



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0292/1
EAW:amn

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 632**

February 10, 2022 - Offered by Representative DITTRICH.

1 **AN ACT** *to renumber* 809.107 (5) (am); *to amend* 809.107 (5) (am) (title); and *to*
2 *create* 809.107 (5) (am) 2. and 3. of the statutes; **relating to:** notice of
3 abandonment of appeal of an order terminating parental rights.

Analysis by the Legislative Reference Bureau

Under current law, when a person appeals an order in a termination of parental rights (TPR) proceeding, the person must, within 30 days after the date of the order, file a notice of intent to appeal with the circuit court and serve a copy of the notice on the other parties to the TPR proceeding. After filing the notice of intent, the person who filed the notice is entitled to receive a copy of the hearing transcript and circuit court case record. Under current law, within 30 days after receiving the transcript and case record, the person may file a notice of appeal with the appellate court to initiate the appeal. If the person who filed the notice of intent to appeal decides not to pursue the appeal, the person is required to notify, within 30 days of receiving the transcript and case record from the circuit court, anyone who received the notice of intent to appeal of the decision to abandon the appeal.

This bill creates a process for requesting the circuit court to find that a person who has filed a notice of intent to appeal has abandoned the proceeding if the person does not file a notice of appeal or provide notice of abandonment of the appeal. Under the bill, the person representing the interest of the public or the opposing counsel in the TPR proceeding may file a motion with the circuit court to find that the appeal

has been abandoned. Under the bill, the person who filed the notice of intent to appeal has 10 days after receiving notice of the motion to request a hearing. If no request for a hearing is made, the circuit court may rule on the motion without a hearing.

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

1 **SECTION 1.** 809.107 (5) (am) (title) of the statutes is amended to read:

2 809.107 (5) (am) (title) *Notice of abandonment* Abandonment of appeal.

3 **SECTION 2.** 809.107 (5) (am) of the statutes is renumbered 809.107 (5) (am) 1.

4 **SECTION 3.** 809.107 (5) (am) 2. and 3. of the statutes are created to read:

5 809.107 (5) (am) 2. If a person who filed a notice of intent to appeal under sub.

6 (2) (bm) has not filed a notice of appeal or provided a notice of abandonment of appeal

7 as of the deadline under subd. 1., the person representing the interests of the public

8 or the opposing counsel in the termination of parental rights proceeding may file a

9 motion with the circuit court requesting a finding that the appeal has been

10 abandoned. A finding of abandonment under this subdivision has the same effect as

11 a notice of abandonment under subd. 1.

12 3. If a motion requesting a finding of abandonment is filed under subd. 2., the

13 circuit court shall provide notice of the motion to the person who filed the notice of

14 intent to appeal. That person may request a hearing within 10 days of receiving

15 notice. If no request for a hearing is filed, the circuit court may rule on the motion

16 without a hearing.

17 **SECTION 4. Initial applicability.**

18 (1) This act first applies to a notice of intent to appeal under s. 809.107 (2) (bm)

19 that is filed on the effective date of this subsection.

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(END)