## 2005 DRAFTING REQUEST

## **Assembly Amendment (AA-AB521)**

Received: 11/30/2005					Received By: gmalaise			
Wanted: 11/30/2005					Identical to LRB:			
For: Legislative Fiscal Bureau 6-3847  This file may be shown to any legislator: NO  May Contact:					By/Representing: <b>Yvonne Onsager</b> Drafter: <b>gmalaise</b>			
								Addl. Drafters:
					Subject: Children - out-of-home placement Children - TPR and adoption			
Submit	via email: YES							
Reques	ter's email:	yvonne.on	sager@legi	s.state.wi.us				
Carbon	copy (CC:) to:	marsha.da	ake@legis.st	tate.wi.us				
Pre To	pic:				**************************************			
No spec	cific pre topic g	iven						
Topic:								
Affidav home ir	rit of birth moth n fair hearing pr	er and refusal toceeding; conf	o name birth identiality of	father in TP.	R proceeding; parthological examina	ty status of heac ation	l of foster	
Instruc	ctions:		· · · · · · · · · · · · · · · · · · ·	· .				
Fold tog	gether LRB's a1	159/1, a1199/1	, a1200/1, ar	nd 1263/1.				
Draftin	ng History:							
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required	
/?	gmalaise 11/30/2005	kfollett 11/30/2005						
/1			jfrantze 11/30/200	)5	lnorthro 11/30/2005	Inorthro 11/30/2005		
FE Sent	For:							

<END>

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By/Representing: Yvonne Onsager

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

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject:

Children - out-of-home placement

Children - TPR and adoption

Extra Copies:

Submit via email: YES

Requester's email:

yvonne.onsager@legis.state.wi.us

Carbon copy (CC:) to:

marsha.dake@legis.state.wi.us

### Pre Topic:

No specific pre topic given

### Topic:

Affidavit of birth mother and refusal to name birth father in TPR proceeding; party status of head of foster home in fair hearing proceeding; confidentiality of parent's psychological examination

#### Instructions:

Fold together LRB's a1159/1, a1199/1, a1200/1, and 1263/1.

## **Drafting History:**

Vers.

Drafted

Reviewed

Typed

Proofed

Submitted

Jacketed

Required

/?

gmalaise

FE Sent For:

<END>

MOTE

2005 - 2006 LEGISLATURE

LRBa1203/1/ GMM:kjf:y&

# ASSEMBLY AMENDMENT, TO 2005 ASSEMBLY BILL 521

At the locations indicated, amend the bill as follows:

2 **1.** Page 18, line 18: delete lines 18 to 22 and substitute "or assessment before

3 ordering the examination or assessment. The expenses of".

**2.** Page 19, line 1: delete lines 1 to 6.

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# ASSEMBLY AMENDMENT, TO 2005 ASSEMBLY BILL 521

2	1. Page 24, line 9: delete "shall" and substitute "may".
3	<b>2.</b> Page 25, line 21: delete lines 21 to 24.
4	<b>3.</b> Page 26, line 1: delete lines 1 and 2 and substitute:
5	"(c) If an affidavit under par. (a) is not filed with the petition, notice shall be
6	given to an alleged father under sub. (2).".
7	4. Page 27, line 5: delete "or a statement under sub. (1g) (c)".
8	(END)

At the locations indicated, amend the bill as follows!

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# ASSEMBLY AMENDMENT, TO 2005 ASSEMBLY BILL 521

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

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1. Page 30, line 7: after "both." insert "It is not a violation of this subsection for a person to refuse to make a statement or representation of material fact in the course of a proceeding under this section for the purpose of preventing a person who is entitled to receive notice of a proceeding under this section from receiving notice if, at the time of the refusal, the person stated that he or she feared that making such a statement or representation would place the person or another person at risk of domestic abuse, as defined in s. 813.12 (1) (am), or abuse, as defined in s. 813.122 (1) (a), and if the person proves that he or she refused to make such a statement or representation because of a recent overt act, attempt, or threat that caused him or her reasonably to believe that refusing to make such a statement or representation

- was the only means of preventing domestic abuse, as defined in s. 813.12 (1) (am),
- or abuse, as defined in s. 813.122 (1) (a), to himself or herself or to another.".

3 CENDY

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# ASSEMBLY AMENDMENT, TO 2005 ASSEMBLY BILL 521

Ĺ	At the locations indicated, amend the bill as follows:		
2	1. Page 34, line 4: delete lines 4 to 23.		
3	<b>2.</b> Page 35, line 1: delete lines 1 to 21.		
1	<b>3.</b> Page 49, line 18: delete lines 18 to 20 and substitute:		
5	"(6m) Agency decisions involving placement of child. The treatment of		
6	section 48.64 (4) (c) of the statutes first applies to a decision or order of an agency		
7	involving the placement and care of a child made on the effective date of this		
3	subsection.".		
)	(END)		

D-Note

## STATE OF WISCONSIN – **LEGISLATIVE REFERENCE BUREAU**

LRB	Research (608–266–0341) Library (608–266–7040) Legal (608–266–3561) LRB
	Patt .
	D-VOTE
Yvonne:	(a) sol
	folds + 100
This	folds amendment folis together by LRHJa 1159/1, ja 1199/1,
	63/1, which accomplishes all of the following:
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statement	in her of an affidavity for a child who has been
3 D	eletes the provisions that would have made a head of a
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blucy	him or her with a fair hearing proceeding and are relevant
world have	provided access to all empidential records that are relevant
to the	(PR proceed
13 me 1351	ne of the removal of the child from the home.
~ ? R	that prohibits preventing a porson from receiving notice of order that it is not a violation of the langto refuse to
	(Jana IPR proceeding)
name the	buth father it necessary to prevent domestic abuse.
LI R	restores current have regarding the
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y sychalog	Wisconsin Legislative Reference Bureau

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa1625/1dn GMM:kjf:jf

November 30, 2005

#### Yvonne:

This amendment folds together LRBa1159/1, LRBa1199/1, LRBa1200/1, and LRBa1263/1, which accomplishes all of the following:

- 1. Makes the birth mother's affidavit in a TPR proceeding optional rather than mandatory and eliminates the option of filing a statement in lieu of an affidavit for a child who has been relinquished.
- 2. Deletes the provisions that would have made a head of a foster home a party to a fair hearing proceeding and would have provided him or her with access to all confidential records that are relevant to the issue of the removal of the child from the home.
- 3. Provides that it is not a violation of the law that prohibits preventing a person from receiving notice of a TPR proceeding to refuse to name the birth father if necessary to prevent domestic abuse.
- 4. Restores current law regarding the confidentiality of the results of a parent's psychological examination.

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