

2005 ASSEMBLY BILL 660

1 **AN ACT** *to amend* 48.43 (7) and 48.485 of the statutes; **relating to:** legal custody
2 of a child who was initially taken into custody under circumstances in which the
3 child's parent relinquished custody of the child and whose parents' parental
4 rights to the child have been terminated.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 48.43 (7) of the statutes is amended to read:
6 48.43 (7) If the agency specified under sub. (1) (a) is the department and a
7 permanent adoptive placement is not in progress 2 years after entry of the order, the
8 department may petition the court to transfer legal custody of the child to a county
9 department, except that the department may not petition the court to transfer to a
10 county department legal custody of a child who was initially taken into custody

ASSEMBLY BILL 660**SECTION 1**

1 under s. 48.195 (1). The court shall transfer the child's legal custody to the county
2 department specified in the petition. The department shall remain the child's
3 guardian.

4 **SECTION 2.** 48.485 of the statutes is amended to read:

5 **48.485 Transfer of tribal children to department for adoption.** If the
6 department accepts guardianship or legal custody or both from an American Indian
7 tribal court under s. 48.48 (3m), the department shall seek a permanent adoptive
8 placement for the child. If a permanent adoptive placement is not in progress within
9 2 years after entry of the termination of parental rights order by the tribal court, the
10 department may petition the tribal court to transfer legal custody or guardianship
11 of the child back to the tribe, except that the department may not petition the tribal
12 court to transfer back to a tribe legal custody or guardianship of a child who was
13 initially taken into custody under s. 48.195 (1).

14 **SECTION 3. Nonstatutory provisions.**

15 (1) LEGAL CUSTODY OF RELINQUISHED CHILD AFTER TERMINATION OF PARENTAL
16 RIGHTS. This act first applies to petitions filed under section 48.43 (7) or 48.485 of the
17 statutes, as affected by this act, on the effective date of this subsection.

18 (END)