

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

Secondary Drafters:

Date: **1/10/2018**

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

Pre Topic:

No specific pre topic given

Topic:

Appellate procedure changes in actions relating to termination of parental rights

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 1/11/2018	anienaja 1/11/2018			
/P1			mbarman 1/11/2018		
/1			dwalker 1/11/2018	dwalker 1/11/2018	

FE Sent For:

<END>

Walkenhorst Barber, Sarah

From: Berkowitz, Margie
Sent: Wednesday, January 10, 2018 4:24 PM
To: Walkenhorst Barber, Sarah
Cc: Truax, Dustin
Subject: New Amendment draft for LRB 4564/AB 778

Hi Sarah,

We've got another change to make for this bill. If possible, we would like to be able to do one amendment encompassing the changes we originally requested in AA 1 plus these new changes.

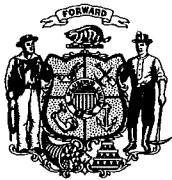
Line 1, page 3: strike everything from "shall" to "remand," in line 3 and replace with the language from P2: "shall file an affidavit in support of the motion stating with specificity the reasons that the postjudgment fact-finding is necessary."

We would also like to add language to require the affidavit to "affirm that to the best of the attorney's knowledge, information and belief, remand is warranted and not being sought to cause unnecessary delay, pursuant to s.802.05(2)."

Let me know if you have any questions. Dustin from the Olsen office will be requesting an identical draft for the companion bill.

Thank you for all your help,
Margie

Margie Berkowitz
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Madison, WI
(608) 266-0631
margie.berkowitz@legis.wisconsin.gov



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1774(?)

SWB:...

1/11

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

SA
Xref
twf

IN 1/11
Requested today
pls

- 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 ~~X~~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."
- 11 **2.** Page 3, line 1: delete the material beginning with "shall" and ending with
- 12 "remand" on line 3 and substitute: "shall file an affidavit in support of the motion

12

1 stating with specificity the reasons that postjudgment fact-finding is necessary. The
2 person signing the affidavit shall in the affidavit affirm under s. 802.05 (2) that to
3 the best of his or her knowledge, information, and belief, remand is warranted and
4 is not being sought to cause unnecessary delay.”

5 **3.** Page 3, line 8: after that line insert:

6 “**SECTION 3m.** 809.107 (6) (f) of the statutes is amended to read:

7 ~~809.107 (6) (f)~~ *Petition for review.* A petition for review of an appeal in the
8 supreme court, if any, shall be filed within 30 days after the date of the decision of
9 the court of appeals. For a petitioner other than the state, the petitioner on whose
10 behalf the petition for review is filed shall sign the petition. Petitioner’s counsel, if
11 any, shall also sign the petition for review, but may not sign in lieu of the petitioner.
12 The supreme court shall give preference to a petition for review of an appeal filed
13 under this paragraph.”.

14 (END)

Walkenhorst Barber, Sarah

From: Berkowitz, Margie
Sent: Thursday, January 11, 2018 1:13 PM
To: Walkenhorst Barber, Sarah
Subject: RE: Draft review: LRB a1774/P1

Hi Sarah,
Amendment looks good! Let's go ahead and finalize.

Margie

From: Walkenhorst Barber, Sarah
Sent: Thursday, January 11, 2018 12:34 PM
To: Berkowitz, Margie <Margie.Berkowitz@legis.wisconsin.gov>
Subject: FW: Draft review: LRB a1774/P1

Hi Margie,

Attached is a preliminary draft of the new amendment you requested. Please let me know if this looks okay. If so, I will go ahead and finalize (and also do the companion version). I also wanted to mention that, if you prefer, we could do the new language as an amendment to AA1. It sounded like you wanted a new amendment containing everything, so that's what I put together, but let me know if you prefer to do this as an amendment to AA1.

Thanks,
Sarah

Sarah Walkenhorst Barber
Legislative Attorney
Wisconsin Legislative Reference Bureau
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Madison, WI 53701-2037
(608) 267 - 3215
sarah.walkenhorstbarber@legis.wisconsin.gov

From: LRB.Legal
Sent: Thursday, January 11, 2018 12:30 PM
To: Walkenhorst Barber, Sarah <Sarah.WalkenhorstBarber@legis.wisconsin.gov>
Subject: Draft review: LRB a1774/P1

Draft Requester: Rep. Steve Doyle

Following is the PDF version of draft LRB a1774/P1.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1774/PI
SWB:amn

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

No
changes

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