



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4873/1
EAW:cdc

2021 SENATE BILL 601

October 8, 2021 - Introduced by Senators WIMBERGER, MARKLEIN and BALLWEG, cosponsored by Representatives DITTRICH, GUNDRUM, PENTERMAN, MURSAU, SNYDER, THIESFELDT, TUSLER and DOYLE. Referred to Committee on Human Services, Children and Families.

1 **AN ACT to renumber** 809.107 (5) (am); **to amend** 809.107 (5) (am) (title); and **to**
2 **create** 48.43 (6) (am) and 809.107 (5) (am) 2. of the statutes; **relating to:** duty
3 to participate in an appeal of an order terminating parental rights.

Analysis by the Legislative Reference Bureau

This bill creates a duty for an appellant who has filed an appeal of an order terminating his or her parental rights, to participate in that appeal. The bill allows any person who receives a notice of intent to file an appeal of an order in a termination of parental rights (TPR) proceeding to petition the court to find that the appellant has abandoned the proceeding if the appellant does not fulfill his or her duty to participate. Under current law, the appellant may file a notice of abandonment if he or she decides not to pursue the appeal.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 48.43 (6) (am) of the statutes is created to read:
5 48.43 (6) (am) A person who appeals an order terminating his or her parental
6 rights under this section has a duty to participate in the appeal.

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SECTION 2

1 **SECTION 2.** 809.107 (5) (am) (title) of the statutes is amended to read:

2 809.107 (5) (am) (title) *Notice of abandonment* Abandonment of appeal.

3 **SECTION 3.** 809.107 (5) (am) of the statutes is renumbered 809.107 (5) (am) 1.

4 **SECTION 4.** 809.107 (5) (am) 2. of the statutes is created to read:

5 809.107 (5) (am) 2. If an appellant fails to fulfill his or her duty to participate
6 in an appeal under s. 48.43 (6) (am), any person who received the notice of intent to
7 appeal under sub. (2) (bm) may file a motion requesting a finding that the appellant
8 has abandoned the appeal. A finding of abandonment under this subdivision has the
9 same effect as a notice of abandonment under subd. 1.

10 **SECTION 5. Initial applicability.**

11 (1) This act first applies to a notice of appeal that is filed on the effective date
12 of this subsection.

13 (END)