

**2013 Assembly Bill 581 (LRB -3542)**

An Act to amend 48.825 (1) (a), 48.825 (2) (a), 48.825 (2) (b), 48.825 (2) (c), 48.825 (3) (a), 48.825 (3) (e), 48.979 (1) (a) and 48.979 (2); and to create 48.979 (1) (am), 48.979 (1m) and 948.25 of the statutes; relating to: advertising related to adoption or other permanent physical placements of a child, delegation of parental power regarding the care and custody of a child for more than one year, unauthorized interstate placements of children, requesting a study of adoption disruption and dissolution, and providing penalties. (FE)

**2013**

- 12-20. A. Introduced by Representatives **Kleefisch, Johnson, Tittl, Goyke, Sanfelippo, Kessler, Spiros, Hesselbein, Zepnick, Thiesfeldt, Milroy, Kulp, T. Larson, A. Ott, Berceau, Ohnstad, Ringhand, Vruwink, Sinicki, Bies, Richards, Pridemore, LeMahieu, Kaufert and Wright**; cosponsored by Senators **Leibham, Harris, Lassa, Miller, Lehman and Carpenter**. ..... 506
- 12-20. A. Read first time and referred to Committee on Family Law ..... 507

**2014**

- 01-03. A. Fiscal estimate received
- 01-09. A. Fiscal estimate received
- 01-15. A. Public hearing held
- 01-21. A. Assembly Amendment 1 offered by Representative Kleefisch (**LRB a1429**) ..... 539
- 01-21. A. Fiscal estimate received
- 01-28. A. Assembly Amendment 2 offered by Representative Kleefisch (**LRB a1482**) ..... 561
- 01-28. - A. Assembly Amendment 3 offered by Representative Kleefisch (**LRB a1524**) ..... 561
- 01-28. - A. Assembly Amendment 4 offered by Representative Kleefisch (**LRB a1534**) ..... 561
- 01-28. A. Executive action taken
- 01-30. A. ~~Assembly Amendment 1 to Assembly Amendment 4~~ offered by Committee on Family Law (**LRB a1559**) ..... 565
- 02-03. A. Report Assembly Amendment 3 adoption recommended by Committee on Family Law, Ayes 8, Noes 0 ..... 576
- 02-03. A. Report Assembly Amendment 1 to Assembly Amendment 4 adoption recommended by Committee on Family Law, Ayes 8, Noes 0 ..... 576
- 02-03. A. Report Assembly Amendment 4 adoption recommended by Committee on Family Law, Ayes 8, Noes 0 ..... 576
- 02-03. A. Report passage as amended recommended by Committee on Family Law, Ayes 8, Noes 0 ..... 576
- 02-03. A. Referred to Committee on Rules ..... 576
- 02-11. A. Placed on calendar 2-13-2014 by Committee on Rules
- 02-13. A. Representative Barca added as a coauthor ..... 635
- 02-13. A. Read a second time ..... 635
- 02-13. -A. Assembly Amendment 3 **adopted** ..... 635
- 02-13. -A. Assembly Amendment 1 to Assembly Amendment 4 **adopted** ..... 635
- 02-13. -A. Assembly Amendment 4 **adopted** ..... 635
- 02-13. -A. Assembly Amendment 5 offered by Representative Kleefisch (**LRB a1794**) ..... 635
- 02-13. -A. Assembly Amendment 5 **adopted** ..... 635
- 02-13. A. Ordered to a third reading ..... 635
- 02-13. A. Rules suspended ..... 635
- 02-13. A. Read a third time and **passed**, Ayes 97, Noes 0 ..... 635
- 02-13. A. Ordered immediately messaged ..... 635
- 02-14. S. Received from Assembly ..... 671
- 02-17. S. Read first time and referred to committee on Senate Organization ..... 676
- 02-17. S. Available for scheduling
- 03-14. S. Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 5, Noes 0 ..... 778
- 03-14. S. Placed on calendar 3-18-2014 pursuant to Senate Rule 18(1) ..... 779
- 03-18. S. Read a second time
- 03-18. S. Ordered to a third reading
- 03-18. S. Rules suspended
- 03-18. S. Read a third time and **concurred in**
- 03-18. S. Ordered immediately messaged
- 03-18. A. Received from Senate concurred in

*MB*

**2013**  
**ENROLLED BILL**

13en A B-581

**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

13 - 354211

Amendments to above (if none, write "NONE"):

AA1 - AA4 - a 1559/1

AA<sup>x</sup>3 - a 1524/1

AA<sup>x</sup>4 - a 1534/1

AA<sup>x</sup>5 - a 1794/1

Corrections - show date (if none, write "NONE"):

None  
April 2, 2014: a1794/1cccc1 April 2, 2014: a1534/1ccc-1

**Topic**

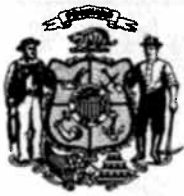
advertising related to adoption or other permanent physical placements of a child,  
delegation of parental power regarding the care and custody of a child for more than  
one year, unauthorized interstate placements of children, and requesting a study

3-21-14

Date



Enrolling Drafter



## 2013 ASSEMBLY BILL 581

December 20, 2013 – Introduced by Representatives KLEEFISCH, JOHNSON, TITTL, GOYKE, SANFELIPPO, KESSLER, SPIROS, HESSELBEIN, ZEPNICK, THIESFELDT, MILROY, KULP, T. LARSON, A. OTT, BERCEAU, OHNSTAD, RINGHAND, VRUWINK, SINICKI, BIES, RICHARDS, PRIDEMORE, LEMAHIEU, KAUFERT and WRIGHT, cosponsored by Senators LEIBHAM, HARRIS, LASSA, MILLER, LEHMAN and CARPENTER. Referred to Committee on Family Law.

1     **AN ACT to amend** 48.825 (1) (a), 48.825 (2) (a), 48.825 (2) (b), 48.825 (2) (c), 48.825  
2           (3) (a), 48.825 (3) (e), 48.979 (1) (a) and 48.979 (2); and **to create** 48.979 (1) (am),  
3           48.979 (1m) and 948.25 of the statutes; **relating to:** advertising related to  
4           adoption or other permanent physical placements of a child, delegation of  
5           parental power regarding the care and custody of a child for more than one year,  
6           unauthorized interstate placements of children, requesting a study of adoption  
7           disruption and dissolution, and providing penalties.

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### *Analysis by the Legislative Reference Bureau*

#### ***Introduction***

This bill makes various changes relating to advertising related to adoption or other permanent physical placements of a child, delegation of parental power regarding the care and custody of a child for more than one year, and unauthorized interstate placements of children. The bill also requests the Joint Legislative Council (JLC) to study adoption disruption and dissolution in this state.

#### ***Advertising related to adoption or other permanent physical placements***

Under current law, subject to certain exceptions, no person may communicate by any public medium that originates within this state, including by newspaper, periodical, telephone book listing, outdoor advertising sign, radio, or television: 1)

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for the purpose of finding a child to adopt; 2) that the person will find an adoptive home for a child or arrange for or assist in the adoption of adoptive placement of a child; or 3) that the person will place a child for adoption (advertising related to adoption). That prohibition, however, does not apply to the Department of Children and Families (DCF), a county department of human services or social services that is authorized to place children for adoption (county department), or a child welfare agency that is licensed to place children for adoption; the State Adoption Information Exchange or the State Adoption Center; a foster care and adoption resource center or a postadoption resource center funded by this state; an individual who has received a favorable recommendation regarding his or her fitness to be an adoptive parent from DCF, a county department, a child welfare agency, or an entity of another jurisdiction that is authorized to conduct adoption home studies; or an individual seeking to place his or her own child for adoption.

This bill expands the prohibition against advertising related to adoption to include communicating by any computerized communication system, including by electronic mail, Internet site, Internet profile, or any similar medium of communication provided via the Internet.

The bill also expands the prohibition against advertising related to adoption to prohibit a person from advertising: 1) for the purpose of finding a child to otherwise take into permanent physical custody; 2) that the person will find any other permanent physical placement for a child or arrange for or assist in any other permanent physical placement of a child; or 3) that the person will place a child in any other permanent physical placement.

In addition, the bill limits the current exception to the prohibition against advertising related to adoption that permits an individual seeking to place his or her own child for adoption to permit such an individual to advertise for adoption only if the child is under one year of age.

***Delegation of parental powers***

Under current law, subject to certain exceptions, a parent who has legal custody of a child may, by a properly executed power of attorney, delegate to an agent, for no longer than one year, any of his or her powers regarding the care and custody of the child (parental powers).

This bill permits a parent who has legal custody of a child, by a properly executed power of attorney, to delegate to an agent, for longer than one year, any of his or her parental powers, but only if the court assigned to exercise jurisdiction under the Children's Code (juvenile court) approves that delegation.

Under the bill, a parent who wishes to delegate his or her parental powers to an agent for longer than one year, the agent to whom the parent wishes to delegate those powers, or an organization that is facilitating that delegation must file a petition with the juvenile court requesting the court's approval of that delegation. The petition must have a draft copy of the power of attorney delegating those powers attached to the petition and must state, among other things, all of the following: 1) the relationship of the agent to the child; 2) whether the parent wishes to delegate to the agent full parental power or partial parental power and, if the parent wishes to delegate partial parental power, the specific powers that the parent wishes to

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delegate and any limitations on those powers; 3) the proposed term of the delegation of parental powers, the reasons for the delegation of parental powers, and whether the parent proposes to provide any support to the agent during that term; and 4) facts and circumstances showing that the delegation of parental powers would be in the best interests of the child and that the person nominated as agent is fit, willing, and able to exercise those powers.

The juvenile court must hold a hearing on a petition requesting the court's approval of a proposed delegation of parental powers. In determining the appropriate disposition of such a petition, the juvenile court must consider the best interests of the child as the prevailing factor and must also consider whether the person nominated as agent would be fit, willing, and able to exercise the parental powers to be delegated, the reasons for the delegation of parental powers, and the amount of support that the parent is willing and able to provide to the agent during the term of the delegation of parental powers. If the juvenile court determines that the proposed delegation of parental powers is in the best interests of the child, the juvenile court may approve the proposed delegation of parental powers and may also designate an amount of support to be paid by the child's parents to the agent. If the juvenile court approves the proposed delegation of parental powers, the parent and the person nominated as agent may execute a power of attorney delegating those powers as approved by the juvenile court.

Under the bill, any person who delegates his or her powers regarding the care and custody of a child for longer than one year without first obtaining the approval of the juvenile court is subject to a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

***Unauthorized interstate placements of children***

Under current law, the Interstate Compact on the Placement of Children and certain other statutory provisions govern the interstate placement of children.

This bill prohibits any person from sending a child out of this state, bringing a child into this state, or causing a child to be sent out of this state or brought into this state for the purpose of permanently transferring physical custody of the child to a person who is not a relative of the child. A person who violates that prohibition is subject to a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both. That prohibition, however, does not apply to a placement of a child that is authorized under the Interstate Compact on the Placement of Children or any other statutory provisions governing the interstate placement of children or a placement of a child that is approved by a court of competent jurisdiction of the sending state or receiving state.

***Study of adoption disruption and dissolution***

Finally, the bill requests the JLC to study adoption disruption and dissolution in this state. If the JLC undertakes such a study, the JLC must do all of the following: 1) study the extent of adoption disruption and dissolution in this state and the efforts by DCF, counties, and child welfare agencies to prevent such disruption and dissolution; 2) recommend legislation to define adoption disruption and adoption dissolution, to prevent adoption disruption and adoption dissolution in this state, to require DCF, county departments, and child welfare agencies to track and report on

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disrupted or dissolved adoptions; 3) consider legislative options to prepare prospective adoptive parents for adoption and to support adoptive parents after an adoption; and 4) submit its findings, conclusions, and recommendations to the 2015 legislature when it commences.

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.** 48.825 (1) (a) of the statutes is amended to read:

INS. AA5-1

2 48.825 (1) (a) "Advertise" means to communicate by any public medium that  
3 originates within this state, including by newspaper, periodical, telephone book  
4 listing, outdoor advertising sign, radio, or television, or by any computerized  
5 communication system, including by electronic mail, Internet site, Internet profile,  
6 or any similar medium of communication provided via the Internet.

INS.  
AA4-1

INS. AA4-2

7 **SECTION 2.** 48.825 (2) (a) of the statutes is amended to read:

8 48.825 (2) (a) Advertise for the purpose of finding a child to adopt or to  
9 otherwise take into permanent physical custody.

10 **SECTION 3.** 48.825 (2) (b) of the statutes is amended to read:

11 48.825 (2) (b) Advertise that the person will find an adoptive home or any other  
12 permanent physical placement for a child or arrange for or assist in the adoption ~~or,~~  
13 adoptive placement, or any other permanent physical placement of a child.

14 **SECTION 4.** 48.825 (2) (c) of the statutes is amended to read:

15 48.825 (2) (c) Advertise that the person will place a child for adoption or in any  
16 other permanent physical placement.

17 **SECTION 5.** 48.825 (3) (a) of the statutes is amended to read:

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1 48.825 (3) (a) The department, a county department, or a child welfare agency  
2 licensed under s. 48.60 to place children for adoption, in licensed foster homes or  
3 group homes, or in the homes of guardians under s. 48.977 (2).

4 **SECTION 6.** 48.825 (3) (e) of the statutes is amended to read:  
5 48.825 (3) (e) An individual seeking to place his or her child under one year of  
6 age for adoption. (INS. AA4-3)

7 **SECTION 7.** 48.979 (1) (a) of the statutes is amended to read:  
8 48.979 (1) (a) A parent who has legal custody of a child, by a power of attorney  
9 that is properly executed by all parents who have legal custody of the child, may  
10 delegate to an agent, ~~for a period not to exceed one year~~ as provided in par. (am), any  
11 of his or her powers regarding the care and custody of the child, except the power to  
12 consent to the marriage or adoption of the child, the performance or inducement of  
13 an abortion on or for the child, the termination of parental rights to the child, or the  
14 enlistment of the child in the U.S. armed forces. A delegation of powers under this  
15 paragraph does not deprive the parent of any of his or her powers regarding the care  
16 and custody of the child.

17 **SECTION 8.** 48.979 (1) (am) of the statutes is created to read:  
18 48.979 (1) (am) A delegation of powers to an agent under par. (a) may remain  
19 in effect for no longer than one year, except that ~~such a delegation~~ INS. AA3-1 may remain in  
20 effect for longer than one year if the delegation INS. AA3-1 is approved by the court as provided  
21 in sub. (1m). INS. AA5-2

22 **SECTION 9.** 48.979 (1m) of the statutes is created to read:  
23 48.979 (1m) (a) A parent who wishes a delegation of powers INS. AA3-3 to an agent under  
24 sub. (1) (a) INS. AA3-3 to remain in effect for longer than one year, the agent to whom the parent  
25 wishes to delegate those powers, or an organization that is facilitating that

**ASSEMBLY BILL 581****SECTION 9**

1 delegation shall file a petition with the court requesting the court's approval of that  
2 delegation. The petition shall be entitled "In the interest of .... (child's name), a  
3 person under the age of 18." The petitioner shall attach a draft copy of the power of  
4 attorney delegating those powers to the petition and shall state in the petition all of  
5 the following:

6 1. The name, address, and date of birth of the child who is the subject of the  
7 delegation of powers.

8 2. The names and addresses of the parents of the child.

9 3. The name and address of the person nominated as agent and the relationship  
10 of the agent to the child.

11 4. Whether the parent wishes to delegate to the agent full parental power  
12 regarding the care and custody of the child or partial parental power regarding the  
13 care and custody of the child and, if the parent wishes to delegate partial parental  
14 power, the specific powers that the parent wishes to delegate and any limitations on  
15 those powers.

16 5. The proposed term of the delegation of powers, the reasons for the delegation  
17 of powers, and whether the parent proposes to provide any support to the agent  
18 during that term. If so, the petition shall indicate the amount of that support.

19 6. Facts and circumstances showing that the delegation of powers would be in  
20 the best interests of the child and that the person nominated as agent is fit, willing,  
21 and able to exercise those powers.

22 7. If the delegation of powers is being facilitated by an entity, as defined in s.  
23 48.685 (1) (b), facts and circumstances showing that the entity has complied with  
24 sub. (1) (b) and is permitted under sub. (1) (b) to facilitate that delegation.



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1 8. The information required under s. 822.29 (1) and whether the child is subject  
2 to the jurisdiction of the court under s. 48.13, 48.14, 938.12, 938.13, or 938.14.

3 9. Whether the proceedings are subject to the Uniform Child Custody  
4 Jurisdiction and Enforcement Act under ch. 822.

5 10. Whether the child may be subject to the federal Indian Child Welfare Act,  
6 25 USC 1901 to 1963.

7 (b) The court shall hold a hearing on a petition filed under par. (a) within 45  
8 days after the filing of the petition. The petitioner shall cause the petition and notice  
9 of the time and place of the hearing to be served at least 10 days before the time of  
10 the hearing on the child, if 12 years of age or over; the child's guardian ad litem and  
11 counsel, if any; the parents of the child; the person nominated as agent; any  
12 guardian, legal custodian, and physical custodian of the child; and any organization  
13 that is facilitating the delegation of power. Notice shall be served in person or by 1st  
14 class mail. Notice is considered to be given by proof of personal service, by proof that  
15 the notice was mailed to the last-known address of the recipient, or, if the recipient  
16 is an adult, by the written admission of service of the person served.

17 (c) At the hearing the court shall first determine whether any party wishes to  
18 contest the petition. If the petition is not contested, the court shall immediately  
19 proceed to a fact-finding and dispositional hearing, unless an adjournment is  
20 requested. If the petition is contested or if an adjournment is requested, the court  
21 shall set a date for a fact-finding and dispositional hearing that allows reasonable  
22 time for the parties to prepare but is no more than 30 days after the initial hearing.  
23 At the fact-finding and dispositional hearing, any party may present evidence and  
24 argument relating to the allegations in the petition.

INS. AA 4-4

INS. AA 5-4

INS. AA 5-5

INS. AA 5-6

INS. AA 5-7

INS. AA 4-5

INS. AA 4-6

INS. AA 4-7

INS. AA 5-8

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SECTION 9

1 (d) In determining the appropriate disposition of a petition filed under par. (a),  
 2 the best interests of the child shall be the prevailing factor to be considered by the  
 3 court. The court shall also consider whether the person nominated as agent would  
 4 be fit, willing, and able to exercise the powers to be delegated, the reasons for the  
 5 delegation of powers, and the amount of support that the parent is willing and able  
 6 to provide to the agent during the term of the delegation of powers.

powers

INS. AA5-10

7 (e) At the conclusion of the fact-finding and dispositional hearing, the court  
 8 shall grant one of the following dispositions, unless the court adjourns the hearing  
 9 under par. (f):

10 1. A disposition dismissing the petition if the court finds that the petitioner has  
 11 not proved the allegations in the petition by clear and convincing evidence or  
 12 determines that approval of the proposed delegation of powers is not in the best  
 13 interests of the child.

14 2. A disposition approving the proposed delegation of powers, if the court finds  
 15 that the petitioner has proved the allegations in the petition by clear and convincing  
 16 evidence and determines that the proposed delegation of powers is in the best  
 17 interests of the child. The disposition may also designate an amount of support to  
 18 be paid by the child's parents to the agent. If the court approves the proposed  
 19 delegation of powers, the parent and the person nominated as agent may execute a  
 20 power of attorney delegating those powers as approved by the court.

21 (f) If at the conclusion of the fact-finding and dispositional hearing the court  
 22 finds that the petitioner has proved the allegations in the petition by clear and  
 23 convincing evidence, but that the person nominated as agent is not fit, willing, and  
 24 able to serve as agent or that appointment of that person as agent would not be in  
 25 the best interests of the child, the court may, in lieu of granting a disposition

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1 dismissing the petition under par. (e) 1., adjourn the hearing for not more than 30  
2 days and request the petitioner or any other party to nominate a different person as  
3 agent.

4 (g) Any person who delegates his or her powers regarding the care and custody  
5 of a child for longer than one year without first obtaining the approval of the court  
6 as provided in this subsection is subject to a fine not to exceed \$10,000 or  
7 imprisonment not to exceed 9 months, or both.

8 **SECTION 10.** 48.979 (2) of the statutes is amended to read:

9 48.979 (2) A power of attorney complies with sub. (1) (a) if the power of attorney  
10 substantially conforms to the following form:

11 **POWER OF ATTORNEY**

12 **DELEGATING PARENTAL POWER**

13 AUTHORIZED BY s. 48.979, Wis. Stats.

14 NAME(S) OF CHILD(REN)

15 This power of attorney is for the purpose of providing for the care and custody  
16 of:

17 Name, address, and date of birth of child ....

18 Name, address, and date of birth of child ....

19 Name, address, and date of birth of child ....

20 **DELEGATION OF POWER TO AGENT**

21 I, .... (name and address of parent), state that I have legal custody of the  
22 child(ren) named above. (*Only a parent who has legal custody may use this form.*)  
23 *A parent may not use this form to delegate parental powers regarding a child who is*  
24 *subject to the jurisdiction of the juvenile court under s. 48.13, 48.14, 938.12, 938.13,*  
25 *or 938.14, Wis. Stats.*

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1 I delegate my parental power to:

2 Name of agent ....

3 Agent's address ....

4 Agent's telephone number(s) ....

5 Agent's e-mail address ....

6 Relationship of agent to child(ren) ....

7 The parental power I am delegating is as follows:

8 **FULL**

9 *(Check if you want to delegate full parental power regarding the care and*  
10 *custody of the child(ren) named above.)*

11 .... Full parental power regarding the care and custody of the child(ren) named  
12 above

13 **PARTIAL**

14 *(Check each subject over which you want to delegate your parental power*  
15 *regarding the child(ren) named above.)*

16 .... The power to consent to all health care; or

17 .... The power to consent to only the following health care:

18 .... Ordinary or routine health care, excluding major surgical procedures,  
19 extraordinary procedures, and experimental treatment

20 .... Emergency blood transfusion

21 .... Dental care

22 .... Disclosure of health information about the child(ren)

23 .... The power to consent to educational and vocational services

24 .... The power to consent to the employment of the child(ren)

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1           .... The power to consent to the disclosure of confidential information, other  
2 than health information, about the child(ren)

3           .... The power to provide for the care and custody of the child(ren)

4           .... The power to consent to the child(ren) obtaining a motor vehicle operator's  
5 license

6           .... The power to travel with the child(ren) outside the state of Wisconsin

7           .... The power to obtain substitute care, such as child care, for the child(ren)

8           .... Other specifically delegated powers or limits on delegated powers (*Fill in the*  
9 *following space or attach a separate sheet describing any other specific powers that*  
10 *you wish to delegate or any limits that you wish to place on the powers you are*  
11 *delegating.*) ....

12           This delegation of parental powers does not deprive a custodial or noncustodial  
13 parent of any of his or her powers regarding the care and custody of the child,  
14 whether granted by court order or force of law.

15           **THIS DOCUMENT MAY NOT BE USED TO DELEGATE THE POWER TO**  
16 **CONSENT TO THE MARRIAGE OR ADOPTION OF THE CHILD(REN), THE**  
17 **PERFORMANCE OR INDUCEMENT OF AN ABORTION ON OR FOR THE**  
18 **CHILD(REN), THE TERMINATION OF PARENTAL RIGHTS TO THE**  
19 **CHILD(REN), THE ENLISTMENT OF THE CHILD(REN) IN THE U.S. ARMED**  
20 **FORCES OR TO PLACE THE CHILD(REN) IN A FOSTER HOME, GROUP HOME,**  
21 **OR INPATIENT TREATMENT FACILITY.**

**EFFECTIVE DATE AND TERM****OF THIS DELEGATION**

22  
23  
24           This Power of Attorney takes effect on .... and will remain in effect until .... If  
25 no termination date is given ~~or if the termination date given is more than one year~~

**ASSEMBLY BILL 581**

**SECTION 10**

1 ~~after the effective date of this Power of Attorney, this Power of Attorney will remain~~  
 2 ~~in effect for a period of one year after the effective date, but no longer. If the~~  
 3 ~~termination date given is more than one year after the effective date of this Power~~  
 4 ~~of Attorney, this Power of Attorney must be approved by the juvenile court. This~~  
 5 Power of Attorney may be revoked in writing at any time by a parent who has legal  
 6 custody of the child(ren) and such a revocation invalidates the delegation of parental  
 7 powers made by this Power of Attorney, except with respect to acts already taken in  
 8 reliance on this Power of Attorney.

SIGNATURE(S) OF PARENT(S)

10 Signature of parent .... Date ....

11 Parent's name printed ....

12 Parent's address ....

13 Parent's telephone number ....

14 Parent's e-mail address ....

15 Signature of parent .... Date ....

16 Parent's name printed ....

17 Parent's address ....

18 Parent's telephone number ....

19 Parent's e-mail address ....

WITNESSING OF SIGNATURE(S) (OPTIONAL)

21 State of ....

22 County of ....

23 This document was signed before me on .... (date) by .... (name(s) of parent(s)).

24 Signature of notary ....

25 My commission expires: ....

**ASSEMBLY BILL 581**1  
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## STATEMENT OF AGENT

I, .... (name and address of agent), understand that .... (name(s) of parent(s)) has (have) delegated to me the powers specified in this Power of Attorney regarding the care and custody of .... (name(s) of child(ren)). I further understand that this Power of Attorney may be revoked in writing at any time by a parent who has legal custody of .... (name(s) of child(ren)). I hereby declare that I have read this Power of Attorney, understand the powers delegated to me by this Power of Attorney, am fit, willing, and able to undertake those powers, and accept those powers.

Agent's signature ....

Date ....

## APPENDIX

*(Here the parent(s) may indicate where they may be located during the term of the Power of Attorney if different from the address(es) set forth above.)*

.... I can be located at:

Address(es) ....

Telephone number(s) ....

E-mail address(es) ....

.... Or, by contacting:

Name ....

Address ....

Telephone number ....

E-mail address ....

.... Or, I cannot be located

**SECTION 11.** 948.25 of the statutes is created to read:

**948.25 Unauthorized interstate placements of children.** (1) Any person who sends a child out of this state, brings a child into this state, or causes a child to

**ASSEMBLY BILL 581**

**SECTION 11**

1 be sent out of this state or brought into this state for the purpose of permanently x  
2 transferring physical custody of the child to a person who is not a relative of the child  
3 is guilty of a Class A misdemeanor.

INS. AA4-8

4 (2) Subsection (1) does not apply to any of the following:

5 (a) A placement of a child that is authorized under s. 48.98, 48.988, or 48.99.

6 (b) A placement of a child that is approved by a court of competent jurisdiction  
7 of the sending state or receiving state.

8 **SECTION 12. Nonstatutory provisions.**

9 (1) STUDY OF ADOPTION DISRUPTION AND DISSOLUTION. The joint legislative council  
10 is requested to study adoption disruption and dissolution in this state. If the joint  
11 legislative council undertakes such a study, the joint legislative council shall do all  
12 of the following:

13 (a) Study the extent of adoption disruption and dissolution in this state and the  
14 efforts by the department of children and families, counties, and child welfare  
15 agencies to prevent such disruption and dissolution.

16 (b) Recommend legislation to accomplish all of the following:

17 1. Define adoption disruption and adoption dissolution.

18 2. Prevent adoption disruption and adoption dissolution in this state.

19 3. Require the department of children and families, county departments of  
20 human services or social services that are authorized to place children for adoption,  
21 and child welfare agencies that are licensed to place children for adoption to track  
22 and report on disrupted or dissolved adoptions.

23 (c) Consider legislative options to prepare prospective adoptive parents for  
24 adoption and to support adoptive parents after an adoption.



**ASSEMBLY BILL 581**

1 (d) Submit its findings, conclusions, and recommendations to the 2015  
2 legislature when it commences.

3 **SECTION 13. Initial applicability.**

4 (1) ADVERTISING RELATED TO ADOPTION OR OTHER PERMANENT PHYSICAL PLACEMENTS  
5 OF A CHILD. The treatment of section 48.825 (1) (a), (2) (a), (b), and (c), and (3) (a) and  
6 (e) of the statutes first applies to advertising placed or posted on the effective date  
7 of this subsection.

INS. AA4-9

8 (END)



**ASSEMBLY AMENDMENT 3,  
TO ASSEMBLY BILL 581**

January 27, 2014 – Offered by Representative KLEEFISCH.

1 At the locations indicated, amend the bill as follows:

2 ✓1. Page 5, line 20: after “delegation” insert “is to a relative of the child or the  
3 delegation”.

X  
AA3-1

4 ✓2. Page 5, line 23: delete “to an agent”.

X  
AA3-3

5 ✓3. Page 5, line 24: after “(a)” insert “to an agent who is not a relative of the  
6 child”.

X  
AA3-4

7 ✓4. Page 9, line 5: after “child” insert “to a person who is not a relative of the  
8 child”.

9

(END)



State of Wisconsin  
2013-2014 LEGISLATURE

**CORRECTIONS IN:**

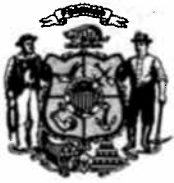
**ASSEMBLY AMENDMENT 4,  
TO ASSEMBLY BILL 581**

Prepared by the Legislative Reference Bureau  
(April 2, 2014)

In enrolling, the following correction was made:

1. Page 1, line 4: delete "SECTION 1g" and substitute "SECTION 1y".

(END)



ASSEMBLY AMENDMENT 4,  
TO ASSEMBLY BILL 581

January 27, 2014 - Offered by Representative KLEEFISCH.

1 At the locations indicated, amend the bill as follows:

2 ~~X~~1. Page 4, line 5: delete "profile," and substitute "account".

AA4-1

3 ~~X~~2. Page 4, line 6: after that line insert:

AA4-2

4 ~~X~~SECTION 1g. 48.825 (1) (c) of the statutes is created to read:

5 48.825 (1) (c) "Internet account" means an account created within a bounded  
6 system established by an Internet-based service that requires a user to input or store  
7 access information in an electronic device in order to view, create, use, or edit the  
8 user's account information, profile, display, communications, or stored data."

9 ~~X~~3. Page 5, line 4: delete lines 4 to 6 and substitute:

AA4-3

10 ~~X~~SECTION 6d. 48.825 (3) (e) of the statutes is repealed.

AA4-4

11 ~~X~~4. Page 7, line 5: after "subject" insert "s. 48.028 or 938.028 or".

INS. AA1-AA4-1

12 ~~X~~5. Page 7, line 13: delete "Notice" and substitute "The petition and notice".

AA4-5

AA4-6

1 ✓6. Page 7, line 14: delete "Notice is considered to be given" and substitute "The  
2 petition and notice are considered to be served".

AA4-7

3 ✓7. Page 7, line 15: delete "notice was" and substitute "petition and notice  
4 were".

AA4-8

5 ✓8. Page 14, line 2: after "relative" insert ", as defined in s. 48.02 (15)".

6 ✓9. Page 15, line 5: after "(1) (a)" insert "and (c)".

AA4-9

7 (END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



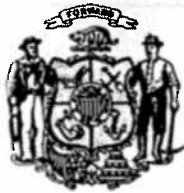
LRBa1559/1  
GMM:eev:jf

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY AMENDMENT 4,  
TO ASSEMBLY BILL 581**

January 28, 2014 - Offered by COMMITTEE ON FAMILY LAW.

AA1-AA4-1

- 1 At the locations indicated, amend the amendment as follows:
- 2 / 1. Page 1, line 11: delete "subject" and substitute "subject to".
- 3 (END)



State of Wisconsin  
2013-2014 LEGISLATURE

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 5,  
TO ASSEMBLY BILL 581**

Prepared by the Legislative Reference Bureau  
(April 2, 2014)

In enrolling, the following corrections were made:

1. Page 5, line 19: delete "known." and substitute "known".
2. Page 6, line 6: delete "delete "and"" and substitute "delete the first  
"and"".

\*\*\*\*NOTE: Clarifies that Assembly Amendment 5 deletes the *first* instance of the word "and" on page 8, line 5, of Assembly Bill 581.

(END)



**ASSEMBLY AMENDMENT 5,  
TO ASSEMBLY BILL 581**

February 13, 2014 – Offered by Representative KLEEFISCH.

1 At the locations indicated, amend the bill as follows:

2 **X 1.** Page 4, line 1: delete that line and substitute:

3 **SECTION 1d.** 48.028 (2) (d) 5. of the statutes is created to read:

4 48.028 (2) (d) 5. A delegation of powers by a parent regarding the care and  
5 custody of an Indian child for longer than one year under s. 48.979.

6 **SECTION 1f.** 48.028 (2) (e) of the statutes is amended to read:

7 48.028 (2) (e) “Out-of-home care placement” means the removal of an Indian  
8 child from the home of his or her parent or Indian custodian for temporary placement  
9 in a foster home, group home, residential care center for children and youth, or  
10 shelter care facility, in the home of a relative other than a parent, or in the home of  
11 a guardian, from which placement the parent or Indian custodian cannot have the  
12 child returned upon demand. “Out-of-home care placement” does not include an

AA5-1



1 adoptive placement, a preadoptive placement, a delegation of powers, as described  
2 in par. (d) 5., or holding an Indian child in custody under ss. 48.19 to 48.21.

3 **SECTION 1h.** 48.028 (3) (c) (intro.) of the statutes is amended to read:

4 48.028 (3) (c) *Transfer of proceedings to tribe.* (intro.) In any Indian child  
5 custody proceeding under this chapter involving an out-of-home placement of, or  
6 termination of parental rights to, or delegation of powers, as described in sub. (2) (d)  
7 5., regarding, an Indian child who is not residing or domiciled within the reservation  
8 of the Indian child's tribe, the court assigned to exercise jurisdiction under this  
9 chapter shall, upon the petition of the Indian child's parent, Indian custodian, or  
10 tribe, transfer the proceeding to the jurisdiction of the tribe unless any of the  
11 following applies:

12 **SECTION 1j.** 48.028 (3) (e) of the statutes is amended to read:

13 48.028 (3) (e) *Intervention.* An Indian child's Indian custodian or tribe may  
14 intervene at any point in an Indian child custody proceeding under this chapter  
15 involving an out-of-home care placement of, or termination of parental rights to, or  
16 delegation of powers, as described in sub. (2) (d) 5., regarding, the Indian child.

17 **SECTION 1m.** 48.028 (4) (a) of the statutes is amended to read:

18 48.028 (4) (a) *Notice.* In any involuntary proceeding involving the out-of-home  
19 care placement of or, termination of parental rights to, or delegation of powers, as  
20 described in sub. (2) (d) 5., regarding, a child whom the court knows or has reason  
21 to know is an Indian child, the party seeking the out-of-home care placement or,  
22 termination of parental rights, or delegation of powers shall, for the first hearing of  
23 the proceeding, notify the Indian child's parent, Indian custodian, and tribe, by  
24 registered mail, return receipt requested, of the pending proceeding and of their  
25 right to intervene in the proceeding and shall file the return receipt with the court.

1 Notice of subsequent hearings in a proceeding shall be in writing and may be given  
2 by mail, personal delivery, or facsimile transmission, but not by electronic mail. If  
3 the identity or location of the Indian child's parent, Indian custodian, or tribe cannot  
4 be determined, that notice shall be given to the U.S. secretary of the interior in like  
5 manner. The first hearing in the proceeding may not be held until at least 10 days  
6 after receipt of the notice by the parent, Indian custodian, and tribe or until at least  
7 15 days after receipt of the notice by the U.S. secretary of the interior. On request  
8 of the parent, Indian custodian, or tribe, the court shall grant a continuance of up to  
9 20 additional days to enable the requester to prepare for that hearing.

10 **SECTION 1o.** 48.028 (7) (title) of the statutes is repealed and recreated to read:

11 48.028 (7) (title) PLACEMENTS AND DELEGATIONS OF POWERS; PREFERENCES.

12 **SECTION 1p.** 48.028 (7) (a) (intro.) of the statutes is amended to read:

13 48.028 (7) (a) *Adoptive placement or delegation of powers; preferences.* (intro.)

14 Subject to pars. (c) and (d), in placing an Indian child for adoption or in delegating  
15 powers, as described in sub. (2) (d) 5., regarding an Indian child, preference shall be  
16 given, in the absence of good cause, as described in par. (e), to the contrary, to a  
17 placement with or delegation to one of the following, in the order of preference listed:

18 **SECTION 1r.** 48.028 (7) (c) of the statutes is amended to read:

19 48.028 (7) (c) *Tribal or personal preferences.* In placing an Indian child under  
20 par. (a), (b), or (bm) or in delegating powers regarding an Indian child under par. (a),  
21 if the Indian child's tribe has established, by resolution, an order of preference that  
22 is different from the order specified in par. (a) or (b), the order of preference  
23 established by that tribe shall be followed, in the absence of good cause, as described  
24 in par. (e), to the contrary, so long as the placement or delegation under par. (a) is  
25 appropriate for the Indian child's special needs, if any, and the placement under par.

1 (b) or (bm) is the least restrictive setting appropriate for the Indian child's needs as  
2 specified in par. (b). When appropriate, the preference of the Indian child or parent  
3 shall be considered, and, when a parent who has consented to the placement or  
4 delegation evidences a desire for anonymity, that desire shall be given weight, in  
5 determining the placement or delegation.

6 **SECTION 1t.** 48.028 (7) (e) 1. b. of the statutes is amended to read:

7 48.028 (7) (e) 1. b. Any extraordinary physical, mental, or emotional health  
8 needs of the Indian child requiring highly specialized treatment services as  
9 established by the testimony of an expert witness, including a qualified expert  
10 witness. The length of time that an Indian child has been in a placement or subject  
11 to a delegation of powers, as described in sub. (2) (d) 5., does not, in itself, constitute  
12 an extraordinary emotional health need.

13 **SECTION 1u.** 48.028 (7) (e) 1. c. of the statutes is amended to read:

14 48.028 (7) (e) 1. c. The unavailability of a suitable placement for the Indian  
15 child after diligent efforts have been made to place the Indian child in the order of  
16 preference under par. (a), (b), or (c) or the unavailability of a suitable agent to whom  
17 to delegate powers, as described in sub. (2) (d) 5., regarding the Indian child after  
18 diligent efforts have been made to delegate those powers in the order of preference  
19 under par. (a).

20 **SECTION 1v.** 48.028 (7) (f) of the statutes is amended to read:

21 48.028 (7) (f) *Report of placement placements and delegations of powers.* The  
22 department, a county department, or a child welfare agency shall maintain a record  
23 of each adoptive placement, out-of-home care placement, and preadoptive  
24 placement, and delegation of powers, as described in sub. (2) (d) 5., made of an Indian  
25 child, evidencing the efforts made to comply with the placement preference

1 requirements specified in this subsection, and shall make that record available at  
2 any time on the request of the U.S. secretary of the interior or the Indian child's tribe.

3 **SECTION 1x.** 48.825 (1) (a) of the statutes is amended to read:

4 ✓ **2.** Page 5, line 21: after that line insert:

AA5-2

5 **SECTION 8g.** 48.979 (1) (dm) of the statutes is amended to read:

6 48.979 (1) (dm) A delegation of powers under par. (a) regarding the care and  
7 custody of an Indian child for any length of time is subject to the requirements of s.  
8 48.028 (5) (a). A delegation of powers under par. (a) regarding the care and custody  
9 of an Indian child for longer than one year is also subject to the requirements of s.  
10 48.028 (3) (c), (4) (a), and (7) (a), (c), (e), and (f).

AA5-3

11 ✗ **3.** Page 7, line 5: after "subject to" insert "s. 48.028 or 938.028 or".

AA5-4

12 ✓ **4.** Page 7, line 6: after "1963" insert ", and, if the child may be subject to those  
13 sections or that act, the names and addresses of the child's Indian custodian, if any,  
14 and Indian tribe, if known".

AA5-5

15 ✗ **5.** Page 7, line 7: delete "The" and substitute "Except as provided in par. (bm),  
16 the".

AA5-6

17 ✓ **6.** Page 7, line 12: delete "child; and" and substitute "child".

AA5-7

18 ✓ **7.** Page 7, line 13: after "power" insert ", and, if the child is an Indian child,  
19 the Indian child's Indian custodian, if any, and tribe, if known".

AA5-8

20 ✗ **8.** Page 7, line 16: after that line insert:

21 "(bm) If the petitioner knows or has reason to know that the child is an Indian  
22 child, service under par. (b) to the Indian child's parent, Indian custodian, and tribe  
23 shall be provided in the manner specified in s. 48.028 (4) (a). No hearing may be held  
24 under par. (c) until at least 10 days after receipt of service by the Indian child's

CCC

NOTE TO ED: NOT GIVEN EFFECT  
SEE AA 4-4 = IDENTICAL  
OK  
both items given effect

1 parent, Indian custodian, and tribe or, if the identity or location of the Indian child's  
 2 parent, Indian custodian, or tribe cannot be determined, until at least 15 days after  
 3 receipt of service by the U.S. secretary of the interior. On request of the Indian child's  
 4 parent, Indian custodian, or tribe, the court shall grant a continuance of up to 20  
 5 additional days to enable the requester to prepare for the hearing."

6 ✓ 9. Page 8, line 5: delete "and". the first

AA5-10

7 ✓ 10. Page 8, line 6: after "powers" insert ", and, if the child is an Indian child,  
 8 the order of placement preference under s. 48.028 (7) (a) or, if applicable, s. 48.028  
 9 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e), for departing  
 10 from that order".

11 (END)

ITEM AA5-9

Editor: please enter a correction  
 in enrolling to delete only  
 the first "and" in P8 L5.