

1 **AN ACT** *to amend* 48.42 (4) (a); and *to create* 48.42 (4) (b) 1. of the statutes; **relating**
 2 **to:** notice of a termination of parental rights proceeding to parents of a child whose
 3 custody was relinquished.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council’s special committee on adoption and termination of parental rights law.

The bill draft provides that notice of a termination of parental rights (TPR) proceeding may be given to the parents of a child whose custody was relinquished when he or she was less than 72 hours old by publication in a newspaper instead of by personal service.

4 **SECTION 1.** 48.42 (4) (a) of the statutes is amended to read:

5 48.42 (4) (a) *Personal service.* ~~A Except as provided in par. (b), a copy of the summons~~
 6 and petition shall be served personally upon the parties specified in sub. (2), if known, at least
 7 7 days before the date of the hearing, ~~except that service.~~ Service of summons is not required
 8 if the party submits to the jurisdiction of the court. Service upon parties who are not natural
 9 persons and upon persons under a disability shall be as prescribed in s. 801.11.

10 **SECTION 2.** 48.42 (4) (b) 1. of the statutes is created to read:

11 48.42 (4) (b) 1. If the child’s custody was relinquished under s. 48.195, service to the
 12 parents of the child may be made by publication of the notice under subd. 4.

NOTE: Under current law, a copy of a TPR summons and petition must be served personally upon the parties to the proceeding, if known, at least 7 days before the date of the TPR fact-finding hearing. If with reasonable diligence a party cannot be personally served, service must be made by publication in a newspaper that is likely to give notice to the person affected. The court may also order that notice be given in a newspaper to an unknown father.

In determining which newspaper is likely to give notice to the party affected, the petitioner or court must consider the residence of the party, if known, or the residence of relatives of the party, if known, or the last-known location of the party. The notice must include the date, place, and circuit court branch for the hearing; the court file number; the name, address, and telephone number of the petitioner's attorney; and information the court determines is necessary to give effective notice to the party (e.g., the name, description, or former address of the party, the approximate date and place of conception of the child, and the date and place of birth of the child).

Also under current law, a parent of a child who is 72 hours old or younger may relinquish custody of the child to a law enforcement officer, emergency medical technician, or hospital staff person. A parent who relinquishes custody of a child and any person who assists the parent have the right to remain anonymous.

The bill draft allows notice of a TPR proceeding to be given by publication in a newspaper to the parents of a child whose custody was relinquished when the child was less than 72 hours old.