2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB521)

Received: **12/02/2005**

Wanted: **12/05/2005**

For: **Legislative Fiscal Bureau 6-8799**

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

May Contact:

Subject: **Children - TPR and adoption**
            Children - out-of-home placement
            Children - child welfare

Submit via email: **YES**

Requester's email: **charlie.morgan@legis.state.wi.us**

Carbon copy (CC:) to: **yvonne.onsager@legis.state.wi.us**

Received By: **gmalaise**

Identical to LRB:

By/Representing: **Charlie Morgan**

Drafter: **gmalaise**

Addl. Drafters:

Extra Copies:

fixed e-mails so resubmitted

Pre Topic:

No specific pre topic given

Topic:

Termination of parental rights and adoption

Instructions:

Draft substitute amendment folding in all of the amendments approved by the Joint Committee on Finance, i.e., LRB's a1570/1, a1625/1, a1172/1 and AA's 1, 2, and 3.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	gmalaise 12/02/2005	kfollett 12/06/2005		_____ _____			
/1			pgreensl 12/06/2005	_____ _____ _____	lnorthro 12/06/2005 lnorthro 12/06/2005	lnorthro 12/06/2005	

FE Sent For:

<END>

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/?	gmalaise						

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<END>

ASSEMBLY AMENDMENT ,

TO 2005 ASSEMBLY BILL 521

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

2   **1.** Page 14, line 9: after "s." insert "48.25,".

3   **2.** Page 50, line 21: delete "(10)" and substitute "(1)".

4   **3.** Page 50, line 24: delete "(1)" and substitute "(10)".

5   **(END)**

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

6   **4.** Page 25, line 21: delete lines 21 to 24.

7   **5.** Page 26, line 1: delete lines 1 and 2 and substitute:

8   "(c) If an affidavit under par. (a) is not filed with the petition, notice shall be

9   given to an alleged father under sub. (2).".

10   **6.** Page 27, line 5: delete "or a statement under sub. (1g) (c)".

11   **7.** Page 30, line 7: after "both." insert "It is not a violation of this subsection

12   for a person to refuse to make a statement or representation of material fact in the

1   course of a proceeding under this section for the purpose of preventing a person who

2   is entitled to receive notice of a proceeding under this section from receiving notice

3   if, at the time of the refusal, the person stated that he or she feared that making such

4   a statement or representation would place the person or another person at risk of

5   domestic abuse, as defined in s. 813.12 (1) (am), or abuse, as defined in s. 813.122 (1)

6   (a), and if the person proves that he or she refused to make such a statement or

7   representation because of a recent overt act, attempt, or threat that caused him or

8   her reasonably to believe that refusing to make such a statement or representation

9   was the only means of preventing domestic abuse, as defined in s. 813.12 (1) (am),

10   or abuse, as defined in s. 813.122 (1) (a), to himself or herself or to another.".

11   **8.** Page 34, line 4: delete lines 4 to 23.

12   **9.** Page 35, line 1: delete lines 1 to 21.

13   **10.** Page 49, line 18: delete lines 18 to 20 and substitute:

14   "(6m) AGENCY DECISIONS INVOLVING PLACEMENT OF CHILD. The treatment of

15   section 48.64 (4) (c) of the statutes first applies to a decision or order of an agency

16   involving the placement and care of a child made on the effective date of this

17   subsection.".

18   **(END)**

ASSEMBLY AMENDMENT ,

TO 2005 ASSEMBLY BILL 521

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

2   **1.** Page 23, line 6: delete lines 6 to 9 and substitute:

3   "**SECTION 25d.** 48.415 (10) (a) of the statutes is amended to read:

4   48.415 **(10)** (a) That the child who is the subject of the petition has been

5   adjudged to be in need of protection or services under s. 48.13 (2), (3) or, (3m), (10),

6   or (10m); or that the child who is the subject of the petition was born after the filing

7   of a petition under this subsection whose subject is a sibling of the child.

8   **SECTION 25g.** 48.415 (10) (b) of the statutes is amended to read:

9   48.415 **(10)** (b) That, within 3 years prior to the date the court adjudged the

10   child ~~who is the subject of the petition~~ to be in need of protection or services as

11   specified in par. (a) or, in the case of a child born after the filing of a petition as

12   specified in par. (a), within 3 years prior to the date of birth of the child, a court has

13   ordered the termination of parental rights with respect to another child of the person

1   whose parental rights are sought to be terminated on one or more of the grounds

2   specified in this section.".

3   **2.** Page 49, line 3: delete "entered" and substitute "granted".

4   **3.** Page 49, line 4: after "(a)" insert "and (b)".

5   **4.** Page 49, line 9: delete "created" and substitute "affected".

6   **(END)**

ASSEMBLY AMENDMENT 1,

TO 2005 ASSEMBLY BILL 521

September 8, 2005 – Offered by COMMITTEE ON CHILDREN AND FAMILIES.

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

2   **1.** Page 19, line 7: delete lines 7 to 20.

3   **2.** Page 20, line 1: delete lines 1 to 9.

4   **3.** Page 24, line 9: delete "shall" and substitute "may".

5   **4.** Page 26, line 2: after that line insert:

6   "(d) If an affidavit under par. (a) is not filed with the petition, notice shall be

7 given to an alleged father under sub. (2).".

8   **5.** Page 43, line 14: delete lines 14 to 17 and substitute "The department shall

9 pay the costs of the preadoption preparation required under sub. (1) for a proposed

10 adoptive parent with whom a child is placed under s. 48.833.".

11   **6.** Page 49, line 14: delete lines 14 to 17.

12   **(END)**

ASSEMBLY AMENDMENT 2,

TO 2005 ASSEMBLY BILL 521

September 8, 2005 – Offered by COMMITTEE ON CHILDREN AND FAMILIES.

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:

5   48.423 **(1)** RIGHTS TO PATERNITY DETERMINATION. 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)** RIGHTS OF OUT-OF-STATE FATHERS. A person who may be the father

11 of a nonmarital child who is not adopted or whose parents do not subsequently

12 intermarry under s. 767.60 and whose paternity has not been established may

13 contest the petition, present evidence relevant to the issue of disposition, and make

1   alternative dispositional recommendations if the person appears at the hearing,

2   establishes paternity under sub. (1), and proves all of the following by a

3   preponderance of the evidence:

4   (a) That the person resides and has resided in another state where the mother

5   of the child resided or was located at the time of or after the conception of the child.

6   (b) That the mother left that state without notifying or informing that person

7   that she could be located in this state.

8   (c) That the person attempted to locate the mother through every reasonable

9   means, but did not know or have reason to know that the mother was residing or

10   located in this state.

11   (d) That the person has complied with the requirements of the state where the

12   mother previously resided or was located to protect and preserve his paternal

13   interests in matters affecting the child.".

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

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

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

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

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

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

20   **(END)**

ASSEMBLY AMENDMENT 3,

TO 2005 ASSEMBLY BILL 521

September 8, 2005 – Offered by COMMITTEE ON CHILDREN AND FAMILIES.

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

2   **1.** Page 23, line 6: delete lines 6 to 9 and substitute:

3   "SECTION 25g. 48.415 (10) (a) of the statutes is amended to read:

4   48.415 **(10)** (a) That the child who is the subject of the petition has been

5   adjudged to be in need of protection or services under s. 48.13 (2), (3) or (10): or that

6   the child who is the subject of the petition has been adjudged to be in need of

7   protection or services under s. 48.13 (3m) or (10m) and the parent has failed to

8   remedy the conditions responsible for court intervention and there is a substantial

9   likelihood that the parent will not remedy those conditions within the 9–month

10   period following the fact–finding hearing under s. 48.424.".

11   **2.** Page 49, line 5: delete that line and substitute "court orders required to

12   contain the notice under section 48.356 (2) of the statutes entered on the effective

13   date of this".

1   **3.** Page 49, line 9: delete "created" and substitute "affected".

2   **(END)**

2005   Date (time) needed ___*Tues* Nov 12/6___   LRBs___0353___, ___1___

___Gmm___:___kjf___:___

SUBSTITUTE AMENDMENT
[TO A BILL]

Use the appropriate components and routines developed for substitute amendments.

S) A) **SUBSTITUTE AMENDMENT**

TO 2005 SB AB ___521___ (LRB– ___/___)

AN ACT . . . [generate catalog] *to repeal* . . . ; *to renumber* . . . ; *to consolidate and renumber* . . . ; *to renumber and amend* . . . ; *to consolidate, renumber and amend* . . . ; *to amend* . . . ; *to repeal and recreate* . . . ; and *to create* . . . of the statutes; **relating to:** . . . .

. . . .

. . . .

. . . .

. . . .

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.