparation, as well as topics to be covered. <sup>DHFS</sup>

Requires the proposed adoptive parents to pay the costs of the required pre-adoption preparation, unless the child is being adopted from the child welfare system.

3 SECTION 53. 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.

NOTE: Provides that, at the final adoption hearing, the <sup>Juvenile</sup> court must determine whether a nonmarital child's paternity has been established. If the child's paternity has not been established, the court must attempt to ascertain the paternity of the child and must determine the rights of any person who may be the father of the child. The bill ~~draft~~ <sup>4</sup> specifies that the court may not proceed with the hearing on the petition for adoption unless the parental rights of the nonpetitioning parent have been terminated.

THIS SECTION  
also

1 SECTION 54. 48.913 (1) (c), (i) and (m) of the statutes are amended to read:

2 48.913 (1) (c) Maternity clothes for the child's birth mother, ~~not to exceed a~~  
3 ~~reasonable in an amount~~ not to exceed \$300.

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

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

NOTE: Under current law, the proposed adoptive parents of a child, or a person acting on behalf of the proposed adoptive parents, may pay the actual cost of various expenses, including the following:

- Maternity clothes for the child's birth mother, not to exceed a reasonable amount.
- Living expenses of the child's birth mother, in an amount not to exceed \$1,000, if payment of the expenses by the proposed adoptive parents or a person acting on their behalf is necessary to protect the health and welfare of the birth mother or fetus.
- A gift to the child's birth mother from the proposed adoptive parents, of no greater than \$50 in value.

This SECTION does the following:

- Provides that the cost for maternity clothes may not exceed \$300.
- Increases the amount that may be paid for living expenses to \$5,000.
- Increases the amount that may be paid for a gift to the birth mother to \$100.

10 SECTION 55. 808.04 (7m) of the statutes is amended to read:

11 808.04 (7m) An appeal from a judgment or order terminating parental rights  
12 or denying termination of parental rights shall be initiated by filing the notice  
13 required by s. 809.107 (2) within 30 days after the date of entry of the judgment or  
14 order appealed from. Notwithstanding s. 809.82 (2) (b), this time period may not be  
15 enlarged unless the judgment or order was entered as a result of a petition under s.  
16 48.417, that was filed by a representative of the public under s. 48.09.

NOTE: Provides that the time in which to file a notice of appeal of a final judgment in a TPR case may be enlarged if the judgment or order was entered as a result of a petition for involuntary TPR filed by a district attorney, corporation counsel, or other representative of the public.

48.415

1 SECTION 56. 808.04 (8) of the statutes is amended to read:

2 808.04 (8) If the record discloses that the judgment or order appealed from was  
3 entered after the notice of appeal or intent to appeal was filed, the notice of appeal  
4 shall be treated as filed after ~~such~~<sup>that</sup> entry and on the day thereof <sup>of the entry</sup>.

NOTE: Current s. 808.04 (8), stats., provides that if the record discloses that the judgment or order appealed from was entered after the notice of appeal was filed, the notice of appeal shall be treated as filed after such entry and on the day thereof. Currently, this provision affects a few TPR cases each year ~~where~~<sup>when</sup> a notice of intent to appeal (which is required in TPR cases, under s. 809.107, stats.) is filed prior to the entry of the judgment or order. In those cases, the notice of intent to appeal is treated as being filed too early and in violation of s. 808.04(8), stats.

SECTION 57

This draft amends s. 808.04 (8), stats., to provide that if the record discloses that the judgment or order appealed from was entered after the notice of appeal or the notice of intent to appeal was filed, the notice shall be treated as filed after ~~such~~<sup>of the entry</sup> entry and on the day thereof <sup>the</sup>.

5 SECTION 57. 809.107 (5) (am) of the statutes is created to read:

6 809.107 (5) (am) *Notice of abandonment of appeal.* If the person who filed a  
7 notice of intent to appeal under sub. (2) and requested a transcript and case record  
8 under sub. (4) decides not to file a notice of appeal, that person shall notify the person  
9 required to be served under sub. (2) of this decision, within 30 days after the service  
10 of the transcript and case record under sub. (4). <sup>who decides not to file a notice of appeal</sup>

NOTE: Requires a person to provide notification to certain persons that an appeal will not be filed, within 30 days after service of the transcript on the person.

11 SECTION 58. 809.82 (2) (b) of the statutes is amended to read:

12 809.82 (2) (b) Notwithstanding the provisions of par. (a), the time for filing a  
13 notice of appeal or cross-appeal of a final judgment or order, other than in an appeal  
14 under s. 809.30 or 809.32 or as provided under s. 808.04 (7m), may not be enlarged.

NOTE: Provides that the time in which to file notice of appeal of a final judgment in a TPR case may be enlarged as provided under s. 808.04 (7m), stats., as affected by the bill

15 SECTION 59. 938.27 (3) (b) 1. a. of the statutes is amended to read:

16 938.27 (3) (b) 1. a. A person who has filed a declaration of paternal interest  
17 under s. 48.025.

1 SECTION 60. 938.27 (5) of the statutes is amended to read:

2 938.27 (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 juvenile in a judicial proceeding unless the biological father's person's parental  
7 rights have been terminated.

as affected by this bill, for (the) parallel provisions

NOTE: Makes the changes as provided in s. 48.27 (3) (b) 1. a. and (5) for proceedings under the juvenile justice code.

8 SECTION 61. 938.57 (2m) of the statutes is created to read:

9 938.57 (2m) A county department, as soon as practicable after learning that  
10 a person who is receiving juvenile welfare services under sub. (1) from the county  
11 department has changed his or her county of residence, shall provide notice of that  
12 change to the county department of the person's new county of residence. The notice  
13 shall include a brief, written description of the services offered or provided to the  
14 person by the county department and the name, <sup>tele</sup> phone number, and address of a  
15 person to contact for more information.

(CS) 1st/2/3 as created by

NOTE: Requires notice when a person who is receiving juvenile welfare services moves from a county to another county. See the note to s. 48.48 (17) (bm) in this bill draft.

16 SECTION 62. 938.78 (2) (a) of the statutes is amended to read:

17 938.78 (2) (a) No agency may make available for inspection or disclose the  
18 contents of any record kept or information received about an individual in its care  
19 or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d)  
20 or (5m) (d), ~~or 938.51,~~ or 938.57 (2m) or by order of the court.

1st/2/3 as created by this bill

NOTE: Permits a county department to make available for inspection or disclose the contents of any record kept or information received about an individual in its care or legal custody in order to provide the notice required under s. 938.57 (2m) when a person receiving juvenile welfare services moves to another county.

1 SECTION 63. 977.07 (1) (c) of the statutes is amended to read:

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

Stats, which is

NOTE: Permits the state public defender representative to rely upon a determination of indigency made for purposes of trial representation for referrals made under s. 809.107, the statute relating to appeals in proceedings relating to TPR, unless a request for a redetermination is filed or the person's request for representation states that his or her financial circumstances have materially improved.

TPR

Insert  
43-12

12 SECTION 64. Initial applicability.

13 (1) NOTICE OF AND PARTICIPATION IN TERMINATION OF PARENTAL RIGHTS  
14 PROCEEDINGS. The treatment of sections 48.42 (2) (b) (intro.) and 1, 48.422 (6) (a),  
15 48.423, 48.837 (4) (e), and 48.91 (2) of the statutes, ~~the renumbering of section 48.93 (6) of the statutes,~~  
16 of sections 48.42 (2m) and 48.43 (6) of the statutes, and the creation of sections 48.42  
17 (1g), (2) (am) and (2m) (b) and 48.43 (6) (b) of the statutes first apply to a termination  
18 of parental rights petition filed on the effective date of this subsection.

create ref (c)

create auto ref (A)

(1)(a), (1g), and (bm) and (3)(a)

19 (2) NOTICE TO COUNTY WHEN PERSON RECEIVING SERVICES CHANGES COUNTY OF  
20 RESIDENCE. The treatment of sections 48.48 (17) (bm), 48.57 (2m), 48.78 (2) (a), 938.57  
21 (2m), and 938.78 (2) (a) of the statutes first applies to a person who changes his or  
22 her county of residence on the effective date of this subsection.

Insert  
43-22

Declarations

(C) DECLARATIONS OF PATERNAL INTEREST

1

SECTION 65. Effective date.

2

This act takes effect on the day after publication except as follows: ~~first day of~~

3

~~the 3rd month beginning after publication~~

and (bm) and (3)(a)

4

(1) The treatment of sections 46.03 (7) (bm), 48.025 (1), (5) and (6), 48.27 (3) (b)

5

1. a., 48.27 (5), 48.42 (1g), (2) (am), (b) (intro.) and 1, 48.422 (6) (a), 48.423, 48.837

6

(4) (e), 48.91 (2), 938.27 (3) (b) 1. a. and 938.27 (5) of the statutes, the renumbering

7

of sections 48.025 (3) and 48.43 (6) of the statutes, the renumbering and amendment

8

of sections 48.025 (2) and 48.42 (2m) of the statutes, and the creation of sections

9

48.025 (2) (b) and (d) and (3) (a), (c), and (d), 48.42 (2m) (b), and 48.43 (6) (b) take effect

on the first day of the 3rd month beginning after publication of the act.

NOTE: Provides that the act takes effect on the first day after publication except that the provisions relating to declarations of paternal interest take effect on the first day of the 3rd month beginning after publication of the act.

(END)

11

INS-10  
44-15

and (c) of  
and (c) of the statutes  
and SECTION # (15)  
of the bill  
A.R. (A)  
A.R. (C)

of  
of the bill  
and the provisions relating to preadoption  
preparation  
preparation take effect on the first  
day of the 12th  
month beginning  
after  
publication of the bill



2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2751/lins  
GMM.....

(INSERT 20-1)

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

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

\*\*\*\*NOTE: Provides that for purposes of an involuntary TPR to a nonmarital child who is not adopted or whose parents do not subsequently intermarry and whose paternity has not been established, "parent" includes a person who may be the parent of such a child.

(END OF INSERT)

(INSERT 22-8)

SECTION 2. 48.42 (1) (a) of the statutes is amended to read:

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

**History:** 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83.

\*\*\*\*NOTE: Confirms the contents of a petition filed in a TPR proceeding to s. 48.42 (1g) (b), as created by the bill, which requires an alleged father to be notified of the anticipated birth date of the child.

(END OF INSERT)

(INSERT 27-19)

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

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

**History:** 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83.

\*\*\*NOTE: Conforms the contents of a summons issued in a TPR proceeding to s. 48.42 (1g) (b), as created by the bill, which requires an alleged father to be notified of the anticipated birth date of the child.

(END OF INSERT)

(INSERT 36-7)

SECTION 4. 48.833 of the statutes is amended to read:

**48.833 Placement of children for adoption by the department, county departments, and child welfare agencies.** The department, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.60 may place a child for adoption in a licensed foster home or a licensed treatment foster home without a court order if the department, county department ~~under s. 48.57 (1) (e) or (hm) or the,~~ or child welfare agency is the guardian of the child or makes the placement at the request of another agency ~~which~~ that is the guardian of the child and if the proposed adoptive parents have completed the preadoption preparation required under s. 48.84 (1) or the department, county department, or child welfare agency determines that the proposed adoptive parents are not required to complete that preparation. Before placing a child for adoption under this section, the department, county department, or child welfare agency making the placement shall consider the availability of a placement for adoption with a relative of the child who is identified in the child's permanency plan under s. 48.38 or 938.38 or who is otherwise known by the department, county department, or child welfare agency. When a child is placed under this section in a licensed foster home or a licensed treatment foster home for adoption, the department, county department, or child welfare agency making the placement shall enter into a written agreement with the proposed adoptive parent, which shall state the date on which the child is placed in

the licensed foster home or licensed treatment foster home for adoption by the proposed adoptive parent.

History: 1981 c. 81, 384; 1985 a. 176; 1989 a. 336; 1993 a. 446; 1995 a. 275.

\*\*\*\*NOTE: Requires a proposed adoptive parent to have completed the preadoption preparation required under s. 48.84 (1), stats., as created by the bill or DHFS, or the county department or child welfare agency placing the child, to determine that the proposed adoptive parent is not required to complete that preparation before DHFS, the county department, or the child welfare agency may place the child for adoption without a juvenile court order.

**SECTION 5.** 48.837 (1) of the statutes is amended to read:

X

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

History: 1981 c. 81; 1985 a. 176; 1989 a. 161; 1993 a. 446; 1997 a. 27, 104, 191.

(END OF INSERT)

(INSERT 36-13B)

**SECTION 6.** 48.837 (2) (d) of the statutes is created to read:

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

\*\*\*\*NOTE: Requires a petition for the adoptive placement of a child in the home of a nonrelative to allege that the proposed adoptive parents have completed the preadoption preparation required under s. 48.84 (1), stats., as created by the bill or are not required to complete that preparation.

(END OF INSERT)

(INSERT 38-4)

**SECTION 7.** 48.839 (2) (b) of the statutes is amended to read:

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

History: 1981 c. 81; 1985 a. 176; 1997 a. 27.

\*\*\*NOTE: Requires a guardian of a foreign child to have completed the preadoption preparation required under s. 48.84 (1), stats., as created by the bill or DHFS to determine that the guardian is not required to complete that preparation before DHFS may certify to the U.S. Immigration and Naturalization Service that all preadoptive requirements of this state that can be met before the child's arrival in the United States have been met.

**SECTION 8.** 48.839 (2) (c) of the statutes is amended to read:

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

preparation, the department shall certify to the U.S. immigration and naturalization service that all preadoptive requirements of this state that can be met prior to the child's arrival in the United States have been met.

History: 1981 c. 81; 1985 a. 176; 1997 a. 27.

\*\*\*\*NOTE: See NOTE to previous SECTION.

(END OF INSERT)

(INSERT 38-8)

SECTION 9. 48.84 of the statutes is created to read:

**48.84 Preadoption preparation for proposed adoptive parents.** (Before a child may be placed under s. 48.833 for adoption by a proposed adoptive parent who has not previously adopted a child, before a proposed adoptive parent who has not previously adopted a child may petition for placement of a child for adoption under s. 48.837, and before a proposed adoptive parent who has not previously adopted a child may bring a child into this state for adoption under s. 48.839, the proposed adoptive parent shall complete the preadoption preparation required under this section. no ¶)

(B)  
(1)

(END OF INSERT)

(INSERT 43-12)

**SECTION 10. Nonstatutory provisions.**

(1) PREADOPTION PREPARATION. The department of health and family services shall submit in proposed form the rules required under section 48.84 (2) of the statutes, as created by this act, to the legislative council staff under section 227.15

✓  
(1) of the statutes no later than the first day of the 4th month beginning after the effective date of this subsection. ✓

(END OF INSERT)

(INSERT 43-22)

(3) TERMINATION OF PARENTAL RIGHTS GROUNDS.

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

(b) The treatment of section 48.415 (10) (a) of the statutes first applies to petitions for termination of parental rights filed on the effective date of this paragraph but does not preclude consideration of prior orders of a court terminating parental rights with respect to a child who is not the subject of the petition in determining whether to terminate, or to find grounds to terminate, the parental rights of a person under section 48.415 (10) of the statutes, as created by this act. ✓

X (4) TERMINATION OF PARENTAL RIGHTS APPEALS. The treatment of sections 48.43 (6m), 808.04 (7m) and (8), 809.175 (5) (am), and 809.82 (2) (b) of the statutes first applies to judgments or orders granted under section 48.43 of the statutes, as affected by this act, on the effective date of this paragraph. ✓

X (5) DISPOSITIONAL ORDERS. The renumbering and amendment of section 48.355 (2) (b) 1. of the statutes and the creation of section 48.355 (6) (b) 1. a., b., c., and d. of the statutes first applies to dispositional orders granted on the effective date of this subsection. ✓

~~(7)~~ FAIR HEARINGS FOR FOSTER PARENTS. The treatment of section 48.64 (4) (a) and (c) of the statutes first applies to a head of home to whom an agency provides notice of intent to remove a child from the home on the effective date of this subsection.

~~(8)~~ JUDICIAL REVIEW. The treatment of section 48.72 of the statutes first applies to a decision made or action taken by the department of health and family services on the effective date of this subsection.

~~(9)~~ ADVERTISING RELATING TO ADOPTION. The treatment of section 48.825 (3m) and (5) of the statutes first applies to advertisements published on the effective date of this subsection.

~~(10)~~ PAYMENT OF BIRTH PARENTS' EXPENSES. The treatment of section 48.913 (1) (c), (i), and (m) of the statutes first applies to the payment of expenses that are incurred on the effective date of this subsection.

Create  
auto  
ref (B)

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

(END OF INSERT)

(INSERT 44-10)

A.R. (A)

(2) PREADoption PREPARATION. The treatment of sections 48.833, 48.837 (2) (d), 48.839 (2) (b) and (c), and 48.84 of the statutes and SECTION ~~(11)~~ (A) of this act take effect on the first day of the 12th month beginning after publication.

A.R. (B)

(END)

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

LRB-2751/1dn

GMM...kjf

Date

Anne and Laura:

This draft makes numerous nonsubstantive changes to WLC: 0166/1. In addition to those nonsubstantive change, 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.

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no spaces



x 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.

x 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.

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: [gordon.malaise@legis.state.wi.us](mailto:gordon.malaise@legis.state.wi.us)

**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."
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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.

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: [gordon.malaise@legis.state.wi.us](mailto:gordon.malaise@legis.state.wi.us)

**Basford, Sarah**

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**From:** Sappenfield, Anne  
**Sent:** Thursday, June 09, 2005 4:04 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-2751/1 Topic: Termination of parental rights and adoption

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

Draft review: LRB 05-2751/1 Topic: Termination of parental rights and adoption