

2013 DRAFTING REQUEST

Senate Amendment (SA-SB504)

Received: 2/12/2014 Received By: gmalaise
Wanted: Today Same as LRB:
For: Nikiya Harris (608) 266-2500 By/Representing: David Crowley
May Contact: Drafter: gmalaise
Subject: Children - TPR and adoption Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Termination of parental rights; waiver of counsel for failure to appear; discharge of counsel and granting of default judgment

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 2/12/2014	scalvin 2/12/2014		_____			
/1			rschluet 2/12/2014	_____	lparisi 2/12/2014	lparisi 2/12/2014	

FE Sent For:

<END>

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/?	gmalaise	/1 SAC 02/12/2014	/1 SAC 02/12/2014				

FE Sent For:

<END>



Malaise, Gordon

From: Crowley, David
Sent: Wednesday, February 12, 2014 11:59 AM
To: Malaise, Gordon
Subject: Amendment to SB504

Gordon,

Please prepare an amendment for SB504 which makes the following changes to section 4 & 5?

1. Amend Section 4 to allow for judges to waive counsel and enter default judgment for failure to appear at consecutive hearings as ordered without clear and justifiable excuse (this language is largely already in section 4). The change would be to make the waiver of counsel effective at disposition and requiring that disposition be scheduled at least 10 days from the hearing at which default judgment is entered.
2. Amend section 5 to merely preserve the ability to file a motion to vacate the default judgment.

Again, Sen. Harris has to exec on this tomorrow so we appreciate the rush on this amendment.

Respectfully,

David C. Crowley
District Director
Office of Senator Nikiya Q. Harris
District 6, Wisconsin State Senate
PO Box 7882
Madison, WI 53708-7882
608.266.2500

<http://harris.senate.wi.gov>



State of Wisconsin
2013 - 2014 LEGISLATURE

SM 2/12
Today



LRBa1772/1
GMM...f:...

SAC

SENATE AMENDMENT,
TO SENATE BILL 504

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

2 1. Page 3, line 7: after "excuse." insert "If the court finds that a parent's
3 conduct in failing to appear in person as ordered was egregious and without clear ³ and
4 justifiable excuse, the court may not hold a dispositional hearing on the contested
5 adoption or involuntary termination of parental rights until at least 10 days have
6 elapsed since the date of that finding. At the conclusion of the dispositional hearing,
7 the court may discharge counsel based on the presumption described in this
8 subdivision and grant a default judgment approving the contested adoption or
9 involuntary termination of parental rights. If a default judgment is granted, the
10 parent may move the court to vacate or reconsider the default judgment as provided
11 in s. 806.07 or appeal the default judgment under s. 808.03 (1).".

12 2. Page 3, line 8: delete lines 8 to 12 and substitute:

13 "SECTION 5m. 48.424 (4) (intro.) of the statutes is amended to read:

(intro.)

1 48.424 (4) If grounds for the termination of parental rights are found by the
2 court or jury, the court shall find the parent unfit. A finding of unfitness shall not
3 preclude a dismissal of a petition under s. 48.427 (2). The Except as provided in s.
4 48.23 (2) (b) 3., the court shall then proceed immediately to hear evidence and
5 motions related to the dispositions enumerated in s. 48.427. Except as provided in
6 s. 48.42 (2g) (ag), the court may delay making the disposition and set a date for a
7 dispositional hearing no later than 45 days after the fact-finding hearing if any of
8 the following apply:"

9 History: 1979 c. 330; 1987 a. 383; 2009 a. 94.

(END)