



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2436/1
EHS:cjs&ae

2015 ASSEMBLY BILL 877

February 8, 2016 - Introduced by Representatives DANOU, JORGENSEN, KESSLER, ZEPNICK, SINICKI, OHNSTAD and A. OTT, cosponsored by Senator VINEHOUT. Referred to Committee on Family Law.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 48.27 (5) and 938.27 (5); *to amend* 48.27 (3)
2 (b) 2. and 938.27 (3) (b) 2.; and *to create* 48.27 (3) (b) 1. c., 48.27 (5) (d), 48.27
3 (5) (e), 938.27 (3) (b) 1. c., 938.27 (5) (d) and 938.27 (5) (e) of the statutes;
4 **relating to:** notice to an alleged father's parents and siblings of a juvenile court
5 proceeding concerning a child in need of protection or services.

Analysis by the Legislative Reference Bureau

This bill requires a court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court), in certain circumstances, to provide notice of proceedings relating to a child or juvenile to the parents and siblings of a person who is alleged to be the father of the child or juvenile.

Under current law, after a petition has been filed relating to facts concerning a child in need of protection or services (CHIPS), a juvenile in need of protection or services (JIPS), or an unborn child in need of protection or services (UCHIPS), the juvenile court must notify certain individuals. Among the individuals who must be notified is a person who has filed a declaration of his paternal interest in matters affecting the child or juvenile (declaration of paternal interest) or who is alleged to the juvenile court to be the father of the child or juvenile or who may, based on the statements of the mother or other information presented to the juvenile court, be the father of the child or juvenile (alleged father), unless a physician attests to his or her belief that the child or juvenile was conceived as a result of sexual assault. This bill adds that the juvenile court must also give notice to an alleged father's parents and

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siblings unless a physician attests to his or her belief that the child or juvenile was conceived as a result of sexual assault.

Also under current law, with respect to any proceeding relating to a child or juvenile who is under the jurisdiction of the juvenile court, and subject to the notice requirements that apply in a CHIPS, JIPS, or UCHIPS proceeding, the juvenile court must make every reasonable effort to identify and notify any person who has filed a declaration of paternal interest, any person who has acknowledged paternity of the child or juvenile, and any person who has been adjudged to be the father of the child or juvenile unless the person's parental rights have been terminated. This bill adds that the juvenile court must also make every reasonable effort to identify and notify any alleged father and the parents and siblings of a person who has filed a declaration of paternal interest, who has acknowledged paternity or has been adjudged to be the father of the child or juvenile, or who is an alleged father.

For further information see the *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:

1 **SECTION 1.** 48.27 (3) (b) 1. c. of the statutes is created to read:

2 48.27 (3) (b) 1. c. The parents and siblings of a person described in subd. 1. a.
3 or b.

4 **SECTION 2.** 48.27 (3) (b) 2. of the statutes is amended to read:

5 48.27 (3) (b) 2. A court is not required to provide notice, under subd. 1., to any
6 person who may be the father of a child conceived as a result of a sexual assault, or
7 to that person's parents or siblings, if a physician attests to his or her belief that there
8 was a sexual assault of the child's mother that may have resulted in the child's
9 conception.

10 **SECTION 3.** 48.27 (5) of the statutes is renumbered 48.27 (5) (intro.) and
11 amended to read:

12 48.27 (5) (intro.) Subject to sub. (3) (b), the court shall make every reasonable
13 effort to identify and notify ~~any~~ all of the following:

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1 (a) Any person who has filed a declaration of paternal interest under s. 48.025,
2 any.

3 (b) Any person who has acknowledged paternity of the child under s. 767.805
4 (1), and any.

5 (c) Any person who has been adjudged to be the father of the child in a judicial
6 proceeding unless the person's parental rights have been terminated.

7 **SECTION 4.** 48.27 (5) (d) of the statutes is created to read:

8 48.27 (5) (d) Any person alleged to the court to be the father of the child or who
9 may, based on the statements of the mother or other information presented to the
10 court, be the father of the child.

11 **SECTION 5.** 48.27 (5) (e) of the statutes is created to read:

12 48.27 (5) (e) The parents and siblings of a person described in pars. (a) to (d).

13 **SECTION 6.** 938.27 (3) (b) 1. c. of the statutes is created to read:

14 938.27 (3) (b) 1. c. The parents and siblings of a person described in subd. 1.
15 a. or b.

16 **SECTION 7.** 938.27 (3) (b) 2. of the statutes is amended to read:

17 938.27 (3) (b) 2. A court is not required to provide notice, under subd. 1., to any
18 person who may be the father of a juvenile conceived as a result of a sexual assault,
19 or to that person's parents or siblings, if a physician attests to his or her belief that
20 there was a sexual assault of the juvenile's mother that may have resulted in the
21 juvenile's conception.

22 **SECTION 8.** 938.27 (5) of the statutes is renumbered 938.27 (5) (intro.) and
23 amended to read:

