

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB521)

Received: **09/02/2005**

Received By: **gmalaise**

Wanted: **09/06/2005**

Identical to LRB:

For: **Tamara Grigsby (608) 266-0645**

By/Representing: **Ane Sappenfield**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - TPR and adoption**

Extra Copies: **Anne Sappenfield, LC**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Participation of out-of-state fathers in TPR proceedings

Instructions:

Permit out-of-state father to participate in TPR proceeding if he appears at hearing and proves that he resided in another state at the time of conception and afterwards, the mother left that state without notifying the father, he attempted to locate the mother but did not know she was living in this state, and he complied with the law of the other state to protect and preserve his parental rights.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 09/02/2005	wjackson 09/06/2005		_____			
/1			pgreensl 09/06/2005	_____	lnorthro 09/06/2005	lnorthro 09/06/2005	

FE Sent For:

<END>

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/?	gmalaise	1/11/06	9/28	9/28			

FE Sent For:

<END>

2005

Date (time) needed 1/25 9/6

LRBa 0940, 1

AMENDMENT

GMM : WJ :

See form AMENDMENTS — COMPONENTS & ITEMS.

§ (A) AMENDMENT

~~TO S A AMENDMENT (LRBa /),~~
~~TO S A SUBSTITUTE AMENDMENT (LRBs /),~~
TO 2005 ~~SB SJR SR~~ (AB) ~~AJR AR~~ 521 (LRB- /)

At the locations indicated, amend the bill as follows:
(fill ONLY if "engrossed" or "as shown by")

#. Page , line

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

2005 - 2006 LEGISLATURE

LRB 0924/11
GMM:wlj:jf

90940/11

Tue 9/6

ASSEMBLY AMENDMENT ,
TO 2005 ASSEMBLY BILL 521

1 At the locations indicated, amend the bill as follows:

2 1. Page 31, line 1: delete lines 1 and 2 and substitute:

3 "SECTION 38d. 48.423 of the statutes is renumbered 48.423 (1) and amended

4 to read:

RIGHTS TO PATERNITY DETERMINATION

5 48.423 (1) If a man who alleges that he".

6 2. Page 31, line 11: after "person" insert "meets the conditions specified in sub.

7 (2) or".

8 3. Page 31, line 12: after that line insert:

9 "SECTION 38g. 48.423 (2) of the statutes is created to read:

10 48.423 (2) A person who may be the father of a nonmarital child who is not
11 adopted or whose parents do not subsequently intermarry under s. 767.60 and whose
12 paternity has not been established may contest the petition, present evidence
13 relevant to the issue of disposition, and make alternative dispositional

(CS) RIGHTS OF OUT-OF-STATE FATHERS

1 recommendations if the person appears at the hearing, establishes paternity under
2 sub. (1), and proves all of the following by a preponderance of the evidence:

3 ~~(a) That within 21 days after learning of the birth of the child the person filed
4 an unrevoked declaration of paternal interest under 48.025 or commenced on action
5 to establish paternity of the child.~~

6 ~~(b) That prior to learning of the birth of the child the person did not know, and
7 had no reason to know, the full name and address of the mother of the child.~~

8 ~~(c) That prior to learning of the birth of the child the person attempted through
9 every reasonable means to learn the full name and address of the mother of the
10 child.~~

Insert
2-16

11 **4.** Page 48, line 13: delete "48.423".

12 **5.** Page 48, line 14: after "(2m)" insert ", 48.423,".

13 **6.** Page 48, line 15: after "(2m) (b)" insert ", 48.423 (2),".

14 **7.** Page 50, line 17: delete "48.423".

15 **8.** Page 50, line 19: after "(2m)," insert "48.423,".

16 **9.** Page 50, line 21: after "(2m) (b)," insert "48.423 (2),".

17 (END)

Insert 2-10

ASSEMBLY BILL 476

1 ~~termination of parental rights proceeding only if the person meets the conditions~~
2 ~~specified in sub. (2) or meets a condition specified in s. 48.42 (2) (b) 1., 3., or 4.~~

3 SECTION 22. 48.423 (2) of the statutes is created to read:

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

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

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

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

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

21 SECTION 23. 48.43 (6) of the statutes is amended to read:

22 48.43 (6) Judgments under this subchapter terminating parental rights are
23 final and, are appealable under s. 808.03 (1) according to the procedure specified in
24 s. 809.107, and are subject to a petition for rehearing or a motion for relief only as
25 provided in s. 48.46 (1m) and (2). In no event may any person, for any reason,

(ed/inst)