



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Senate Bill 461

Senate Amendment 2

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Contact: Laura Rose, Deputy Director (266-9791)

2013 Senate Bill 461

Current law places restrictions on advertising related to adoption. Current law also allows delegation of parental powers to an agent. The bill:

- Adds communications by any computerized communication system, including by electronic mail, Internet site, Internet profile, or any similar medium of communication provided via the Internet, to the definition of “advertise.”
- Provides that the restrictions on advertising related to adoption of a child also apply to advertising relating to finding, arranging for, or placing a child in a permanent physical placement.
- Limits the exception to advertising by a biological parent for the adoption of his or her own child. The bill allows such advertising only for a biological child under age one.
- Provides that the exception from the adoption advertising restrictions for the Department of Children and Families (DCF), county departments, or licensed child welfare agencies also apply to these entities placing children in licensed foster homes, group homes, or the homes of guardians.
- Permits delegation of powers regarding care and custody of a child that are allowed under current law may remain in effect for longer than one year if the delegation is approved by the court, under a procedure created in the bill.
- Creates a misdemeanor crime for bringing a child into the state in order to permanently transfer physical custody to a non-relative.

- Requests a Joint Legislative Council study on adoption disruption and dissolution in this state.

Senate Amendment 2

Senate Amendment 2:

- Provides that if the delegation of powers of an agent for longer than one year is to a relative, the procedure created in the bill does not apply to such a delegation. The amendment also provides that the penalties created by the bill that apply to delegation of powers to an agent without following the bill's procedures do not apply to a delegation of powers of an agent to a relative.
- Creates a definition of "Internet account" for the purposes of the bill. Internet account is defined as "an account created within a bounded system established by an Internet-based service that requires a user to input or store access information in an electronic device in order to view, create, use, or edit the user's account information, profile, display, communications, or stored data."
- Repeals the provision in current law that the adoption advertising prohibitions do not apply to an individual seeking to place his or her child for adoption.
- Requires the petition for delegation of parental powers to an agent to state whether the child may be subject to the state statutes relating to Indian child welfare; and requires the court to apply WICWA if it received this notice.
- Specifies that both the petition for delegation of parent powers to an agent, and the notice of the petition, must be served.
- Cross-references the definition of relative that is found in s. 48.02 (15):

"Relative" means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, steppaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "relative" includes an extended family member, as defined in s. 48.028 (2) (am), whether by blood, marriage, or adoption, including adoption under tribal law or custom.

Bill History

On March 5, 2014, the Senate Committee on Health and Human Services took executive action on the bill. The committee recommended adoption of Senate Amendment 2 on a vote of

Ayes, 5; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

LR:ksm