2005 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB521)

Received: **12/13/2005**

Wanted: **12/13/2005**

For: **Suzanne Jeskewitz (608) 266-3796**

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

May Contact:

Subject: **Children - TPR and adoption**

Received By: **gmalaise**

Identical to LRB:

By/Representing: **Pam Matthews**

Drafter: **gmalaise**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Termination of parental rights and adoption; grounds, aappeals, advertising, preadoption preparation

Instructions:

See Attached--fold together a1801, a1814, and a1841, but permit time for filing both notice of appeal and notice of intent to appeal to be enlarged

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	gmalaise 12/13/2005	jdyer 12/13/2005	_____ _____				
/1			rschluet 12/13/2005	_____ _____	sbasford 12/13/2005	sbasford 12/13/2005	

FE Sent For:

<END>

2005 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB521)

Received: **12/13/2005**

Wanted: **12/13/2005**

For: **Suzanne Jeskewitz (608) 266-3796**

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

May Contact:

Subject: **Children - TPR and adoption**

Received By: **gmalaise**

Identical to LRB:

By/Representing: **Pam Matthews**

Drafter: **gmalaise**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

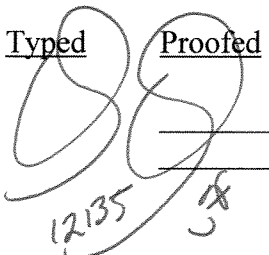**Pre Topic:**

No specific pre topic given

Topic:

Termination of parental rights and adoption; grounds, aappeals, advertising, preadoption preparation

---

Instructions:

See Attached--fold together a1801, a1814, and a1841, but permit time for filing both notice of appeal and notice of intent to appeal to be enlarged

---

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	gmalaise	/ 12/13 jcd					

FE Sent For:

<END>

Malaise, Gordon

From: Sappenfield, Anne
Sent: Tuesday, December 13, 2005 10:15 AM
To: Malaise, Gordon
Subject: FW: LRB 05a1814 Topic: Enlargement of time to appeal certain TPR judgments

Thanks, Gordon!!

Anne

From: Stephens, Marla [mailto:StephensM@opd.wi.gov]
Sent: Tuesday, December 13, 2005 10:13 AM
To: Sappenfield, Anne
Subject: RE: LRB 05a1814 Topic: Enlargement of time to appeal certain TPR judgments

Tell Gordon that we don't want to delete the provision allowing extension of time to file the notice of *intent*. (See Leg Council Special Committee on Adoption & TPR Report of March 2005 at p. 4.) So Sec. 60d of 1 needs to change, 2 is OK and 3 should be deleted. Call me if .....
Thanks,
Marla

Atty. Marla J. Stephens
Director, Appellate Division
Wisconsin State Public Defender Office

stephensm@opd.wi.gov
Direct 414-227-4891 Fax 414-227-4508 Monday, Tuesday, Thursday
Direct 608-264-8573 Fax 608-267-0584 Wednesday, Friday
Cell 608-516-1232

Now!!! *Drure*

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2005 ASSEMBLY BILL 521

1   At the locations indicated, amend the substitute amendment as follows:

2   **1.** Page 17, line 21: delete lines 21 to 25 and substitute "the child who is the".

3   **2.** Page 28, line 6: after that line insert:

4   "**SECTION 45t.** 48.825 (3) (c) of the statutes is created to read:

5   48.825 **(3)** (c) A state–funded foster care and adoption resource center or a

6   state–funded post adoption resource center.".

7   **3.** Page 32, line 22: after "agency," insert "the state adoption information

8   exchange under s. 48.55, the state adoption center under s. 48.55, a state–funded

9   foster care and adoption resource center,".

8: after that line insert

(10) Fix Component

10   **4.** Page 34, line 9: delete lines 9 to 15 and substitute:

11   "**SECTION 59x.** 808.04 (7) of the statutes is amended to read:

[handwritten: # Page 34, line 13: delete "(b)" and substitute "(b) (a)".]

[handwritten top right: letter]

1   808.04 **(7)** An appeal by a party other than the state from a judgment or order

2   granting adoption shall be initiated by filing the notice required by s. 809.30 (2) (b)

3   within 40 days ~~of~~ <u>after</u> the date of entry of the judgment or order appealed from.

4   Notwithstanding s. 809.82 (2) ~~(b)~~ <u>(a)</u>, this time <u>period</u> may not be enlarged."

5   ~~**SECTION 60d.** 808.04 (7m) of the statutes is amended to read:~~

6   808.04 **(7m)** An appeal from a judgment or order terminating parental rights

7   or denying termination of parental rights shall be initiated by filing the notice

8   required by s. 809.107 (2) within 30 days after the date of entry of the judgment or

9   order appealed from. <u>Notwithstanding s. 809.82 (2) ~~(b)~~ (a), this time period may not</u>

10   <u>be enlarged.</u>"

11   **5.** Page 35, line 1: delete lines 1 to 4 and substitute:

12   "**SECTION 63d.** 809.82 (2) (b) of the statutes is amended to read:

13   809.82 **(2)** (b) Notwithstanding ~~the provisions of~~ par. (a), the time for filing a

14   notice of appeal or cross–appeal of a final judgment or order, other than in <u>an appeal</u>

15   <u>under s. 809.107 of a judgment or order that was entered as a result of a petition</u>

16   <u>under s. 48.415 that was filed by a representative of the public under s. 48.09 or</u> an

17   appeal under s. 809.30 or 809.32, may not be enlarged.".

18   **6.** Page 37, line 12: delete lines 12 and 13 and substitute "to a petition filed on

19   the effective date of this paragraph for termination of parental rights to a child who

20   was born after the filing of a petition for termination of parental rights to a sibling

21   of the child, but does not preclude consideration".

22   ~~**7.** Page 37, line 19: delete "(7m) and".~~

23   **8.** Page 38, line 4: delete "(3m)" and substitute "(3) (c), (3m),".

24   **(END)**

[handwritten: d-note]

DNOTE

Jeskewitz

Representative Jeskewitz:

This amendment incorporates the change requested by the SPD this morning. Accordingly, you should proceed with this amendment rather than with a LRB 1846/1.
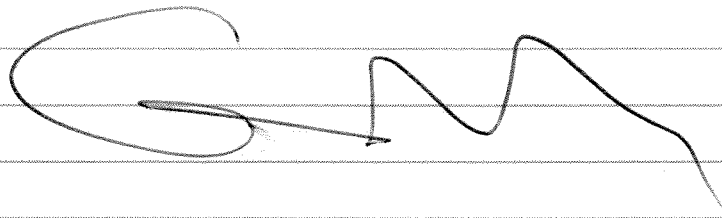
This amendment does all of the following:

1. Deletes the language that would have permitted a termination of parental rights to a child who is at risk of abuse or neglect when the parent is not likely to remedy the conditions leading to court intervention.

2. Permits a state-funded foster care and adoption resource center or a state-funded post adoption resource center to advertise for adoptions.

3. Permits the state adoption information exchange, the state adoption center, and a state-funded foster care and adoption resource center

to provide preadoption preparation.

4. Permits the time for filing a notice of appeal, as well as a notice of intent to appeal, to be enlarged when the TPR petition was filed by a representative of the public interest.

December 13, 2005

Representative Jeskewitz:

This amendment incorporates the change requested by the SPD this morning. Accordingly, you should proceed with this amendment rather than with LRBa1846/1.

This amendment does all of the following:

1. Deletes the language that would have permitted a termination of parental rights to a child who is at risk of abuse or neglect when the parent is not likely to remedy the conditions leading to court intervention.

2. Permits a state–funded foster care and adoption resource center or a state–funded postadoption resource center to advertise for adoptions.

3. Permits the state adoption information exchange, the state adoption center, and a state–funded foster care and adoption resource center to provide preadoption preparation.

4. Permits the time for filing a notice of appeal, as well as a notice of intent to appeal, to be enlarged when the TPR petition was filed by a representative of the public interest.

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