

2011 DRAFTING REQUEST

Bill

Received: 08/30/2010

Received By: gmalaise

Wanted: 09/13/2010

Companion to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Tricia Sieg

May Contact:

Drafter: gmalaise

Subject: Children - TPR and adoption

Addl. Drafters:

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Termination of parental rights for children under eight years of age

Instructions:

See attached--redraft 09-0298/1

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>
/?	gmalaise 09/09/2010	kfollett 09/13/2010		_____			S&L
/1			rschluet 09/13/2010	_____	sbasford 09/13/2010	sbasford 04/14/2011	

FE Sent For:

atintus
4/18

<END>

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/?	gmalaise	1/15f 9/13	PN 9/13/10	== ==			
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FE Sent For:

<END>

Malaise, Gordon

From: Sieg, Tricia
Sent: Thursday, August 26, 2010 11:00 AM
To: Malaise, Gordon
Subject: Drafting Request

Dear Gordon,

Good Morning! I hope this email finds you well enjoying your summer!

I know that LRB is changing its computers over tomorrow to the 11-12 legislative session so I wanted to get my request in for re draft legislation to be drafted for the 2011-12 session. Since the Senator isn't up for re election this year we are trying to use the summer/fall to get all of our ducks in a row. Here are are the bills that you drafted for us previously that we would like to get redrafted for 2011-12 session

2009 LFB0298/1 Termination of parental rights for children under eight years old

[REDACTED]

If you could give me an ETA as to when you think you would have these redrafts done I would really appreciate it. I am shooting for a date of September 14th to be able to sit down and speak to the Senator about these bills. If September 14th is to soon please let me know.

Thank you again for your work on these.

Sincerely,

Tricia
Senator Lazich's office

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN


(Request Made By: GMM) (Date: 8 / 30 / 10)


Note:

Both drafts must have the same "requestor"


(exception: companion bills).



 Please transfer the drafting file for
2007 LRB 0298 (For: Rep. / Sen. Lazich)

 to the drafting file for
2009 LRB 0016 (For: Rep. / Sen. Lazich)

-----OR-----

 Please copy the drafting file for
2009 LRB _____ / _____ (include the version) (For: Rep. / Sen. _____)

and place it in the drafting file for
2009 LRB _____ (For: Rep. / Sen. _____)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____

In ~~8/24~~ 9/19
Wanted 9/13

2009-2010 LEGISLATURE

0016/1

LRB-029871
GMM:nwn&jld:rs

11

2000 BILL

gf

PUF where indicated

Regenerate

1 AN ACT *to renumber and amend* 48.365 (2g) (b) 3. and 938.365 (2g) (b) 3.; *to*

2 *amend* 48.38 (5) (c) 6. (intro.), 48.417 (1) (a), 48.417 (2) (intro.) and 938.38 (5)

3 (c) 6. (intro.); and *to create* 48.365 (2g) (b) 3. a. to d., 48.38 (5) (c) 6m., 48.417

4 (1) (am), 938.365 (2g) (b) 3. a. to d. and 938.38 (5) (c) 6m. of the statutes;

5 **relating to:** a requirement that termination of parental rights petitions be

6 filed with respect to children under eight years of age, and certain children

7 eight years of age or over, who have been placed outside the home for six

8 months.

Analysis by the Legislative Reference Bureau

Under current law, the parental rights of a parent to his or her child may be terminated involuntarily under various grounds, including the ground of continuing need of protection or services, which may be established by proving: 1) that the child has been adjudged to be in need of protection or services and placed outside of his or her home by the court assigned to exercise jurisdiction under the Children's Code (juvenile court); 2) that the agency responsible for the care of the child and the family has made a reasonable effort to provide the services ordered by the juvenile court; 3) that the child has been outside the home for a cumulative period of six months or longer pursuant to juvenile court orders; and 4) that the parent has failed to meet

BILL

~~outside his or her home~~ in a foster home, group home, nonsecured residential care center for children and youth, or shelter care facility

the conditions established for the safe return of the child to the home, and there is a substantial likelihood that the parent will not meet those conditions within the nine-month period following the termination of parental rights (TPR) fact-finding hearing.

Current law, subject to ^{that} certain exceptions, requires the filing of a TPR petition with respect to a child who has been placed ~~in an out-of-home placement~~ for 15 of the most recent 22 months, not including any period during which the child was a runaway from ~~the out-of-home placement~~ or the first six months of a trial home visit. A person responsible for filing TPR petitions, however, is not required to file a TPR petition with respect to such a child if the child is being cared for by a relative, if a TPR is not in the best interests of the child, if the agency primarily responsible for providing services to the child and the family is required to make reasonable efforts to make it possible for the child to return safely home and has not provided the services necessary for that safe return, or if grounds for TPR do not exist.

This bill, subject to the exceptions under current law, requires a TPR petition to be filed with respect to a child who has been placed outside of his or her home ^{for} a cumulative total period of six months, not including any period during which the child was a runaway from the out-of-home placement or any period during which the child was returned to his or her home for a trial home visit, if any of the following applies:

in any out-of-home placement

1. The child was under eight years of age when he or she was placed outside of his or her home.

2. The child was eight years of age or over when he or she was placed outside of his or her home and the goal of the child's permanency plan, which is a plan designed to ensure that a child is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability, is placement for adoption with an adoptive parent or a proposed adoptive parent of a sibling who was under eight years of age when the sibling was placed outside of his or her home.

3. The child was eight years of age or over when he or she was placed outside of his or her home, and the child's permanency plan indicates that a safe and appropriate placement with a proposed adoptive parent is available for the child and that the child has expressed the wish to be adopted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1

~~SECTION 1. 48.365 (2g) (b) 3. of the statutes is renumbered 48.365 (2g) (b) 3.~~

2

(intro.) and amended to read:

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0016/lins
GMM.....

(INSERT 3-21)

1 SECTION 1. 48.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act
2 79, section 42, is renumbered 48.365 (2g) (b) 3. (intro.) and amended to read:

3 48.365 (2g) (b) 3. (intro.) ~~If the child has been placed outside of his or her home~~
4 ~~in a foster home, treatment foster home, group home, nonsecured residential care~~
5 ~~center for children and youth, or shelter care facility for 15 of the most recent 22~~
6 ~~months, not including any period during which the child was a runaway from the~~
7 ~~out-of-home placement or the first 6 months of any period during which the child~~
8 ~~was returned to his or her home for a trial home visit, a~~ [↓] ~~A~~ statement of whether or
9 not a recommendation has been made to terminate the parental rights of the parents
10 of the child. if any of the following apply: ^{e applies}

11 4. If the statement under subd. 3. indicates that a recommendation for a
12 termination of parental rights has been made, ~~the statement shall indicate a~~
13 statement indicating the date on which the recommendation was made, any previous
14 progress made to accomplish the termination of parental rights, any barriers to the
15 termination of parental rights, specific steps to overcome the barriers and when the
16 steps will be completed, reasons why adoption would be in the best interest of the
17 child, and whether or not the child should be registered with the adoption
18 information exchange. If the statement under subd. 3. indicates that a
19 recommendation for termination of parental rights has not been made, ~~the~~
20 ~~statement shall include an explanation of a statement explaining~~ the reasons why
21 a recommendation for termination of parental rights has not been made. If the lack
22 of appropriate adoptive resources is the primary reason for not recommending a
23 termination of parental rights, the agency shall recommend that the child be

1 registered with the adoption information exchange or report the reason why
2 registering the child is contrary to the best interest of the child.

NOTE: NOTE: Subd. 3. is repealed and recreated by 2009 Wis. Act 79 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

3. If the child has been placed outside of his or her home in a foster home, group home, residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months, not including any period during which the child was a runaway from the out-of-home placement or the first 6 months of any period during which the child was returned to his or her home for a trial home visit, a statement of whether or not a recommendation has been made to terminate the parental rights of the parents of the child. If a recommendation for a termination of parental rights has been made, the statement shall indicate the date on which the recommendation was made, any previous progress made to accomplish the termination of parental rights, any barriers to the termination of parental rights, specific steps to overcome the barriers and when the steps will be completed, reasons why adoption would be in the best interest of the child, and whether or not the child should be registered with the adoption information exchange. If a recommendation for termination of parental rights has not been made, the statement shall include an explanation of the reasons why a recommendation for termination of parental rights has not been made. If the lack of appropriate adoptive resources is the primary reason for not recommending a termination of parental rights, the agency shall recommend that the child be registered with the adoption information exchange or report the reason why registering the child is contrary to the best interest of the child.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

(END OF INSERT)

(INSERT 5-5)

13 SECTION 2. 48.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act
14 79, section 43, and 2011 Wisconsin Act (this act), is repealed and recreated to read:

15 48.365 (2g) (b) 3. A statement of whether or not a recommendation has been
16 made to terminate the parental rights of the parents of the child if any of the
17 following applies:

18 a. Subject to subd. 3. b. to d., the child has been placed outside of his or her home
19 in a foster home, group home, nonsecured residential care center for children and
20 youth, or shelter care facility for 15 of the most recent 22 months, not including any
21 period during which the child was a runaway from the out-of-home placement or the
22 first 6 months of any period during which the child was returned to his or her home
23 for a trial home visit.

24 b. The child has been placed outside of his or her home for a cumulative total
25 period of 6 months, not including any period during which the child was a runaway
26 from the out-of-home placement or any period during which the child was returned
27 to his or her home for a trial home visit, and was under 8 years of age when he or she
28 was placed outside of his or her home.

1 c. The child has been placed outside of his or her home for a cumulative total
2 period of 6 months, not including any period during which the child was a runaway
3 from the out-of-home placement or any period during which the child was returned
4 to his or her home for a trial home visit, the child was 8 years of age or over when he
5 or she was placed outside of his or her home, and the goal of the child's permanency
6 plan is placement for adoption with an adoptive parent or a proposed adoptive parent
7 of a sibling, as defined in s. 48.38 (4) (br) 1., who was under 8 years of age when the
8 sibling was placed outside of his or her home.

9 d. The child has been placed outside of his or her home for a cumulative total
10 period of 6 months, not including any period during which the child was a runaway
11 from the out-of-home placement or any period during which the child was returned
12 to his or her home for a trial home visit, the child was 8 years of age or over when he
13 or she was placed outside of his or her home, and the child's permanency plan
14 indicates that a safe and appropriate placement with a proposed adoptive parent is
15 available for the child and that the child has expressed the wish to be adopted.

16 **SECTION 3.** 48.38 (5) (c) 6. (intro.) of the statutes, as affected by 2009 Wisconsin
17 Act 79, section 62, is amended to read:

18 48.38 (5) (c) 6. (intro.) If Subject to subd. 6m., if the child has been placed
19 outside of his or her home, as described in s. 48.365 (1), in a foster home, treatment
20 foster home, group home, nonsecured residential care center for children and youth,
21 or shelter care facility for 15 of the most recent 22 months, not including any period
22 during which the child was a runaway from the out-of-home placement or the first
23 6 months of any period during which the child was returned to his or her home for
24 a trial home visit, the appropriateness of the permanency plan and the
25 circumstances which prevent the child from any of the following:

NOTE: NOTE: NOTE: Subd. 6. (intro.) is repealed and recreated by 2009 Wis. Act 79 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

SECTION 4. 48.38 (5) (c) 6. (intro.) of the statutes, as affected by 2009 Wisconsin

Act 79, section 63, and 2011 Wisconsin Act (this act), is repealed and recreated to

read:

48.38 (5) (c) 6. (intro.) Subject to subd. 6m., if the child has been placed outside of his or her home, as described in s. 48.365 (1), in a foster home, group home, nonsecured residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months, not including any period during which the child was a runaway from the out-of-home placement or the first 6 months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan and the circumstances which prevent the child from any of the following:

double space
History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

(END OF INSERT)

(INSERT 6-9)

SECTION 5. 48.417 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 79,

section 77, is amended to read:

48.417 (1) (a) The Subject to par. (am), the child has been placed outside of his

or her home, as described in s. 48.365 (1) or 938.365 (1), in a foster home, treatment foster home, group home, nonsecured residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months, not including any period during which the child was a runaway from the out-of-home placement or the first 6 months of any period during which the child was returned to his or her home for a trial home visit. If the circumstances specified in this paragraph apply, the petition shall be filed or joined in by the last day of the 15th month, as described in this paragraph, for which the child was placed outside of his or her home.

NOTE: NOTE: Par. (a) is repealed and recreated by 2009 Wis. Act 79 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:

SECTION 6. 48.417 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 2009

Wisconsin Act 79, section 78, and 2011 Wisconsin Act (this act), is repealed and

recreated to read:

48.417 (1)(a) ^B

double space

1 (a) Subject to par. (am), the child has been placed outside of his or her home, as described in s. 48.365
2 (1) or 938.365 (1), in a foster home, group home, nonsecured residential care center for children and
3 youth, or shelter care facility for 15 of the most recent 22 months, not including any period during which
4 the child was a runaway from the out-of-home placement or the first 6 months of any period during
5 which the child was returned to his or her home for a trial home visit. If the circumstances specified in
6 this paragraph apply, the petition shall be filed or joined in by the last day of the 15th month, as described
7 in this paragraph, for which the child was placed outside of his or her home.

History: 1997 a. 237; 2001 a. 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 79, 94.

(END OF INSERT)

(INSERT 8-12)

8 SECTION 7. 938.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act
9 79, section 144, is renumbered 938.365 (2g) (b) 3. (intro.) and amended to read:

10 938.365 (2g) (b) 3. (intro.) ~~If the juvenile has been placed outside of his or her~~
11 ~~home in a foster home, treatment foster home, group home, nonsecured residential~~
12 ~~care center for children and youth, or shelter care facility for 15 of the most recent~~
13 ~~22 months, not including any period during which the juvenile was a runaway from~~
14 ~~the out-of-home placement or the first 6 months of any period during which the~~
15 ~~juvenile was returned to his or her home for a trial home visit, & a~~ statement of
16 whether or not a recommendation has been made to terminate the parental rights
17 of the parents of the juvenile. if any of the following apply: ^{applies}

18 4. If the statement under subd. 3. indicates that a recommendation for a
19 termination of parental rights has been made, ~~the statement shall indicate a~~
20 statement indicating the date on which the recommendation was made, any previous
21 progress made to accomplish the termination of parental rights, any barriers to the
22 termination of parental rights, specific steps to overcome the barriers and when the
23 steps will be completed, reasons why adoption would be in the best interest of the
24 juvenile and whether or not the juvenile should be registered with the adoption
25 information exchange. If the statement under subd. 3. indicates that a

1 recommendation for termination of parental rights has not been made, the
 2 ~~statement shall include an explanation of~~ a statement explaining the reasons why
 3 a recommendation for termination of parental rights has not been made. If the lack
 4 of appropriate adoptive resources is the primary reason for not recommending a
 5 termination of parental rights, the agency shall recommend that the juvenile be
 6 registered with the adoption information exchange or report the reason why
 7 registering the juvenile is contrary to the best interest of the juvenile.

NOTE: NOTE: Subd. 3. is repealed and recreated by 2009 Wis. Act 79 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62(9) to read:NOTE:

3. If the juvenile has been placed outside of his or her home in a foster home, group home, nonsecured residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months, not including any period during which the juvenile was a runaway from the out-of-home placement or the first 6 months of any period during which the juvenile was returned to his or her home for a trial home visit, a statement of whether or not a recommendation has been made to terminate the parental rights of the parents of the juvenile. If a recommendation for a termination of parental rights has been made, the statement shall indicate the date on which the recommendation was made, any previous progress made to accomplish the termination of parental rights, any barriers to the termination of parental rights, specific steps to overcome the barriers and when the steps will be completed, reasons why adoption would be in the best interest of the juvenile and whether or not the juvenile should be registered with the adoption information exchange. If a recommendation for termination of parental rights has not been made, the statement shall include an explanation of the reasons why a recommendation for termination of parental rights has not been made. If the lack of appropriate adoptive resources is the primary reason for not recommending a termination of parental rights, the agency shall recommend that the juvenile be registered with the adoption information exchange or report the reason why registering the juvenile is contrary to the best interest of the juvenile.

History: 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344; 2007 a. 199; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

(END OF INSERT)

(INSERT 9-22)

18 **SECTION 8.** 938.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act
 19 79, section 145, and 2011 Wisconsin Act (this act), is repealed and recreated to
 20 read:

21 938.365 (2g) (b) 3. A statement of whether or not a recommendation has been
 22 made to terminate the parental rights of the parents of the juvenile if any of the
 23 following applies:

24 a. Subject to subd. 3. b. to d., the juvenile has been placed outside of his or her
 25 home in a foster home, group home, nonsecured residential care center for children
 26 and youth, or shelter care facility for 15 of the most recent 22 months, not including
 27 any period during which the juvenile was a runaway from the out-of-home

1 placement or the first 6 months of any period during which the juvenile was returned
2 to his or her home for a trial home visit.

3 b. The juvenile has been placed outside of his or her home for a cumulative total
4 period of 6 months, not including any period during which the juvenile was a
5 runaway from the out-of-home placement or any period during which the juvenile
6 was returned to his or her home for a trial home visit, and was under 8 years of age
7 when he or she was placed outside of his or her home.

8 c. The juvenile has been placed outside of his or her home for a cumulative total
9 period of 6 months, not including any period during which the juvenile was a
10 runaway from the out-of-home placement or any period during which the juvenile
11 was returned to his or her home for a trial home visit, the juvenile was 8 years of age
12 or over when he or she was placed outside of his or her home, and the goal of the
13 juvenile's permanency plan is placement for adoption with an adoptive parent or a
14 proposed adoptive parent of a sibling, as defined in s. 938.38 (4) (br) 1., who was
15 under 8 years of age when the sibling was placed outside of his or her home.

16 d. The juvenile has been placed outside of his or her home for a cumulative total
17 period of 6 months, not including any period during which the juvenile was a
18 runaway from the out-of-home placement or any period during which the juvenile
19 was returned to his or her home for a trial home visit, the juvenile was 8 years of age
20 or over when he or she was placed outside of his or her home, and the juvenile's
21 permanency plan indicates that a safe and appropriate placement with a proposed
22 adoptive parent is available for the juvenile and that the juvenile has expressed the
23 wish to be adopted.

24 **SECTION 9.** 938.38 (5) (c) 6. (intro.) of the statutes, as affected by 2009 Wisconsin
25 Act 79, section 164, is amended to read:

1 938.38 (5) (c) 6. (intro.) [✓] If Subject to subd. 6m., if the juvenile has been placed
 2 outside of his or her home, as described in s. 938.365 (1), in a foster home, treatment
 3 foster home, group home, nonsecured residential care center for children and youth,
 4 or shelter care facility for 15 of the most recent 22 months, not including any period
 5 during which the juvenile was a runaway from the out-of-home placement or the
 6 first 6 months of any period during which the juvenile was returned to his or her
 7 home for a trial home visit, the appropriateness of the permanency plan and the
 8 circumstances which prevent the juvenile from any of the following:

~~NOTE: NOTE: Subd. 6. (intro.) is repealed and recreated by 2009 Wis. Act 79 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:NOTE:~~

9 **SECTION 10.** 938.38 (5) (c) 6. (intro.) of the statutes, as affected by 2009
 10 Wisconsin Act 79, section 165, and 2011 Wisconsin Act (this act), is repealed and
 11 recreated to read:

double space

12 938.38 (5) (c) 6. (intro.) [✓] Subject to subd. 6m., if the juvenile has been placed outside of his or her home,
 13 as described in s. 938.365 (1), in a foster home, group home, nonsecured residential care center for
 14 children and youth, or shelter care facility for 15 of the most recent 22 months, not including any period
 15 during which the juvenile was a runaway from the out-of-home placement or the first 6 months of any
 16 period during which the juvenile was returned to his or her home for a trial home visit, the
 17 appropriateness of the permanency plan and the circumstances which prevent the juvenile from any of
 18 the following:

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448; 2007 a. 20, 97; 2009 a. 28, 79, 94, 185; s. 13.92 (1) (bm) 2., (2) (i).

(END OF INSERT)

(INSERT 10-21)

19 **SECTION 11. Effective dates.** This act takes effect on the day after publication,
 20 except as follows:

21 (1) TREATMENT FOSTER HOMES. The repeal and recreation of sections 48.365 (2g)
 22 (b) 3., 48.38 (5) (c) 6. (intro.), 48.417 (1) (a), 938.365 (2g) (b) 3., and 938.38 (5) (c) 6.
 23 (intro.) of the statutes takes effect on the date state^d in the notice provided by the
 24 secretary of children and families and published in the Wisconsin Administrative

- 1 Register under section 48.62 (9) of the statutes, or on the day after publication,
- 2 whichever is later.

(END OF INSERT)

BILL

1 ~~48.365 (2g) (b) 3. (intro.) If the child has been placed outside of his or her home~~
 2 ~~for 15 of the most recent 22 months, not including any period during which the child~~
 3 ~~was a runaway from the out-of-home placement or the first 6 months of any period~~
 4 ~~during which the child was returned to his or her home for a trial home visit. A~~
 5 ~~statement of whether or not a recommendation has been made to terminate the~~
 6 ~~parental rights of the parents of the child. if any of the following applies:~~

7 ~~4. If the statement under subd. 3. indicates that a recommendation for a~~
 8 ~~termination of parental rights has been made, the statement shall indicate a~~
 9 ~~statement indicating the date on which the recommendation was made, any previous~~
 10 ~~progress made to accomplish the termination of parental rights, any barriers to the~~
 11 ~~termination of parental rights, specific steps to overcome the barriers and when the~~
 12 ~~steps will be completed, reasons why adoption would be in the best interest of the~~
 13 ~~child, and whether or not the child should be registered with the adoption~~
 14 ~~information exchange. If the statement under subd. 3. indicates that a~~
 15 ~~recommendation for termination of parental rights has not been made, the~~
 16 ~~statement shall include an explanation of a statement explaining the reasons why~~
 17 ~~a recommendation for termination of parental rights has not been made. If the lack~~
 18 ~~of appropriate adoptive resources is the primary reason for not recommending a~~
 19 ~~termination of parental rights, the agency shall recommend that the child be~~
 20 ~~registered with the adoption information exchange or report the reason why~~
 21 ~~registering the child is contrary to the best interest of the child.~~

Ins. 20
3-21

SECTION 2. 48.365 (2g) (b) 3. a. to d. of the statutes are created to read:

23 48.365 (2g) (b) 3. a. Subject to subd. 3. b. to d., the child has been placed outside
 24 of his or her home for 15 of the most recent 22 months, not including any period
 25 during which the child was a runaway from the out-of-home placement or the first

in a foster home, treatment foster home, group home, nonsecured residential care center for children and youth, or shelter care facility

BILL

1 6 months of any period during which the child was returned to his or her home for
2 a trial home visit.

3 b. The child has been placed outside of his or her home for a cumulative total
4 period of 6 months, not including any period during which the child was a runaway
5 from the out-of-home placement or any period during which the child was returned
6 to his or her home for a trial home visit, and was under 8 years of age when he or she
7 was placed outside of his or her home.

8 c. The child has been placed outside of his or her home for a cumulative total
9 period of 6 months, not including any period during which the child was a runaway
10 from the out-of-home placement or any period during which the child was returned
11 to his or her home for a trial home visit, the child was 8 years of age or over when he
12 or she was placed outside of his or her home, and the goal of the child's permanency
13 plan is placement for adoption with an adoptive parent or a proposed adoptive parent
14 of a sibling, as defined in s. 48.38 (4) (b), who was under 8 years of age when the
15 sibling was placed outside of his or her home.

16 d. The child has been placed outside of his or her home for a cumulative total
17 period of 6 months, not including any period during which the child was a runaway
18 from the out-of-home placement or any period during which the child was returned
19 to his or her home for a trial home visit, the child was 8 years of age or over when he
20 or she was placed outside of his or her home, and the child's permanency plan
21 indicates that a safe and appropriate placement with a proposed adoptive parent is
22 available for the child and that the child has expressed the wish to be adopted.

23 ~~SECTION 3. 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:~~

24 ~~48.38 (5) (c) 6. (intro.) If Subject to subd. 6m., if the child has been placed~~
25 ~~outside of his or her home, as described in s. 48.365 (1), for 15 of the most recent 22~~

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1 ~~months, not including any period during which the child was a runaway from the~~
 2 ~~out-of-home placement or the first 6 months of any period during which the child~~
 3 ~~was returned to his or her home for a trial home visit, the appropriateness of the~~
 4 ~~permanency plan and the circumstances which prevent the child from any of the~~
 5 ~~following:~~

In new
5-5

6 **SECTION 4.** 48.38 (5) (c) 6m. of the statutes is created to read:

7 48.38 (5) (c) 6m. The appropriateness of the permanency plan and the
 8 circumstances that prevent the child from being placed for adoption or having a
 9 petition for the involuntary termination of parental rights filed on behalf of the child
 10 if the child has been placed outside of his or her home, as described in s. 48.365 (1),
 11 for a cumulative total period of 6 months, not including any period during which the
 12 child was a runaway from the out-of-home placement or any period during which
 13 the child was returned to his or her home for a trial home visit, and if any of the
 14 following applies:

15 a. The child was under 8 years of age when he or she was placed outside of his
 16 or her home.

17 b. The child was 8 years of age or over when he or she was placed outside of his
 18 or her home and the goal of the child's permanency plan is placement for adoption
 19 with an adoptive parent or a proposed adoptive parent of a sibling, as defined in s.
 20 48.38 (4) (b), who was under 8 years of age when the sibling was placed outside of
 21 his or her home.

22 c. The child was 8 years of age or over when he or she was placed outside of his
 23 or her home and the child's permanency plan indicates that a safe and appropriate
 24 placement with a proposed adoptive parent is available for the child and that the
 25 child has expressed the wish to be adopted.

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1 **SECTION 5.** 48.417 (1) (a) of the statutes is amended to read:

2 ~~48.417 (1) (a) The Subject to par. (am), the child has been placed outside of his~~
 3 ~~or her home, as described in s. 48.365 (1) or 938.365 (1), for 15 of the most recent 22~~
 4 ~~months, not including any period during which the child was a runaway from the~~
 5 ~~out-of-home placement or the first 6 months of any period during which the child~~
 6 ~~was returned to his or her home for a trial home visit. If the circumstances specified~~
 7 ~~in this paragraph apply, the petition shall be filed or joined in by the last day of the~~
 8 ~~15th month, as described in this paragraph, for which the child was placed outside~~
 9 ~~of his or her home.~~

Insert
6-9

10 **SECTION 6.** 48.417 (1) (am) of the statutes is created to read:

11 48.417 (1) (am) 1. The child has been placed outside of his or her home, as
 12 described in s. 48.365 (1) or 938.365 (1), for a cumulative total period of 6 months,
 13 not including any period during which the child was a runaway from the
 14 out-of-home placement or any period during which the child was returned to his or
 15 her home for a trial home visit, and any of the following applies:

16 a. The child was under 8 years of age when he or she was placed outside of his
 17 or her home.

18 b. The child was 8 years of age or over when he or she was placed outside of his
 19 or her home and the goal of the child's permanency plan is placement for adoption
 20 with an adoptive parent or a proposed adoptive parent of a sibling, as defined in s.
 21 48.38 (4) (b) who was under 8 years of age when the sibling was placed outside of
 22 his or her home.

23 c. The child was 8 years of age or over when he or she was placed outside of his
 24 or her home and the child's permanency plan indicates that a safe and appropriate

BILL

1 placement with a proposed adoptive parent is available for the child and that the
2 child has expressed the wish to be adopted. ✓

3 2. If the circumstances specified in subd. 1. apply, the petition shall be filed or
4 joined in by the last day of the 6th month, as described in subd. 1., for which the child
5 was placed outside of his or her home.

6 **SECTION 7.** 48.417 (2) (intro.) of the statutes is amended to read:

7 48.417 (2) FILING OR JOINING IN PETITION; WHEN NOT REQUIRED. (intro.)

8 Notwithstanding that any of the circumstances specified in sub. (1) (a), (am), (b), (c),
9 or (d) may apply, an agency or the district attorney, corporation counsel, or other
10 appropriate official designated under s. 48.09 need not file a petition under s. 48.42
11 (1) to terminate the parental rights of a parent or the parents of a child, or, if a
12 petition under s. 48.42 (1) to terminate those parental rights has already been filed,
13 the agency, district attorney, corporation counsel, or other appropriate official need
14 not join in the petition, if any of the following circumstances apply:

15 ~~Section 8. 938.365 (2g) (b) 3. of the statutes is renumbered 938.365 (2g) (b) 3.
16 (intro.) and amended to read:~~

17 ~~938.365 (2g) (b) 3. (intro.) If the juvenile has been placed outside of his or her
18 home for 15 of the most recent 22 months, not including any period during which the
19 juvenile was a runaway from the out-of-home placement or the first 6 months of any
20 period during which the juvenile was returned to his or her home for a trial home
21 visit, a A statement of whether or not a recommendation has been made to terminate
22 the parental rights of the parents of the juvenile. if any of the following applies:~~

23 ~~4. If the statement under subd. 3. indicates that a recommendation for a
24 termination of parental rights has been made, the statement shall indicate a
25 statement indicating the date on which the recommendation was made, any previous~~

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1 ~~progress made to accomplish the termination of parental rights, any barriers to the~~
 2 ~~termination of parental rights, specific steps to overcome the barriers and when the~~
 3 ~~steps will be completed, reasons why adoption would be in the best interest of the~~
 4 ~~juvenile and whether or not the juvenile should be registered with the adoption~~
 5 ~~information exchange. If the statement under subd. 3. indicates that a~~
 6 ~~recommendation for termination of parental rights has not been made, the~~
 7 ~~statement shall include an explanation of a statement explaining the reasons why~~
 8 ~~a recommendation for termination of parental rights has not been made. If the lack~~
 9 ~~of appropriate adoptive resources is the primary reason for not recommending a~~
 10 ~~termination of parental rights, the agency shall recommend that the juvenile be~~
 11 ~~registered with the adoption information exchange or report the reason why~~
 12 ~~registering the juvenile is contrary to the best interest of the juvenile.~~

Insert
8-12
 11
 12
 13

13 **SECTION 9.** 938.365 (2g) (b) 3. a. to d. of the statutes are created to read:

14 938.365 (2g) (b) 3. a. Subject to subd. 3. b. to d., the juvenile has been placed
 15 outside of his or her home for 15 of the most recent 22 months, not including any
 16 period during which the juvenile was a runaway from the out-of-home placement
 17 or the first 6 months of any period during which the juvenile was returned to his or
 18 her home for a trial home visit.

19 b. The juvenile has been placed outside of his or her home for a cumulative total
 20 period of 6 months, not including any period during which the juvenile was a
 21 runaway from the out-of-home placement or any period during which the juvenile
 22 was returned to his or her home for a trial home visit, and was under 8 years of age
 23 when he or she was placed outside of his or her home.

24 c. The juvenile has been placed outside of his or her home for a cumulative total
 25 period of 6 months, not including any period during which the juvenile was a

BILL

1 runaway from the out-of-home placement or any period during which the juvenile
 2 was returned to his or her home for a trial home visit, the juvenile was 8 years of age
 3 or over when he or she was placed outside of his or her home, and the goal of the
 4 juvenile's permanency plan is placement for adoption with an adoptive parent or a
 5 proposed adoptive parent of a sibling, as defined in s. 938.38 (4) (b) who was under
 6 8 years of age when the sibling was placed outside of his or her home.

7 d. The juvenile has been placed outside of his or her home for a cumulative total
 8 period of 6 months, not including any period during which the juvenile was a
 9 runaway from the out-of-home placement or any period during which the juvenile
 10 was returned to his or her home for a trial home visit, the juvenile was 8 years of age
 11 or over when he or she was placed outside of his or her home, and the juvenile's
 12 permanency plan indicates that a safe and appropriate placement with a proposed
 13 adoptive parent is available for the juvenile and that the juvenile has expressed the
 14 wish to be adopted.

15 ~~SECTION 10. 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:~~

16 ~~938.38 (5) (c) 6. (intro.) If Subject to subd. 6m., if the juvenile has been placed~~
 17 ~~outside of his or her home, as described in s. 938.365 (1), for 15 of the most recent 22~~
 18 ~~months, not including any period during which the juvenile was a runaway from the~~
 19 ~~out-of-home placement or the first 6 months of any period during which the juvenile~~
 20 ~~was returned to his or her home for a trial home visit, the appropriateness of the~~
 21 ~~permanency plan and the circumstances which prevent the juvenile from any of the~~
 22 ~~following:~~

23 **SECTION 11.** 938.38 (5) (c) 6m. of the statutes is created to read:

24 938.38 (5) (c) 6m. The appropriateness of the permanency plan and the
 25 circumstances that prevent the juvenile from being placed for adoption or having a

(New)
9-22

BILL

1 petition for the involuntary termination of parental rights filed on behalf of the
2 juvenile if the juvenile has been placed outside of his or her home, as described in s.
3 938.365 (1), for a cumulative total period of 6 months, not including any period
4 during which the juvenile was a runaway from the out-of-home placement or any
5 period during which the juvenile was returned to his or her home for a trial home
6 visit, and if any of the following applies:

7 a. The juvenile was under 8 years of age when he or she was placed outside of
8 his or her home.

9 b. The juvenile was 8 years of age or over when he or she was placed outside
10 of his or her home and the goal of the juvenile's permanency plan is placement for
11 adoption with an adoptive parent or a proposed adoptive parent of a sibling, as
12 defined in s. 938.38 (4) (b)^{1.}, who was under 8 years of age when the sibling was placed
13 outside of his or her home.

14 c. The juvenile was 8 years of age or over when he or she was placed outside
15 of his or her home and the juvenile's permanency plan indicates that a safe and
16 appropriate placement with a proposed adoptive parent is available for the juvenile
17 and that the juvenile has expressed the wish to be adopted.

SECTION 12. Initial applicability.

19 (1) TERMINATION OF PARENTAL RIGHTS PETITION REQUIREMENT. This act first
20 applies to a child or juvenile who is placed outside of his or her home on the effective
21 date of this subsection.

(END)

22
Insert
10-21

Basford, Sarah

From: Sen.Lazich

Sent: Thursday, April 14, 2011 1:56 PM

To: LRB.Legal

Subject: Draft Review: LRB 11-0016/1 Topic: Termination of parental rights for children under eight years of age

Please Jacket LRB 11-0016/1 for the SENATE.