

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB581)

Received: 1/21/2014 Received By: gmalaise
Wanted: Soon Same as LRB:
For: Joel Kleefisch (608) 266-8551 By/Representing: Ashley Moore
May Contact: Drafter: gmalaise
Subject: Children - TPR and adoption Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Kleefisch@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Advertising for adoption; delegation of parental powers; illegal adoptions; technical changes

Instructions:

See attached--AA 1 plus attached changes

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 1/21/2014	kfollett 1/24/2014		_____			
/1			jfrantze 1/24/2014	_____	sbasford 1/24/2014	sbasford 1/24/2014	

FE Sent For:

<END>

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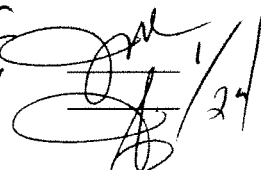
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/?	gmalaise	1/15/14 1/24/14	1/15/14 1/24/14		1/1/14 1/24/14		

FE Sent For:

<END>

Malaise, Gordon

From: Moore, Ashlee
Sent: Tuesday, January 21, 2014 12:40 PM
To: Malaise, Gordon
Subject: FW: 2013 AB 581 re rehoming

Hey Gordon, I am writing today to ask if you could draft an amendment to LRB 3542. The changes are listed below.

Ashlee Moore

Representative Joel Kleefisch – 38th Assembly District
307 North, State Capitol – (608) 266-8551

Second, I spoke with Joel, below are what we are going to include in the next amendment, like I said I am going to combine them to make Amendment 2 and we'll ignore Amendment 1. Once it is jacketed I will let you know so you can do the same. Thanks Luke

- **Amend to say "petition and notice" where references are made to the notice:** On page 7, lines 13 and 14, both references to "Notice" could be revised to service of the notice **and** the petition. In lines 7 to 16 it says that both the petition and notice must be served before the hearing, but in the later specification for service either in person or by 1st class mail it only lists service of the notice, and not service of the petition. A petition would normally require personal service, so if it's intended to allow service of the petition also by 1st class mail, that should be specified.
- **Amend to add authorizing language to allow the support to be routed through the Child Support Trust Fund; if we do not classify the support as child support, the individual would have to petition to collect payment through small claims court. Putting in language to designate it as Child Support routes the payments through the Trust Fund, which will allow the Department to track support payments and ensure that support orders are being enforced. Without the designation, the new agent would have no resources to rectify past due support:** The bill draft could be revised to specify whether or not a court could order the support paid by a child's parents to an agent to be paid through the Wisconsin child support trust fund and to be subject to child support enforcement actions. The bill is silent, which means that a court might try to make such an order, or an agent could try to enforce collection of the support amounts, without a clear direction of whether that's possible or not. **Authorizing language could be added to the bill on page 8, line 18, to allow a court to make a "referral to the county child support agency under s. 59.53 (5) for establishment of child support",** which would put the support order under all of those enforcement mechanisms, or the bill could specify that the support is **not** child support under ch. 767, Stats.
- **We are going to reference this definition, since it is the definition most often used within chapter 48:** The reference to a "relative" in the criminal penalty for an unauthorized interstate placement of a child, page 14, line 2, could be defined, since that term isn't defined in the criminal code or in the statutes' general definitions, and there are different definitions for a "relative" in the children's code, depending on the particular purpose. If desired, the most general definition, under s. 48.02 (15), Stats., could be referenced, which would include:
 - "a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, stepaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "relative" includes an extended family member, as defined in s.

48.028 (2) (am), whether by blood, marriage, or adoption, including adoption under tribal law or custom.”

Ashlee Moore

Representative Joel Kleefisch – 38th Assembly District
307 North, State Capitol – (608) 266-8551

From: Moore, Ashlee
Sent: Thursday, January 16, 2014 12:37 PM
To: Petrovich, Luke
Subject: FW: 2013 AB 581 re rehoming

Ashlee Moore

Representative Joel Kleefisch – 38th Assembly District
307 North, State Capitol – (608) 266-8551

From: Kelley, Margit
Sent: Wednesday, January 15, 2014 12:46 PM
To: Moore, Ashlee
Subject: 2013 AB 581 re rehoming

Hi Ashlee,

Here are the three items in the rehoming bill that we talked about that could have more legal details added:

- On page 7, lines 13 and 14, both references to “Notice” could be revised to service of the notice **and** the petition. In lines 7 to 16 it says that both the petition and notice must be served before the hearing, but in the later specification for service either in person or by 1st class mail it only lists service of the notice, and not service of the petition. A petition would normally require personal service, so if it’s intended to allow service of the petition also by 1st class mail, that should be specified.
- The bill draft could be revised to specify whether or not a court could order the support paid by a child’s parents to an agent to be paid through the Wisconsin child support trust fund and to be subject to child support enforcement actions. The bill is silent, which means that a court might try to make such an order, or an agent could try to enforce collection of the support amounts, without a clear direction of whether that’s possible or not. Authorizing language could be added to the bill on page 8, line 18, to allow a court to make a “referral to the county child support agency under s. 59.53 (5) for establishment of child support”, which would put the support order under all of those enforcement mechanisms, or the bill could specify that the support is **not** child support under ch. 767, Stats.
- The reference to a “relative” in the criminal penalty for an unauthorized interstate placement of a child, page 14, line 2, could be defined, since that term isn’t defined in the criminal code or in the statutes’ general definitions, and there are different definitions for a “relative” in the children’s code, depending on the particular

purpose. If desired, the most general definition, under s. 48.02 (15), Stats., could be referenced, which would include:

- “a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, stepaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "relative" includes an extended family member, as defined in s. 48.028 (2) (am), whether by blood, marriage, or adoption, including adoption under tribal law or custom.”

If Joel is comfortable with these clarifications I can pass along an amendment request to Gordon at LRB.

Margit Kelley
Wisconsin Legislative Council
608-266-9280
Margit.Kelley@legis.wi.gov

Malaise, Gordon

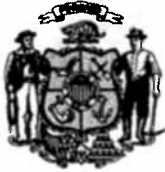
From: Cronin, John
Sent: Thursday, January 23, 2014 2:24 PM
To: Malaise, Gordon
Subject: Drafting request
Attachments: 13-0981_1.pdf

Hi Gordon,

I have a drafting request on behalf of Rep. Born. The language for the bill we want drafted is actually included within LRB 0981/1 which you authored. We would like you to remove Section 5 (amending s.104.09) from LRB 0981/1 and have it stand alone as its own bill. LRB 0981/1 is attached and I have highlighted the relevant section. Please let me know if you have any questions or anything needs to be clarified.

Thanks!

John Cronin
Office of Rep. Mark Born
39th Assembly District



State of Wisconsin
2013 - 2014 LEGISLATURE

IN 11/21
5:00
Friday



LRBa142971
GMM:kjf:jm

a1482/1

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

January 21, 2014 - Offered by Representative KLEEFISCH.

*****AUTHORS SUBJECT TO CHANGE*****

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At the locations indicated, amend the bill as follows:

1. Page 4, line 5: delete “profile,” and substitute “account.”

2. Page 4, line 6: after that line insert:

“**SECTION 1g.** 48.825 (1) (c) of the statutes is created to read:

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

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

“**SECTION 6d.** 48.825 (3) (e) of the statutes is repealed.”.

4. Page 15, line 5: after “(1) (a)” insert “and (c)”.

(END)

INST
1-10
7

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1482/lins
GMM.....

(INSERT 1-10)

insert → 1-10

1. Page 7, line 13: delete "Notice" and substitute "The petition and notice".

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

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

4. Page 8, line 18: delete "agents" and substitute "agent" or may refer the matter to the county child support agency under s. 59.53 (5) for the establishment of child support".

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

(END OF INSERT)

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change component

after insert

Insert 1-10a

a 1482

A Page 7, 8 5: after "subject to" insert

4. 418.028 or 938.028 or "

(ed & ~r)