



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-4151/1  
EAW:kjf

## 2019 ASSEMBLY BILL 563

October 23, 2019 - Introduced by Representatives MURPHY, CONSIDINE, BALLWEG, DITTRICH, FELZKOWSKI, HORLACHER, JAMES, KATSMA, KERKMAN, KULP, KURTZ, MAGNAFICI, MILROY, MURSAU, RAMTHUN, TUSLER, THIESFELDT, TRANEL, BORN, VANDERMEER and TITTL, cosponsored by Senators JACQUE, OLSEN and DARLING. Referred to Committee on Family Law.

1     **AN ACT to renumber and amend** 48.38 (5) (d) and 48.38 (5m) (d); and **to create**  
2             48.38 (5) (d) 1. c., 48.38 (5) (d) 2. (intro.), 48.38 (5m) (d) 1. c. and 48.38 (5m) (d)  
3             2. (intro.) of the statutes; **relating to:** providing permanency plan and  
4             comments to foster parents and foster children over the age of 12 in advance of  
5             a permanency plan review or hearing.

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### *Analysis by the Legislative Reference Bureau*

This bill adds a child's foster parent and a child in foster care who is 12 years or older to the list of individuals that receive a copy of a permanency plan and any written comments submitted to the agency that is preparing the permanency plan before a permanency review and a permanency hearing. Under current law, the agency that prepared the permanency plan is required to send a copy of the plan and the written comments that the agency received on the plan to members of the review panel; the child's parent, guardian, and legal custodian; the person representing the interests of the public; the child's counsel, guardian ad litem, or court-appointed special advocate; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 48.38 (5) (d) of the statutes is renumbered 48.38 (5) (d) 1. (intro.)  
2 and amended to read:

3           48.38 (5) (d) 1. (intro.) ~~Notwithstanding s. 48.78 (2) (a), the~~ The agency that  
4 prepared the permanency plan shall, at least 5 days before a review by a review  
5 panel, provide to each a copy of the permanency plan and any written comments  
6 submitted under par. (bm) 1. to all of the following:

7           a. Each person appointed to the review panel, ~~the~~

8           b. The child's parent, guardian, and legal custodian, ~~the~~

9           d. The person representing the interests of the public, ~~the~~

10           e. The child's counsel, the child's guardian ad litem, and the child's  
11 court-appointed special advocate, ~~and, if,~~

12           f. If the child is an Indian child who is placed outside the home of his or her  
13 parent or Indian custodian, the Indian child's Indian custodian and tribe ~~a copy of~~  
14 ~~the permanency plan and any written comments submitted under par. (bm) 1.~~  
15 ~~Notwithstanding s. 48.78 (2) (a), a~~

16           2. a. A person appointed to a review panel, ~~the~~

17           b. The person representing the interests of the public, ~~the~~

18           c. The child's counsel, the child's guardian ad litem, and the child's  
19 court-appointed special advocate, ~~and, if,~~

20           d. If the child is an Indian child who is placed outside the home of his or her  
21 parent or Indian custodian, the Indian child's Indian custodian and tribe ~~may have~~

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1 ~~access to any other records concerning the child for the purpose of participating in~~  
2 ~~the review.~~

3 3. A person permitted access to a child's records under this paragraph may not  
4 disclose any information from the records to any other person.

5 **SECTION 2.** 48.38 (5) (d) 1. c. of the statutes is created to read:

6 48.38 (5) (d) 1. c. The child's foster parent and, if the child has been placed in  
7 a foster home and has attained the age of 12 years at the time of the review, the child.

8 **SECTION 3.** 48.38 (5) (d) 2. (intro.) of the statutes is created to read:

9 48.38 (5) (d) 2. (intro.) An agency, as defined under s. 48.78 (1) may grant access  
10 to any other records concerning the child to any of the following individuals for the  
11 purpose of participating in the review:

12 **SECTION 4.** 48.38 (5m) (d) of the statutes is renumbered 48.38 (5m) (d) 1. (intro.)  
13 and amended to read:

14 48.38 (5m) (d) 1. (intro.) At least 5 days before the date of the hearing the  
15 agency that prepared the permanency plan shall provide a copy of the permanency  
16 plan and any written comments submitted under par. (c) 1. to ~~the~~ all of the following  
17 individuals:

18 a. ~~The court, to the,~~

19 b. ~~The child's parent, guardian, and legal custodian, to the,~~

20 d. ~~The person representing the interests of the public, to the,~~

21 e. ~~The child's counsel or, the child's guardian ad litem, to and the child's~~  
22 ~~court-appointed special advocate, and, if,~~

23 f. ~~If the child is an Indian child who is placed outside the home of his or her~~  
24 ~~parent or Indian custodian, to the Indian child's Indian custodian and tribe.~~

25 ~~Notwithstanding s. 48.78 (2) (a), the~~

