

1 **AN ACT** *to amend* 48.41 (2) (b) of the statutes; **relating to:** permitting a parent who is
2 unable to appear in person at a hearing on the voluntary termination of his or her
3 parental rights to give consent by telephone or live audiovisual means.

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

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

Under current law, a person may give voluntary consent to the termination of his or her parental rights as provided in s. 48.41, stats. If the court finds that it would be difficult or impossible for the parent to appear in person at the hearing, the court may accept the written consent of the parent given before an embassy or consul official, a military judge, or a judge of any court of record in another country or state of a foreign jurisdiction. This written consent must be accompanied by the signed findings of the embassy or consul official or judge who accepted the consent. The findings must recite that the embassy or consul official or judge or an attorney who represents any of the parties has questioned the parent and found that the consent was informed and voluntary before the embassy or consul official or judge accepted the consent of the parent.

This draft permits a parent who is unable to appear in person at the hearing to provide testimony by telephone or through live audiovisual means, upon request of the parent, unless good cause is shown. The telephone and audiovisual proceedings must comply with s. 807.13, stats.

4 **SECTION 1.** 48.41 (2) (b) of the statutes is amended to read:

5 48.41 (2) (b) If the court finds that it would be difficult or impossible for the parent to
6 appear in person at the hearing, the court may do any of the following:

7 1. Accept ~~accept~~ the written consent of the parent given before an embassy or consul
8 official, a military judge or a judge of any court of record in another county or state or a foreign

1 jurisdiction. This written consent shall be accompanied by the signed findings of the embassy
2 or consul official or judge who accepted the parent's consent. These findings shall recite that
3 the embassy or consul official or judge or an attorney who represents any of the parties
4 questioned the parent and found that the consent was informed and voluntary before the
5 embassy or consul official or judge accepted the consent of the parent.

6 2. On request of the parent, unless good cause to the contrary is shown, provide
7 testimony on the record by telephone or live audiovisual means as prescribed in s. 807.13 (2).

NOTE: This provision permits a parent to provide testimony on the record in a voluntary termination of parental rights proceeding via telephone or live audiovisual means, in addition to the methods provided for under current law.

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(END)