



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRBa0354/1  
EHS:cdc

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 138**

March 25, 2021 - Offered by Representative BRANDTJEN.

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

2 **1.** Page 2, line 1: before that line insert:

3 **“SECTION 1c.** 48.41 (1) of the statutes is amended to read:

4 48.41 (1) The court may terminate the parental rights of a parent after the  
5 parent has given his or her consent as specified in this section. When such voluntary  
6 consent is given as provided in ~~this section~~ sub. (2) (a), (b), or (c) to (e) or when an  
7 affidavit of disclaimer of parental rights executed under sub. (2) (bm) is irrevocable,  
8 the judge may proceed immediately to a disposition of the matter after considering  
9 the standard and factors specified in s. 48.426.”.

10 **2.** Page 2, line 4: delete lines 4 and 5 and substitute “with respect to a child  
11 who is under one year of age if no participant in the court proceeding, including the  
12 mother, father, or presumed or alleged father, knows or has reason to know that the  
13 child is an Indian child by the method provided in par. (a) or (b)”.

1           **3.** Page 3, line 14: delete lines 14 to 18 and substitute:

2           “b. If executed by the father or presumed or alleged father, the affidavit is  
3 revocable for any reason until 72 hours after execution or 120 hours after the birth  
4 of the child, whichever is later, as provided under subd. 9. If executed by the mother,  
5 the affidavit is revocable for any reason until 72 hours after execution, as provided  
6 in subd. 9.”.

7           **4.** Page 4, line 21: delete that line and substitute:

8           “j. A statement that there is or is not any reason to believe that the child is an  
9 Indian child.

10          k. The date and time that the affidavit is executed.”.

11          **5.** Page 5, line 9: on lines 9 and 12, delete “24” and substitute “72”.

12          **6.** Page 6, line 4: after “49.977” insert “or 48.979”.

13          **7.** Page 7, line 5: on lines 5 and 7, delete “24” and substitute “72”.

14          **8.** Page 7, line 16: delete lines 16 to 18 and substitute:

15          “12. An affidavit of disclaimer of parental rights under this paragraph is not  
16 effective if it would violate s. 48.028 or the federal Indian Child Welfare Act, 25 USC  
17 1901 to 1963, or any regulations promulgated thereunder or if the agency responsible  
18 for securing the adoption of the child knows or has reason to know the child is an  
19 Indian child.

20          13. The court shall review an affidavit of disclaimer of parental rights to ensure  
21 it meets the requirements under subds. 2 to 8. The court shall make findings on the  
22 record stating whether the affidavit meets those requirements and whether all  
23 participants in the court proceeding, including the mother, father, or presumed or

1 alleged father, have stated that they do not know or have reason to know that the  
2 child is an Indian child.

3 **SECTION 1m.** 48.42 (2) (a) of the statutes is amended to read:

4 48.42 (2) (a) The parent or parents of the child, unless the child's parent has  
5 waived the right to notice under s. 48.41 (2) (d), or the child's parent or presumed or  
6 alleged father has waived the right to notice under s. 48.41 (2) (bm).”

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(END)