



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1289/2
GMM:kjf:jf

**SENATE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 30**

June 15, 2011 – Offered by Senator MOULTON.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 3, line 1: delete that line and substitute:

4 “**SECTION 1d.** 48.028 (5) (a) of the statutes is amended to read:

5 48.028 (5) (a) *Out-of-home care placement.* A voluntary consent by a parent
6 or Indian custodian to an out-of-home care placement of an Indian child under s.
7 48.63 (1) or (5) (b) or a delegation of powers by a parent regarding the care and
8 custody of an Indian child under s. 48.979 is not valid unless the consent or
9 delegation is executed in writing, recorded before a judge, and accompanied by a
10 written certification by the judge that the terms and consequences of the consent or
11 delegation were fully explained in detail to and were fully understood by the parent
12 or Indian custodian. The judge shall also certify that the parent or Indian custodian
13 fully understood the explanation in English or that the explanation was interpreted

1 into a language that the parent or Indian custodian understood. Any consent or
2 delegation of powers given under this paragraph prior to or within 10 days after the
3 birth of the Indian child is not valid. A parent or Indian custodian who has executed
4 a consent or delegation of powers under this paragraph may withdraw the consent
5 or delegation for any reason at any time, and the Indian child shall be returned to
6 the parent or Indian custodian. A parent or Indian custodian who has executed a
7 consent or delegation of powers under this paragraph may also move to invalidate
8 the out-of-home care placement or delegation of powers under sub. (6).

9 **SECTION 1g.** 48.028 (6) of the statutes is amended to read:

10 48.028 (6) INVALIDATION OF ACTION. Any Indian child who is the subject of an
11 out-of-home care placement, of a delegation of powers under s. 48.979, or of a
12 termination of parental rights proceeding, any parent or Indian custodian from
13 whose custody that Indian child was removed, or the Indian child's tribe may move
14 the court to invalidate that out-of-home care placement, delegation of powers, or
15 termination of parental rights on the grounds that the out-of-home care placement
16 or delegation of powers was made or the termination of parental rights was ordered
17 in violation of 25 USC 1911, 1912, or 1913. If the court finds that those grounds exist,
18 the court shall invalidate the out-of-home care placement, delegation of powers, or
19 termination of parental rights.

20 **SECTION 1m.** 48.60 (2) (a) of the statutes is amended to read:".

21 **2.** Page 11, line 21: after that line insert:

22 "(bm) A parent may not delegate under par. (a) his or her powers regarding the
23 care and custody of a child who is subject to the jurisdiction of the court under s.
24 48.13, 48.14, 938.12, 938.13, or 938.14 unless the court approves the delegation.".

