

May 1982 Spec. Sess.
Assembly Bill 3

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CHAPTER 384 , Laws of 1981

AN ACT to amend 48.833; to repeal and recreate 48.88 (2); and to create 48.41 (2) (d) of the statutes, relating to adoptive placements and investigations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.41 (2) (d) of the statutes is created to read:

48.41 (2) (d) If the proceeding to terminate parental rights is held prior to an adoption proceeding in which the petitioner is the child's stepparent, the child's birth parent may consent to the termination of any parental rights that he or she may have as provided in par. (a) or (b) or by filing with the court an affidavit witnessed by 2 persons stating that he or she has been informed of and understands the effect of an order to terminate

parental rights and that he or she voluntarily disclaims all rights to the child, including the right to notice of proceedings under this subchapter.

SECTION 1m. 48.833 of the statutes, as created by chapter 81, laws of 1981, is amended to read:

48.833 Placement of children for adoption by agencies. The department, a county agency under s. 48.57 (1) (e) or (hm) or a child welfare agency licensed to accept guardianship under s. 48.61 ~~(5)~~ 48.60 may place a child for adoption in a licensed foster home without a court order if the department or agency is the guardian of the child or makes the placement at the request of another agency which is the guardian of the child.

SECTION 2. 48.88 (2) of the statutes, as affected by chapter 81, laws of 1981, is repealed and recreated to read:

48.88 (2) (a) When a petition to adopt a child is filed, the court shall order an investigation to determine whether the child is a proper subject for adoption and whether the petitioner's home is suitable for the child. The court shall order one of the following to conduct the investigation:

1. If an agency has guardianship of the child, the guardianship agency, unless the agency has already filed its recommendation under s. 48.85 and has filed with the recommendation a report of an investigation as required under this paragraph.

2. If no agency has guardianship of the child and a relative other than a stepparent has filed the petition for adoption, the department, a county agency under s. 48.57 (1) (e) or (hm) or a licensed child welfare agency.

3. If no agency has guardianship of the child and a stepparent has filed the petition for adoption, a county agency under s. 48.56, except that the court may order the department or a licensed child welfare agency to make the investigation if the department or agency consents.

4. If the child is a citizen of a foreign jurisdiction and is under the guardianship of an individual, the agency which conducted the home study required under federal law prior to the child's entry into the United States.

(b) The agency making the investigation shall file its report with the court at least 10 days before the hearing unless the time is reduced for good cause shown by the petitioner. The report shall be part of the record of the proceedings.
