

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**

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:

<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 11/30/2005	kfollett 11/30/2005		_____			
/1			jfrantze 11/30/2005	_____	lnorthro 11/30/2005	lnorthro 11/30/2005	

FE Sent For:

<END>

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/?	gmalaise	17 k.f. 11/30	11/30	SB 11/30			

FE Sent For:

<END>

NOTE

al625/1

2005 - 2006 LEGISLATURE

now!!!
11/30

LRBa1203/1

GMM:kjfr

wlj+

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

1 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".

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

5

(END)



**ASSEMBLY AMENDMENT ,
TO ~~2005 ASSEMBLY BILL 521~~**

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

2 **1.** Page 24, line 9: delete "shall" and substitute "may".

3 **2.** Page 25, line 21: delete lines 21 to 24.

4 **3.** 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)~~



**ASSEMBLY AMENDMENT,
TO ~~2005 ASSEMBLY BILL 521~~**

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

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

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

3

~~(END)~~



STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Gmm: kjf

Date

D-WOTE

Yvonne:

LRB
ca 1200/1

folds

This amendment folds together ~~LRB~~ ca 1159/1, ca 1199/1,

LRB

LRB
and ca 1263/1, 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 home party foster home a party to a fair hearing proceeding and would have provided access to all confidential records that are relevant to the issue of the removal of the child from the home.

that prohibits preventing a person from receiving notice of a TPR proceeding

3. Provides that it is not a violation of the law 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.

Gmm



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1625/1dn
GMM:kjfjf

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.

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