

1969 Senate Bill 88

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CHAPTER 216, LAWS OF 1969

AN ACT to repeal 48.48 (10m), 48.57 (1) (hn), 48.61 (6m) and 48.82 (4); to renumber 48.88 (1); to amend 48.47, 48.64 (1), 48.85 (2) and 48.88 (2) (a); and to create 48.64 (4) and 48.88 (1) (b) of the statutes, relating to court jurisdiction over children in foster homes and procedures in adoptions and other provisions of the children's code.

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

SECTION 1. 48.47 of the statutes is amended to read:

48.47 Any person aggrieved by an adjudication of the county court under this chapter and directly affected thereby has the right to appeal to the circuit court of the same county within 40 days of the entry of the order in the manner in which appeals are taken from judgments in civil actions. No undertaking shall be required on such appeal. The order of the county court shall stand, pending the determination of the appeal, but the circuit court may ~~in its discretion~~ and upon application stay such order. The appeal shall be on the record which the county court shall make and keep of the entire proceedings. *Appeal from an order granting or denying an adoption under s. 324.01 and from any county court review under s. 48.64 (4) shall be to the supreme court.*

SECTION 2. 48.48 (10m) of the statutes is repealed.

SECTION 3. 48.57 (1) (hn) of the statutes is repealed.

SECTION 4. 48.61 (6m) of the statutes is repealed.

SECTION 5. 48.64 (1) of the statutes is amended to read:

48.64 (1) If the department, a county agency specified in s. 48.56, a juvenile court, or a child welfare agency authorized to do so, places a child in a foster home, it shall enter into a written agreement with the head of such home, which agreement shall provide that the agency shall have access at all times to the child and the home, and that the child will be released to the agency whenever, in the opinion of the agency placing the child or the department, the best interests of the child require it. ~~Such agreement may also provide for the nonadoptive status of such foster parents in accordance with s. 48.82 (4).~~ If a child is removed from an adoptive placement, the foster parents shall have no claim against the placing agency for the expense of care, clothing or medical treatment.

SECTION 6. 48.64 (4) of the statutes is created to read:

48.64 (4) COURT JURISDICTION. The county court of the county where the child is shall have jurisdiction upon petition of any interested party over a child who has been placed in a foster home. The court may call a hearing, at which the foster parents and the supervising agency under sub. (2) shall be present, for the purpose of reviewing any decision or order of said agency involving foster placement and care of the child.

The court shall determine the case so as to promote the best interests of the child.

SECTION 7. 48.82 (4) of the statutes is repealed.

SECTION 8. 48.85 (2) of the statutes is amended to read:

48.85 (2) The guardian's recommendation shall be presumed to be in the best interests of the child unless the ~~clear~~ *fair* preponderance of the *credible* evidence is to the contrary. If the guardian's recommendation is in opposition to the granting of the petition, the court shall take testimony as to whether or not the proposed adoption is in the best interests of the child.

SECTION 9. 48.88 (1) of the statutes is renumbered 48.88 (1) (a).

SECTION 10. 48.88 (1) (b) of the statutes is created to read:

48.88 (1) (b) After a petition for adoption is filed the court may determine the placement of the child until the hearing on adoption is completed.

SECTION 11. 48.88 (2) (a) of the statutes is amended to read:

48.88 (2) (a) Upon the filing of a petition, the court shall order the ~~state department of public welfare~~ *department of health and social services*, a licensed child welfare agency or a county agency specified in s. 48.56 to make an investigation of the environment and antecedents of the person to be adopted to ascertain whether he is a proper subject for adoption and of the home of the petitioner to determine whether it is a suitable home. The agency ordered to make the investigation shall make a report to the court within 90 days of the entry of the order for hearing unless the time is *reduced for good cause shown by the petitioner* or extended by the court. The report shall be part of the record of the proceedings.

Approved November 13, 1969.
