



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 222**

September 7, 1995 - Offered by COMMITTEE ON CHILDREN AND FAMILIES.

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

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

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

5 48.415 (9) PARENTHOOD AS A RESULT OF SEXUAL ASSAULT. (a) Parenthood as a
6 result of sexual assault may be established by a showing that the child was conceived
7 as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02 (1) or (2)
8 or 948.025. Conception as a result of sexual assault as specified in this paragraph
9 may be proved by a judgment of conviction or other evidence produced at a
10 fact-finding hearing under s. 48.424 indicating that the person who may be the
11 father of the child committed, during a possible time of conception, a sexual assault
12 as specified in this paragraph against the mother of the child.

13 (b) If the conviction or other evidence specified in par. (a) indicates that the
14 child was conceived as a result of a sexual assault in violation of s. 948.02 (1) or (2),

1 the mother of the child may be heard on her desire for the termination of the father's
2 parental rights.

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

4 48.42 (2m) NOTICE NOT REQUIRED. Notice Except as provided in this subsection,
5 notice is not required to be given to a person who may be the father of a child
6 conceived as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02
7 (1) or (2) or 948.025 if a physician attests to his or her belief that a sexual assault as
8 specified in this subsection has occurred or if the person who may be the father of the
9 child has been convicted of sexual assault as specified in this subsection for conduct
10 which may have lead to the child's conception. A person who under this subsection
11 is not given notice does not have standing to appear and contest a petition for the
12 termination of his parental rights. This subsection does not apply to a person who
13 may be the father of a child conceived as a result of a sexual assault in violation of
14 s. 948.02 (1) or (2) if that person was under 18 years of age at the time of the sexual
15 assault.

16 **SECTION 3. Initial applicability.**

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

24

(END)