

**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**  
**Children - out-of-home placement**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Denial of parental visitation with child; no effect on sibling visitation

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**Instructions:**

See attached--redraft 09-3776/1

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**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 08/31/2010	kfollett 09/02/2010		_____			
/1			mduchek 09/02/2010	_____	sbasford 09/02/2010	sbasford 04/14/2011	

FE Sent For:

*none*

<END>

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/?	gmalaise	11/5 f 9/2	11/5 9/2	_____	_____	_____	_____

FE Sent For:

<END>

**Malaise, Gordon**

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**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

~~Termination of parental rights for child in need of protection~~  
~~Children in need of protection or services; children with siblings already in need~~  
2009 LRB 3776/1 Denial of parental visitation with child; no effect on sibling visitation

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** 3776 (For: Rep.  Sen. Lazich)

  to the drafting file for  
**2009 LRB** 0018 (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: \_\_\_\_\_



State of Wisconsin  
2009 - 2010 LEGISLATURE

In 8131  
Wanted 9/13

- 0018/1

LRB-3776/1  
GMM:ld:jt

GF

(11)

~~2009~~ BILL

PWF

1 AN ACT *to amend* 48.355 (3) (a), 48.42 (1m) (d), 48.428 (6) (a) and 938.355 (3) (a),  
2 and *to create* 48.38 (4) (bv) and 938.38 (4) (bv) of the statutes; **relating to:** the  
3 effect of an order denying, limiting, discontinuing, or prohibiting parental  
4 visitation with a child who is adjudged to be in need of protection or services,  
5 who is the subject of a termination of parental rights petition, or who is in  
6 sustaining care following a termination of parental rights on visitation between  
7 the child and a sibling and requiring a child's permanency plan to include a  
8 statement as to whether visitation between the child and a sibling is in the best  
9 interests of the child and sibling when parental visitation is denied, limited,  
10 discontinued, or prohibited.

Repealed

***Analysis by the Legislative Reference Bureau***

Under current law, the court assigned to exercise jurisdiction under the Children's Code (juvenile court) may set reasonable rules of visitation for the parent of a child adjudged to be in need of protection or services. Current law also permits the juvenile court to issue a temporary order or injunction prohibiting a person whose parental rights are sought to be terminated involuntarily from visiting or contacting

**BILL**

the child who is the subject of the termination of parental rights (TPR) petition. In addition, current law permits the juvenile court to prohibit visitation by a birth parent of a child who has been placed in sustaining care following a TPR.

This bill provides that a denial, limitation, or discontinuation of parental visitation with a child adjudged to be in need of protection or services, a temporary order or injunction prohibiting a person whose parental rights are sought to be terminated from visiting or contacting the child who is the subject of the TPR petition, or a prohibition on visitation by a birth parent of a child in sustaining care following a TPR does not affect visitation between the child and any sibling of the child, including a person who was a sibling of the child before adoption of or TPR to the person, which visitation shall be granted, denied, or continued based on the best interests of the child and sibling, regardless of whether parental visitation is denied, limited, discontinued, or prohibited.

The bill also requires an agency preparing a permanency plan for a child, which is a plan designed to ensure that the child is reunified with his or her family whenever appropriate or that the child quickly attains a placement or home providing long-term stability, to include in the permanency plan a statement as to whether visitation between the child and any sibling of the child, including a person who was a sibling of the child before adoption of or TPR to the person, would be in the best interests of the child and sibling when parental visitation has been denied, limited, discontinued, or prohibited by the juvenile court or when the agency recommends that parental visitation be denied, limited, discontinued, or prohibited.

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

1           SECTION 1. 48.355 (3) (a) of the statutes is amended to read:

2           48.355 (3) (a) Except as provided in par. (b), if, after a hearing on the issue with  
3 due notice to the parent or guardian, the court finds that it would be in the best  
4 interest of the child, the court may set reasonable rules of parental visitation. Any  
5 denial, limitation, or discontinuation of parental visitation under an order under s.  
6 48.345, 48.363, or 48.365 shall not affect visitation between the child and any sibling,  
7 as defined in s. 48.38 (4) (b) of the child, which visitation shall be granted, denied,  
8 or continued based on the best interests of the child and sibling, without regard to  
9 whether parental visitation is denied, limited, or discontinued.

10          SECTION 2. 48.38 (4) (bv) of the statutes is created to read:

## BILL

1           48.38 (4) (bv) If parental visitation has been denied, limited, or discontinued  
 2 by an order under s. 48.345, 48.363, or 48.365 or prohibited by an order under s.  
 3 48.428 (6) (a) or if the agency recommends that parental visitation be denied, limited,  
 4 discontinued, or prohibited, a statement as to whether visitation between the child  
 5 and any sibling, as defined in par. (b) of the child would be in the best interests of  
 6 the child and sibling.

7           SECTION 3. 48.42 (1m) (d) of the statutes is amended to read:

8           48.42 (1m) (d) A temporary order under par. (b) or an injunction under par. (c)  
 9 suspends the portion of any order under s. 48.345, 48.363, 48.365, 938.345, 938.363,  
 10 or 938.365 setting rules of parental visitation until the termination of the temporary  
 11 order under par. (b) or injunction under par. (c). A temporary order under par. (b) or  
 12 injunction under par. (c) shall not affect visitation between the child and any sibling,  
 13 as defined in s. 48.38 (4) (b) of the child, which visitation shall be granted, denied,  
 14 or continued based on the best interests of the child and sibling, without regard to  
 15 whether parental visitation is prohibited.

16           SECTION 4. 48.428 (6) (a) of the statutes is amended to read:

17           48.428 (6) (a) Except as provided in par. (b), the court may order or prohibit  
 18 visitation by a birth parent of a child placed in sustaining care. A prohibition on  
 19 visitation by a birth parent under this paragraph shall not affect visitation between  
 20 the child and any sibling, as defined in s. 48.38 (4) (b) of the child, which visitation  
 21 shall be granted, denied, or continued based on the best interests of the child and  
 22 sibling, without regard to whether parental visitation is prohibited.

23           SECTION 5. 938.355 (3) (a) of the statutes is amended to read:

24           938.355 (3) (a) Except as provided in par. (b), if, after a hearing on the issue with  
 25 due notice to the parent or guardian, the court finds that it would be in the best



**BILL**

1 interest of the juvenile, the court may set reasonable rules of parental visitation. Any  
 2 denial, limitation, or discontinuation of parental visitation under an order under s.  
 3 938.34, 938.345, 938.363, or 938.365 shall not affect visitation between the juvenile  
 4 and any sibling, as defined in s. 938.38 (4) (b) of the juvenile, which visitation shall  
 5 be granted, denied, or continued based on the best interests of the juvenile and  
 6 sibling, without regard to whether parental visitation is denied, limited, or  
 7 discontinued.

8 **SECTION 6.** 938.38 (4) (bv) of the statutes is created to read:

9 938.38 (4) (bv) If parental visitation has been denied, limited, or discontinued  
 10 by an order under s. 938.34, 938.345, 938.363, or 938.365 or if the agency  
 11 recommends that parental visitation be denied, limited, or discontinued, a statement  
 12 as to whether visitation between the juvenile and any sibling, as defined in par. (b) of  
 13 the juvenile would be in the best interests of the juvenile and sibling.

**SECTION 7. Initial applicability.**

15 (1) DENIAL OF PARENTAL VISITATION; SIBLING VISITATION UNAFFECTED. The  
 16 treatment of sections 48.355 (3) (a), 48.42 (1m) (d), 48.428 (6) (a), and 938.355 (3) (a)  
 17 of the statutes first applies to a child whose parent is subject to an order denying,  
 18 limiting, or prohibiting visitation with the child on the effective date of this  
 19 subsection, regardless of the date of the order.

20 (2) DENIAL OF PARENTAL VISITATION; PERMANENCY PLANS. The treatment of sections  
 21 48.38 (4) (bv) and 938.38 (4) (bv) of the statutes first applies to a permanency plan  
 22 prepared on the effective date of this subsection.

23 (END)

**Barman, Mike**

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**From:** Sen.Lazich

**Sent:** Thursday, April 14, 2011 1:48 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 11-0018/1 Topic: Denial of parental visitation with child; no effect on sibling visitation

Please Jacket LRB 11-0018/1 for the SENATE.

4/14/2011