

1       **AN ACT** *to amend* 977.07 (1) (c) of the statutes; **relating to:** indigency determinations  
 2           made by the state public defender in termination of parental rights proceedings.

*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 laws.

Under current law, a representative of the state public defender must determine indigency for all referrals made under ss. 809.30 [appeals in criminal, ch. 48, 51, 55, and 938 cases], 974.06 (3) (b) [postconviction proceedings], and 974.07 (11) [motions for deoxyribonucleic acid (DNA) testing of certain evidence], except for a referral of a child who is entitled to be represented by counsel under the children’s or juvenile justice code. For these referrals, the representative of the state public defender may, unless a request for redetermination of indigency has been filed, or the defendant’s request for representation states that his or her financial circumstances have materially improved, rely upon a determination of indigency made for purposes of trial representation under this section.

This draft permits the state public defender representative to rely upon a determination of indigency made for purposes of trial representation for referrals made under s. 809.107, the statute relating to appeals in proceedings relating to termination of parental rights unless a request for a redetermination is filed or the person’s request for representation states that his or her financial circumstances have materially improved.

3           **SECTION 1.** 977.07 (1) (c) of the statutes is amended to read:  
 4           977.07 (1) (c) For all referrals made under ss. 809.107, 809.30, 974.06 (3) (b) and  
 5           974.07 (11), except a referral of a child who is entitled to be represented by counsel under s.  
 6           48.23 or 938.23, a representative of the state public defender shall determine indigency. For  
 7           referrals made under ss. 809.107, 809.30 and 974.06 (3) (b), except a referral of a child who  
 8           is entitled to be represented by counsel under s. 48.23 or 938.23, the representative of the state

1 public defender may, unless a request for redetermination has been filed under s. 809.30 (2)  
2 (d) or the ~~defendant's~~ person's request for representation states that his or her financial  
3 circumstances have materially improved, rely upon a determination of indigency made for  
4 purposes of trial representation under this section.

**NOTE:** Permits the state public defender representative to rely upon a determination of indigency made for purposes of trial representation for referrals made under s. 809.107, the statute relating to appeals in proceedings relating to termination of parental rights unless a request for a redetermination is filed or the person's request for representation states that his or her financial circumstances have materially improved.

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(END)