

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2891/2dn
GMM:cjs:nwn

January 3, 2008

Cathy:

In reviewing the draft, please note all of the following:

1. Because the draft amends s. 146.0255 (2) to require doctors to report drug-affected infants to the child protective services agency and because s. 46.238 references s. 146.0255 (2), the draft does not work if s. 46.238 is not changed to reference the child protective services agency. Accordingly, rather than leave s. 46.238 unchanged from current law, the draft requires the child protective services agency in Milwaukee County to refer such a report to the county department under s. 51.42 or 51.437 in that county for the provision of services.
2. With respect to s. 146.0255 (2), I agree that the federal language only affects born infants, but current Wisconsin law also covers unborn children. Accordingly, the draft retains the provisions relating to unborn children to conform those provisions to the provisions on born children, as affected by the draft. In the alternative, we could repeal 1997 Act 292 relating to unborn children.
3. Your instructions note that you do not require a permanency plan for a child in a preadoptive home until after the termination of parental rights. That condition is covered in the definition of "preadoptive parent" in s. 48.02 (14j), as created by the draft.

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