

1 **AN ACT** *to amend* 48.825 (5); and *to create* 48.825 (3m) of the statutes; **relating to:**
 2 advertising related to adoption.

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

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

Under current law, no person may advertise for the purpose of finding a child to adopt or that the person will find an adoptive home for a child or arrange for or assist in the adoption of a child or will place a child for adoption. This prohibition does not apply to the department of health and family services (DHFS), a county department of human or social services, or a child welfare agency licensed by DHFS to place children for adoption.

The bill draft prohibits publishing adoption advertisements that violate current law.

3 **SECTION 1.** 48.825 (3m) of the statutes is created to read:

4 48.825 (**3m**) No person may publish by a public medium an advertisement that violates
 5 this section. If the owner, agent, or employee of the public medium receives a copy of the
 6 license of the person or agency requesting the advertisement that indicates that the person is
 7 licensed to provide adoption services in this state, there is a rebuttable presumption that the
 8 advertisement does not violate this section.

9 **SECTION 2.** 48.825 (5) of the statutes is amended to read:

10 48.825 (**5**) Any person who violates sub. (2) or (3m) may be fined not more than \$10,000
 11 or imprisoned not more than 9 months or both.

NOTE: Prohibits any person from publishing by public medium an adoption advertisement that violates current law relating to advertising for adoption. Under the bill draft, if the owner, agent, or employee of

the public medium receives a copy of the license of the person or agency requesting the advertisement that indicates that the person or agency is licensed to provide adoption services in this state, there is a rebuttable presumption that the advertisement does not violate the prohibition on certain advertising.

A person who violates this provision is subject to a penalty of a fine not to exceed \$10,000 and imprisonment not to exceed 9 months.

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(END)