

State of Wisconsin



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1995 Assembly Bill 222

Date of enactment: **December 6, 1995**

Date of publication*: **December 20, 1995**

1995 WISCONSIN ACT 108

AN ACT *to amend* 48.42 (2m); and *to create* 48.415 (9) of the statutes; **relating to:** termination of parental rights over a child conceived as a result of sexual assault.

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

SECTION 1. 48.415 (9) of the statutes is created to read:

48.415 (9) PARENTHOOD AS A RESULT OF SEXUAL ASSAULT. (a) Parenthood as a result of sexual assault may be established by a showing that the child was conceived as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02 (1) or (2) or 948.025. Conception as a result of sexual assault as specified in this paragraph may be proved by a judgment of conviction or other evidence produced at a fact-finding hearing under s. 48.424 indicating that the person who may be the father of the child committed, during a possible time of conception, a sexual assault as specified in this paragraph against the mother of the child.

(b) If the conviction or other evidence specified in par. (a) indicates that the child was conceived as a result of a sexual assault in violation of s. 948.02 (1) or (2), the mother of the child may be heard on her desire for the termination of the father's parental rights.

SECTION 2. 48.42 (2m) of the statutes is amended to read:

48.42 (2m) NOTICE NOT REQUIRED. Notice Except as provided in this subsection, notice is not required to be

given to a person who may be the father of a child conceived as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02 (1) or (2) or 948.025 if a physician attests to his or her belief that a sexual assault as specified in this subsection has occurred or if the person who may be the father of the child has been convicted of sexual assault as specified in this subsection for conduct which may have lead to the child's conception. A person who under this subsection is not given notice does not have standing to appear and contest a petition for the termination of his parental rights. This subsection does not apply to a person who may be the father of a child conceived as a result of a sexual assault in violation of s. 948.02 (1) or (2) if that person was under 18 years of age at the time of the sexual assault.

SECTION 3. Initial applicability.

(1) This act first applies to petitions for termination of parental rights under section 48.42 (1) of the statutes filed on the effective date of this subsection, but does not preclude consideration of a sexual assault in violation of section 940.225 (1), (2) or (3), 948.02 (1) or (2) or 948.025 of the statutes that occurred before the effective date of this subsection in determining whether to terminate, or to find grounds to terminate, the parental rights of a person under section 48.415 (9) of the statutes, as created by this act.

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].