

2009 DRAFTING REQUEST

Senate Amendment (SA-SSA2-AB214)

Received: 04/19/2010

Received By: gmalaise

Wanted: Today

Companion to LRB:

For: Alberta Darling (608) 266-5830

By/Representing: Anne Sappenfield

May Contact:

Drafter: gmalaise

Subject: Children - TPR and adoption

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Darling@legis.wisconsin.gov

Carbon copy (CC:) to: anne.sappenfield@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Posttermination contact agreements; acknowledgement of irrevocability; exception for Indian parents

Instructions:

See attached

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>
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FE Sent For:

<END>

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gmalaise

1/4/19 jld

Jb 4/19

FE Sent For:

<END>

Malaise, Gordon

From: Sappenfield, Anne
Sent: Monday, April 19, 2010 11:38 AM
To: Malaise, Gordon
Cc: Schulze, Connie
Subject: amdt request

Hi Gordon,

Sen. Darling is requesting a simple amendment to SSA 2 (LRBs0364/1) to AB 214. The amendment would insert language on p. 7, line 10, providing that a posttermination contact agreement entered into by a parent, as defined for purposes of WICWA, may not include the provision in s. 48.429 (3) (a).

Thank you, and let me know if you have questions.

Anne Sappenfield
Senior Staff Attorney
WI Legislative Council
(608) 267-9485

ICWA AMENDMENT TO AB-214

When an Indian family gives up their child for adoption, they have 2 years to withdraw consent to the adoption agreement if they show there was fraud or duress.

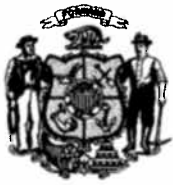
The proposed Posttermination Contact Agreement (PCA) contains a provision that says an adoption cannot be terminated using the reason that the PCA was violated.

If the violation of the PCA was related to fraud or duress this provision will take away the right of an Indian family to terminate an adoption that already exists under ICWA.

Therefore the provision needs to be amended to make sure it does not apply to Indian adoptions.

This is done by inserting on page 7, at the end of line 10 the following:

This section does not apply to a birth parent who meets the definition of 'parent' for purposes of application of section 48.028.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa2363/p

GMM:...

Ln 4119
(orig)

LPS -
Fix request
sheet ok jld
please

SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 2,
TO 2009 ASSEMBLY BILL 214

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 7, line 6: delete "An" and substitute "Except as provided in this
- 3 paragraph, an".
- 4 **2.** Page 7, line 10: after "adoption." insert "A posttermination contact
- 5 agreement in which one of the parties is a parent, as defined in s. 48.02 (13) for
- 6 purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25
- 7 USC 1901 to 1963, is not required to contain the acknowledgement described in this
- 8 paragraph.".

(END)