

**2017 DRAFTING REQUEST****Assembly Amendment (AA-AB778)**For: **Steve Doyle (608) 266-0631**Drafter: **swalkenh**By: **Margie**

Secondary Drafters:

Date: **12/20/2017**

May Contact:

Same as LRB:

Submit via email: **YES**Requester's email: **Rep.Doyle@legis.wisconsin.gov**Carbon copy (CC) to: **sarah.walkenhorstbarber@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Appellate procedure changes in actions relating to termination of parental rights

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 12/28/2017	aernstr 12/28/2017			
/P1	swalkenh 1/3/2018		lparisi 12/28/2017		
/1		aernstr 1/4/2018	jdye 1/4/2018	jdye 1/4/2018	

FE Sent For:

&lt;END&gt;

## Walkenhorst Barber, Sarah

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**From:** Berkowitz, Margie  
**Sent:** Friday, December 15, 2017 10:12 AM  
**To:** Walkenhorst Barber, Sarah  
**Subject:** Amendment to LRB 4564/1

**Follow Up Flag:** Follow Up  
**Due By:** Friday, December 15, 2017 10:13 AM  
**Flag Status:** Flagged

Good morning Sarah,

Rep. Doyle would like to have an amendment drafted to LRB 4564 relating to: appellate procedure in proceedings related to termination of parental rights. The bill has not been introduced yet but should have a number soon. These suggestions came from the courts and I am not a lawyer so I apologize if something doesn't make sense.

We would like the amendment to add provisions requiring the appellant's signature for the Notice of Appeal under s. 809.107(5) and for the Petition for Review under s. 809.107(6)(f).

Please let me know if you have any questions.

Thanks!  
Margie

Also, if this helps, here is the original request from the courts:

### LRB-4564/1

In addition to requiring the appellant's signature for the Notice of Intent, add provisions that would also require the appellant's signature for the Notice of Appeal under s. 809.107(5) and for the Petition for Review under s. 809.107(6)(f). Requiring the parent's signature for all three of these appellate requests will avoid the frequent problem of initiating the highly expensive process (e.g., preparing transcripts and appointing appellate counsel) on behalf of parents who have disengaged (e.g., attorney cannot locate the parent). Moreover, these requirements would expedite the time to adoption and reduce the inordinate delays experienced by the child and foster family, which is put on hold while waiting for resolution of an appeal that is not directly requested by the parent.

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LRBa1692  
SWB: ...  
ahe  
AP1

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO ASSEMBLY BILL 778**

IN 12/28  
Requested today  
or 12/29 please

sa✓

1 At the locations indicated, amend the bill as follows:  
2 **1.** Page 2, line 11: after that line insert:  
3 "SECTION 2m. 809.107 (5) (a) of the statutes is amended to read:  
4 809.107 (5) (a) *Filing; and service of notice of appeal.* Within 30 days after the  
5 later of the service of the transcript or the circuit court case record, unless extended  
6 under s. 809.82, the appellant shall file a notice of appeal as provided in s. 809.10 and  
7 serve a copy of the notice on the persons required to be served under sub. (2) (bm).  
8 For an appellant other than the state, the appellant on whose behalf the notice of  
9 appeal is filed shall sign the notice. Appellant's counsel, if any, shall also sign the  
10 notice of appeal, but may not sign in lieu of the appellant."

History: 1993 a. 395; 1995 a. 275; Sup. Ct. Order No. 90-02, 2001 WI 39, 242 Wis. 2d xxvii; 2005 a. 293; Sup. Ct. Order No. 05-07, 2006 WI 37, 287 Wis. 2d xix; Sup. Ct. Order No. 04-08, 2008 WI 108, filed 7-30-08, eff. 1-1-09; 2015 a. 128; Sup. Ct. Order No. 17-05, 2017 WI 95, filed 11-9-17, eff. 7-1-18.

11 **2.** Page 3, line 8: after that line insert:

1           “**SECTION 3m.** 809.107 (6) (f) of the statutes is amended to read:  
2           809.107 (6) (f) *Petition for review.* A petition for review of an appeal in the  
3           supreme court, if any, shall be filed within 30 days after the date of the decision of  
4           the court of appeals. For a petitioner other than the state, the petitioner on whose  
5           behalf the petition for review is filed shall sign the petition. Petitioner’s counsel, if  
6           any, shall also sign the petition for review, but may not sign in lieu of the petitioner.  
7           The supreme court shall give preference to a petition for review of an appeal filed  
8           under this paragraph.”

History: 1993 a. 395; 1995 a. 275; Sup. Ct. Order No. 00-02, 2001 WI 39, 242 Wis. 2d xxvii; 2005 a. 293; Sup. Ct. Order No. 05-07, 2006 WI 37, 287 Wis. 2d xix; Sup. Ct. Order No. 04-08, 2008 WI 108, filed 7-30-08, eff. 1-1-09; 2015 a. 128; Sup. Ct. Order No. 17-05, 2017 WI 95, filed 11-9-17, eff. 7-1-18.

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(END)

## Walkenhorst Barber, Sarah

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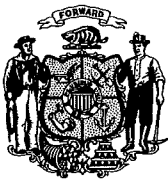
**From:** Berkowitz, Margie  
**Sent:** Wednesday, January 03, 2018 1:33 PM  
**To:** Walkenhorst Barber, Sarah  
**Subject:** LRBa1692/P1 AA 1 to AB 778

Hi Sarah,

The draft for LRBa1692/P1 looks good. We are ready for the regular draft.

Thanks!  
Margie

Margie Berkowitz  
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State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBa1692/P1  
SWB:ahe

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RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 778**

IN 1/3

Requested by 1/4 a.m.  
PLS

No changes

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

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4 809.107 (5) (a) *Filing; and service of notice of appeal.* Within 30 days after the

5 later of the service of the transcript or the circuit court case record, unless extended

6 under s. 809.82, the appellant shall file a notice of appeal as provided in s. 809.10 and

7 serve a copy of the notice on the persons required to be served under sub. (2) (bm).

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2 supreme court, if any, shall be filed within 30 days after the date of the decision of  
3 the court of appeals. For a petitioner other than the state, the petitioner on whose  
4 behalf the petition for review is filed shall sign the petition. Petitioner's counsel, if  
5 any, shall also sign the petition for review, but may not sign in lieu of the petitioner.  
6 The supreme court shall give preference to a petition for review of an appeal filed  
7 under this paragraph.”

8   (END)