

2021 DRAFTING REQUEST

Senate Amendment (SA1-SSA1-SB24)

For: **André Jacque (608) 266-3512** Drafter: **ewheeler**
 By: **Sen. Jacque** Secondary Drafters:
 Date: **3/2/2021 12:00:00 AM** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Sen.Jacque@legis.wisconsin.gov**
 Carbon copy (CC) to: **elisabeth.shea@legis.wisconsin.gov**
Elizabeth.Wheeler@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

References to ICWA when placing a child with an unlicensed person under the Children's Code and Juvenile Justice code.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	eshea 3/2/2021				
/1		csicilia 3/2/2021	bgrunwal 3/2/2021	bgrunwal 3/2/2021	

FE Sent For:

<END>

See attached for further instructions

LRBa0245

Instructions for version _____

From: Wheeler, Elizabeth
Sent: Tuesday, March 02, 2021 9:30 AM
To: Jacque, Andre; Shea, Elisabeth
Cc: Cosh, Bill; Rettinger, Nik
Subject: RE: SB 24 amendment urgent request

Good morning Sen. Jacque:

Per our discussion, our drafting convention would normally be to not include language in a subdivision that is already included in the intro to the list, as the intro language already applies to the list. So, I have drafted the amendment to include the requested language in the intro which applies to the entire list, but have not included the requested language in the subdivisions of the list to reduce extraneous language. Also per our discussion, ICWA and WICWA already apply to these placement decisions under the Children's Code and Juvenile Justice Code.

Please let me know if you have any questions or need further assistance with this bill or amendment.

Thank you,

Elizabeth Wheeler
Legislative Attorney
608.504.5880

From: Jacque, Andre <Andre.Jacque@legis.wisconsin.gov>
Sent: Tuesday, March 02, 2021 12:29 AM
To: Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>; Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Cc: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>; Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Subject: SB 24 amendment urgent request

Sorry for the rush request yet again, but please see the email below. Is it possible to get it drafted as a simple amendment to the sub ASAP? The exec session is at 2:30 today. I don't believe that the requested language impacts the practical effect of the bill at all, so if it's possible to get it done now in committee as a "technical" amendment, that would be preferable.

Thank you for all of your tremendous work on the bills in my committee!

André

From: jstrohl66 <jstrohl66@gmail.com>
Sent: Tuesday, March 2, 2021 12:02 AM
To: Sen.Jacque <Sen.Jacque@legis.wisconsin.gov>; Sen.Johnson <Sen.Johnson@legis.wisconsin.gov>
Cc: Nicole Homer <nicole.homer@lco-nsn.gov>; Jeffrey Jazgar <jjazgar@mitw.org>; Melissa K. Cook <mcook@mitw.org>; Rogowski, Michael <Michael.Rogowski@huschblackwell.com>; Thomas J. Springer <thomas.springer@quarles.com>
Subject: SB-24 Position of Several Tribes

Senators,

The Tribes that have been participating in the review of SB-24 (Ho Chunk, Lac Courte Oreilles, Menominee) appreciate the efforts you have made to narrow the focus of Chapter 948 and they are close to giving full support to SB-24 as amended by Sen Sub 1. However, the Tribes would like to

recommend a modest addition to various provisions of the Sub to make sure all efforts are made to see that both the ICWA and the WICWA are adhered to.

Below are their recommended changes. As you can see they are really only one change but are applied to various locations in the Sub.

We realize it is probably too late to get the Sub amended yet in Committee but would like to work with you on an amendment to be considered on the Senate floor.

Your support and assistance will certainly be appreciated. Thanks

Joe

Joseph A. Strohl
Government Relations
321 E. Main Street, Suite 200
Madison, WI 53703
Office: 608-251-0900
Cell: 414-429-2589
jstrohl66@gmail.com

Amend Sen Sub 1 to SB-24 as follows:

Page 2- Line 7: child; and in the event of an Indian child, their best interests under 48.01 (2):

Page 3 – Line 3: the wishes of the child and 48.01 (2) if the child is Indian.

Page 3 – Line 17: placement would be in the best interests of the child; and in the event of an Indian child, their best interests under 48.01 (2):

Page 3 – Line 24: the wishes of the child and 48.01 (2) if the child is Indian.

Page 4 – Line 23: of the juvenile; and in the event of an Indian juvenile, their best interests under 938.01 (3):

Page 5 – Line 4: the court shall consider the wishes of the juvenile and 938.01 (3) if the juvenile is Indian.

Page 5 – Line 18: evidence that the placement would be in the best interests of the juvenile; and in the event of an Indian juvenile, their best interests under 938.01 (3):

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State of Wisconsin
2021 - 2022 LEGISLATURE

LRBa0245/1
EAW:cjs

**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 24**

March 2, 2021 - Offered by Senator JACQUE.

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 2, line 7: after “child” insert “or, in the case of an Indian child, the best
- 3 interests of the Indian child as described in s. 48.01 (2)”.
- 4 **2.** Page 3, line 16: after “child” insert “or, in the case of an Indian child, the best
- 5 interests of the Indian child as described in s. 48.01 (2)”.
- 6 **3.** Page 4, line 23: delete “child” and substitute “juvenile or, in the case of an
- 7 Indian juvenile, the best interests of the Indian juvenile as described in s. 938.01 (3)”.
- 8 **4.** Page 5, line 18: after “juvenile” insert “or, in the case of an Indian juvenile,
- 9 the best interests of the Indian juvenile as described in s. 938.01 (3)”.

10 (END)