



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 130**

September 19, 1995 - Offered by COMMITTEE ON FINANCE.

1 **AN ACT to repeal** 46.26 (4) (d) 3., 48.01 (1) (c), 48.01 (1) (d), 48.01 (1) (h), 48.02
2 (3m), 48.02 (9m), 48.02 (15g), 48.02 (15m), 48.02 (19), 48.02 (20), 48.065 (2) (g),
3 48.065 (3) (a), 48.065 (3) (f), 48.069 (1) (dj), 48.08 (3) (a) (intro.), 48.08 (3) (a) 1.
4 and 2. and (b), 48.09 (1), 48.09 (2), 48.09 (3), 48.09 (4), 48.12 (title), 48.12 (1) and
5 (2), 48.125, 48.13 (6), 48.13 (6m), 48.13 (7), 48.13 (12), 48.13 (14), 48.14 (4),
6 48.17, 48.18 (title) and (1), 48.18 (2), 48.18 (2r), 48.18 (3), 48.18 (4), 48.18 (5)
7 (intro.), 48.18 (5) (a), 48.18 (5) (b), 48.18 (5) (c), 48.18 (5) (d), 48.18 (6), 48.18 (8),
8 48.18 (9), 48.183, 48.185 (3), 48.19 (1) (d) 3., 48.19 (1) (d) 6., 48.19 (1) (d) 8., 48.19
9 (1) (d) 9., 48.19 (1) (d) 10., 48.19 (1m), 48.20 (2) (cm), 48.20 (2) (e), 48.20 (2) (f),
10 48.20 (2) (g), 48.20 (7) (c) 1m., 48.208 (1), 48.208 (2), 48.208 (5), 48.209 (3), 48.21
11 (2), 48.21 (4m), 48.22, 48.225, 48.23 (1) (am), 48.23 (1) (ar), 48.23 (2m), 48.237,
12 48.24 (2m) (a) 1., 48.24 (2m) (a) 3., 48.24 (7), 48.243 (1m), 48.245 (2) (a) 5., 48.245
13 (2) (a) 6., 48.245 (2) (a) 7., 48.245 (2g), 48.245 (2m), 48.245 (6), 48.25 (2) (b), 48.25
14 (4), 48.25 (5), 48.255 (1) (d), 48.27 (4m), 48.27 (7), 48.29 (1g), 48.29 (2), 48.295
15 (1c) (b), 48.295 (1c) (c), 48.295 (2) (a), 48.296, 48.299 (1) (am), 48.30 (4), 48.30
16 (5), 48.32 (1d), 48.32 (1g), 48.32 (1r), 48.32 (1t), 48.32 (1x), 48.32 (2) (b), 48.32

1 (4), 48.33 (3), 48.33 (3r), 48.331, 48.335 (3m), 48.34 (intro.), 48.34 (2r), 48.34
2 (3g), 48.34 (4h), 48.34 (4m), 48.34 (4n), 48.34 (4p), 48.34 (4r), 48.34 (4s), 48.34
3 (5), 48.34 (7), 48.34 (7m), 48.34 (7r), 48.34 (7t), 48.34 (8), 48.34 (9), 48.34 (14),
4 48.34 (15), 48.341, 48.342, 48.343, 48.344, 48.345 (1) (a), 48.345 (1) (b), 48.345
5 (1) (c), 48.345 (1) (d), 48.345 (1) (f), 48.345 (2), 48.346, 48.35 (1) (a), 48.35 (1) (b)
6 4., 48.35 (1) (c), 48.355 (3m), 48.355 (4) (b), 48.355 (6) and (6g), 48.357 (3), 48.357
7 (4) (a), 48.357 (4g), 48.357 (5), 48.364, 48.37 (3), 48.38 (3) (a), 48.39, 48.396 (2)
8 (c), 48.396 (2) (d), 48.396 (2) (e), 48.396 (2m), 48.396 (3), 48.396 (4), 48.396 (5),
9 48.396 (6), 48.396 (7), 48.396 (8), 48.505, 48.51 (1) (intro.), 48.532, 48.533,
10 48.534, 48.535, 48.538, 48.553, 48.554, 48.555, 48.556, 48.557, 48.558, 48.559,
11 48.57 (4), 48.595, 48.78 (2) (e), 48.78 (2) (f), 48.78 (3), 48.795, 301.031 (1) (a) 1.,
12 2. and 3. and 906.09 (4); **to renumber** 48.34 (1), 48.34 (3), 48.34 (4), 48.34 (6),
13 48.34 (6m), 48.34 (10) (title), 48.34 (10) (a), 48.34 (10) (b), 48.34 (10) (c), 48.34
14 (11), 48.34 (12), 48.34 (13), 48.35 (intro.), 48.991, 48.992 (intro.) and (2), 48.996
15 and 48.997; **to renumber and amend** 48.25 (2) (a), 48.295 (2) (b), 48.34 (2),
16 48.34 (2m), 48.355 (4) (a), 48.533 (3), 48.992 (1) (a), 48.992 (1) (b), 48.992 (3),
17 48.993, 48.994, 48.995 (intro.) and (1), 48.995 (2), 48.995 (3) and (4), 48.998,
18 118.125 (5) and 301.031 (1) (a) (intro.); **to consolidate, renumber and amend**
19 48.295 (1c) (intro.) and (a), 48.345 (1) (intro.) and (e) and ; **to amend** 16.385 (7),
20 16.51 (7), 17.10 (6) (b) 1., 19.35 (1) (am) 2. c., 20.410 (3) (cd), 20.410 (3) (cg),
21 20.410 (3) (ho), 20.410 (3) (o), 20.435 (7) (b), 38.24 (1s), 46.03 (7) (a), 46.041 (1)
22 (a), 46.043, 46.10 (1), 46.10 (2), 46.10 (14) (b), 46.10 (14) (e) 1., 46.206 (1) (b),
23 46.21 (2) (a), 46.215 (1) (h), 46.22 (1) (c) 1. b., 46.22 (1) (c) 1. c., 46.22 (1) (c) 5.,
24 46.22 (1) (c) 8. c., 46.22 (1) (c) 8. e., 46.25 (9) (b), 46.26 (4) (d) 3., 46.275 (4) (b)
25 1., 46.28 (1) (am) 1., 46.28 (1) (am) 2., 46.56 (3) (a) 5., 46.56 (8) (a), 46.56 (8) (g),

1 46.56 (8) (h) 5., 46.56 (8) (j), 46.56 (8) (k), 46.56 (14) (a) (intro.), 48.02 (1), 48.02
2 (2), 48.02 (2m), 48.02 (10), 48.02 (15m), 48.023 (4), 48.03 (2), 48.035, 48.065 (2)
3 (gm), 48.065 (3) (b), 48.065 (3) (c), 48.065 (3) (e), 48.065 (3) (f), 48.069 (1) (intro.),
4 48.069 (2), 48.07 (3), 48.07 (4), 48.08 (2), 48.10, 48.13 (4), 48.135 (1), 48.15,
5 48.185 (1), 48.19 (1) (d) 6., 48.20 (2) (ag), 48.20 (3), 48.20 (7) (a), 48.20 (8), 48.205
6 (1) (a), 48.205 (1) (c), 48.208 (1), 48.21 (1) (a), 48.21 (3) (intro.), 48.227 (4) (b),
7 48.227 (4) (e) 2., 48.23 (1) (a), 48.23 (4), 48.24 (1), 48.24 (2m) (a) 2., 48.24 (5),
8 48.243 (1) (intro.), 48.243 (1) (b), 48.243 (1) (c), 48.243 (1) (h), 48.245 (1), 48.245
9 (2) (b), 48.245 (7), 48.245 (8), 48.25 (1), 48.25 (3), 48.255 (1) (intro.), 48.255 (1)
10 (e), 48.255 (3), 48.255 (4), 48.263 (2), 48.27 (1), 48.27 (8), 48.273 (1), 48.273 (3),
11 48.275 (1), 48.275 (2) (a), 48.29 (1), 48.29 (1m), 48.29 (3), 48.293 (1), 48.293 (2),
12 48.297 (2), 48.297 (3), 48.297 (5), 48.299 (1) (a), 48.299 (4) (a), 48.299 (4) (b),
13 48.30 (1), 48.30 (2), 48.30 (3), 48.30 (6), 48.30 (7), 48.30 (8), 48.30 (9), 48.30 (10),
14 48.31 (1), 48.31 (2), 48.31 (4), 48.32 (1), 48.32 (2) (a), 48.32 (5) (a), 48.32 (5) (b),
15 48.33 (1) (intro.), 48.33 (4m) (intro.), 48.335 (1), 48.35 (1) (b) 2., 48.355 (1),
16 48.355 (2) (b) 5., 48.355 (7), 48.357 (2), 48.357 (4), 48.357 (4g) (b), 48.357 (4g)
17 (d), 48.357 (4m), 48.357 (5) (a), (b) and (d), 48.357 (5) (e) and (g), 48.36 (1), 48.361
18 (1) (b), 48.361 (1) (c), 48.361 (2) (am) 2., 48.362 (2), 48.365 (7), 48.366 (5) (a) 2.,
19 48.366 (6) (a) 2., 48.366 (6) (c) 2., 48.37 (1), 48.373 (1), 48.375 (4) (b) 1g., 48.38
20 (1) (a), 48.396 (1), 48.396 (2) (a), 48.396 (2) (b), 48.415 (1) (a) 2., 48.415 (2) (a),
21 48.45 (1) (a), 48.45 (1) (b), 48.45 (1m) (a), 48.48 (13), 48.51 (1) (intro.), 48.52
22 (title), 48.52 (1) (c), 48.547 (1), 48.547 (4), 48.57 (1) (a), 48.58 (1) (b), 48.58 (1)
23 (c), 48.58 (1) (d), 48.59 (1), 48.63 (1), 48.66 (1), 48.68 (1), 48.78 (1), 48.78 (2) (a),
24 48.78 (2) (c), 48.78 (3), 48.79 (intro.), 48.95, 49.19 (4) (c), 49.46 (1) (a) 5., 49.90
25 (1m), 50.39 (3), 51.05 (2), 51.13 (1) (c), 51.13 (4) (a), 51.13 (4) (b), 51.13 (4) (d),

1 51.13 (4) (h) 2., 51.13 (4) (h) 4., 51.14 (2), 51.15 (1) (a) (intro.), 3. and 4., 51.20
2 (1) (a) 2. b., c. and d., 51.20 (1) (b), 51.20 (6), 51.20 (13) (cr), 51.35 (3) (title), 51.35
3 (3) (a), 51.35 (3) (b), 51.35 (3) (c), 51.35 (3) (e), 51.35 (3) (g), 51.42 (3) (ar) 4. b.,
4 51.42 (3) (as) 1., 51.437 (4rm) (a), 51.45 (5) (d) 1., 51.45 (11) (bm), 59.175,
5 101.123 (1) (i), 101.123 (3) (gg), 102.07 (13), 103.72, 103.87, 115.31 (1) (b), 115.81
6 (9) (c), 115.85 (2m), 118.125 (1) (a), 118.125 (2) (cm), 118.125 (2) (d), 118.125 (2)
7 (e), 118.125 (2) (j) 3., 118.125 (2) (L), 118.125 (3), 118.125 (4), 118.127, 118.15 (1)
8 (cm) 1., 118.15 (5) (a), 118.16 (2m) (a) (intro.), 118.16 (2m) (d), 118.16 (2m) (e),
9 118.16 (4) (e), 118.16 (5) (intro.), 118.16 (5) (a), 118.16 (5) (c), 118.16 (6), 118.162
10 (4) (e), 118.163 (2) (b), 118.163 (2) (d), 120.12 (18), 121.78 (4), 125.07 (4) (bs) 1.,
11 125.07 (4) (bs) 2., 125.07 (4) (bs) 3., 125.07 (4) (bs) 4., 125.07 (4) (c) 1., 125.07 (4)
12 (c) 2., 125.07 (4) (c) 3., 125.07 (4) (c) 4., 125.07 (4) (cg), 125.07 (4) (d), 125.07 (4)
13 (e) 2. a., 125.085 (3) (bd), 125.085 (3) (bh), 125.085 (3) (bt), 125.09 (2) (d), 146.34
14 (1) (e), 146.34 (5) (a) (intro.), 146.81 (4), 146.81 (5), 157.065 (2) (a) 4. c., 161.573
15 (2), 161.574 (2), 161.575 (2), 165.76 (1) (a), 165.76 (2) (b) 2., 165.76 (2) (b) 5.,
16 165.76 (3), 165.765 (1), 165.765 (2) (a), 165.77 (2) (b), 165.77 (3), 175.35 (1) (ag),
17 175.45 (1) (b), 175.45 (1) (e), 175.45 (3) (a) 2., 175.45 (5) (b), 227.03 (4), 230.36
18 (1), 230.36 (3) (c) (intro.), 252.04 (6), 252.11 (5m), 252.11 (7), 252.15 (1) (ab),
19 252.15 (2) (a) 6., 252.15 (2) (a) 7. a., 252.15 (5) (a) 17., 252.15 (5) (a) 19., 301.01
20 (2) (b), 301.01 (4), 301.025, 301.03 (9), 301.03 (10) (c), (e) and (f), 301.032 (1) (b),
21 301.035 (2), 301.035 (4), 301.12, 301.20, 301.205, 301.26 (1), 301.26 (2) (c),
22 301.26 (4) (a), 301.26 (4) (b), 301.26 (4) (c), 301.26 (4) (cm) 1., 301.26 (4) (cm) 2.,
23 301.26 (4) (d) 1., 301.26 (4) (d) 1m., 301.26 (4) (e), 301.26 (4) (ed), 301.26 (4) (eg),
24 301.26 (4) (g), 301.26 (7) (h), 301.263 (3), 301.36 (5), 302.11 (10), 302.18 (7),
25 302.255, 302.31, 302.386 (1), 302.386 (2) (intro.), 302.386 (3) (a), 302.386 (5) (c),

1 302.425 (2g), 302.425 (2m), 302.425 (3), 302.425 (3m), 302.425 (4), 303.215,
2 304.06 (1) (b), 340.01 (9r) (d), 343.06 (1) (i), 343.30 (5), 343.30 (6) (b) (intro.),
3 752.31 (2) (e), 757.69 (1) (intro.), 757.69 (1) (g), 757.69 (1) (k), 757.69 (2) (intro.),
4 757.69 (3) (intro.), 757.81 (2), . 758.19 (6) (a), 758.19 (6) (d) 1. and 2., 767.02 (1)
5 (m), 767.24 (3) (e), 767.29 (3), 767.30 (1), 767.305, 767.32 (1) (a), 767.32 (2r),
6 767.47 (10), 778.25 (1) (a) 1., 778.25 (1) (a) 4., 778.25 (1) (a) 5., 778.25 (8) (a),
7 778.25 (8) (b), 778.25 (8) (c), 808.04 (3), 808.04 (4), 809.30 (1) (a), 809.30 (1) (b),
8 809.30 (2) (d), 809.30 (2) (fm), 809.40 (1), 851.72 (7), 859.07 (2), 880.15 (1),
9 885.37 (1) (a) 2., 895.035 (3), 895.035 (4), 895.035 (6), 901.05 (2) (intro.), 901.05
10 (3), 904.13 (2), 905.04 (4) (i), 906.08 (2), 906.09 (title), 906.09 (1), 906.09 (2),
11 906.09 (3), 906.09 (5), 908.08 (1), 939.62 (3) (a), 939.62 (3) (b), 939.635 (title) and
12 (1), 939.635 (2) (b), 940.20 (2m), 941.29 (2), 946.42 (1) (a), 946.42 (1) (c), 946.42
13 (2) (b), 946.42 (3) (b), 946.42 (3) (c), 946.44 (1) (a), 946.44 (2) (c), 946.44 (2) (d),
14 946.45 (1), 946.45 (2) (c), 946.45 (2) (d), 948.31 (1) (a) 2., 948.31 (1) (b), 948.40
15 (1), 948.40 (2), 948.50 (4) (b), 948.60 (2) (d), 948.61 (4), 950.02 (1m), 967.04 (7)
16 (a) (intro.), 967.04 (9), 968.255 (1) (a) 3., 968.255 (7) (b), 969.01 (4), 970.032
17 (title) and (1), 970.032 (2) (intro.), 970.032 (2) (b), 970.032 (2) (c), 970.035,
18 971.105, 972.14 (3), 976.08, 977.02 (3), 977.02 (4r), 977.03 (2m), 977.05 (4) (gm),
19 977.05 (4) (h), 977.05 (4) (i) 5., 977.05 (6) (cm) 2., 977.06 (1m), 977.06 (2) (a),
20 977.06 (2) (am), 977.06 (3) (c), 977.07 (1) (a), 977.07 (1) (c), 977.07 (2m), 977.075
21 (1) (intro.), (3) and (4), 977.076, 977.08 (2) (e), 977.085 (3), 978.05 (6) (a), 980.015
22 (2) (b), 980.02 (1) (b) 2., 980.02 (2) (ag), 980.02 (4) (am), 980.02 (4) (b), 980.04
23 (1), 990.01 (3) and 990.01 (20); **to repeal and recreate** 46.22 (1) (c) 1. b., 48.205
24 (1) (c), 48.275 (3), 48.365 (7), 48.396 (1m), 48.48 (13), 101.123 (1) (i), 157.065 (2)
25 (a) 4. c., 165.76 (1) (a), 165.76 (2) (b) 2., 165.76 (2) (b) 5., 227.03 (4), 302.31,

1 946.42 (1) (a), 946.44 (1) (a) and 946.45 (1); **to create** 48.02 (19), 48.02 (20),
2 48.396 (1g), 48.396 (2) (ag), 48.396 (2) (am), 48.533 (3) (b), 48.60 (2) (h), 48.78
3 (2) (ag), 48.78 (2) (am), 48.78 (2) (g), 60.23 (22m), 101.123 (3) (gg), 118.125 (2)
4 (cg), 118.125 (2) (n), 118.125 (5) (b), 118.127 (3), 118.15 (5) (am), 118.16 (5m),
5 118.163 (2) (e), 118.163 (2) (f), 301.03 (9r), 301.35 (2) (e), 302.386 (5) (c), 302.386
6 (5) (d), 304.06 (1z), 808.075 (4) (fn), 895.035 (2m), chapter 938, 938.988, 940.20
7 (2m) (a) 1. and 946.50 of the statutes; and **to affect** 1995 Wisconsin Act 27,
8 section 9126 (23) (f) 5.; **relating to:** creating a juvenile justice code, granting
9 rule-making authority and providing penalties.

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

10 **SECTION 1.** 16.385 (7) of the statutes, as affected by 1995 Wisconsin Act 27, is
11 amended to read:

12 16.385 (7) INDIVIDUALS IN STATE PRISONS. No payment under sub. (6) may be
13 made to a prisoner who is imprisoned in a state prison under s. 302.01 or to a person
14 placed at a secured correctional facility, as defined in s. ~~48.02~~ 938.02 (15m), or a
15 secured child caring institution, as defined in s. 938.02 (15g).

16 **SECTION 2.** 16.51 (7) of the statutes, as affected by 1995 Wisconsin Act 27,
17 section 294p, is amended to read:

18 16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND
19 CHILDREN IN SECURED CORRECTIONAL FACILITIES. Receive, examine, determine and
20 audit claims, duly certified and approved by the department of corrections, from the
21 county clerk of any county in behalf of the county, which are presented for payment
22 to reimburse the county for certain expenses incurred or paid by it in reference to all
23 matters growing out of actions and proceedings involving prisoners in state prisons,

1 as defined in s. 302.01, or children in secured correctional facilities, as defined in s.
2 ~~48.02~~ 938.02 (15m), including prisoners or children transferred to a mental health
3 institute for observation or treatment, when the proceedings are commenced in
4 counties in which the prisons or secured correctional facilities are located by a
5 district attorney or by the prisoner or child as a postconviction remedy or a matter
6 involving the prisoner's status as a prisoner or the child's status as a resident of a
7 secured correctional facility and for certain expenses incurred or paid by it in
8 reference to holding those children in secure custody while those actions or
9 proceedings are pending. Expenses shall only include the amounts that were
10 necessarily incurred and actually paid and shall be no more than the legitimate cost
11 would be to any other county had the offense or crime occurred therein.

12 **SECTION 3.** 17.10 (6) (b) 1. of the statutes is amended to read:

13 17.10 **(6)** (b) 1. Disposition staff and intake workers appointed to provide
14 services under ~~ch.~~ chs. 48 and 938.

15 **SECTION 4.** 19.35 (1) (am) 2. c. of the statutes is amended to read:

16 19.35 **(1)** (am) 2. c. Endanger the security of any state correctional institution,
17 as defined in s. 301.01 (4), jail, as defined in s. 165.85 (2) (bg), secured correctional
18 facility, as defined in s. ~~48.02~~ 938.02 (15m), secured child caring institution, as
19 defined in s. 938.02 (15g), mental health institute, as defined in s. 51.01 (12), center
20 for the developmentally disabled, as defined in s. 51.01 (3), or the population or staff
21 of any of these institutions, facilities or jails.

22 **SECTION 5.** 20.410 (3) (cd) of the statutes, as created by 1995 Wisconsin Act 27,
23 is amended to read:

24 20.410 **(3)** (cd) *Community youth and family aids.* The amounts in the schedule
25 for the improvement and provision of juvenile delinquency-related services under

1 s. 301.26 and for reimbursement to counties having a population of less than 500,000
2 for the cost of court attached intake services as provided in s. ~~48.06~~ 938.06 (4).
3 Disbursements may be made from this appropriation under s. 301.085. Refunds
4 received relating to payments made under s. 301.085 shall be returned to this
5 appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of
6 corrections may transfer moneys under this paragraph between fiscal years. Except
7 for moneys authorized for transfer under s. 301.26 (3), all moneys from this
8 paragraph allocated under s. 301.26 (3) and not spent or encumbered by counties by
9 December 31 of each year shall lapse into the general fund on the succeeding January
10 1. The joint committee on finance may transfer additional moneys to the next
11 calendar year.

12 **SECTION 6.** 20.410 (3) (cg) of the statutes, as created by 1995 Wisconsin Act 27,
13 is amended to read:

14 20.410 (3) (cg) *Serious juvenile offenders.* The amounts in the schedule for
15 juvenile correctional institution, corrective sanctions, alternate care, aftercare and
16 other juvenile program services specified in s. ~~48.538~~ 938.538 (3) provided for the
17 persons specified in s. 301.26 (4) (cm), for juvenile correctional institution services
18 for persons placed in juvenile correctional institutions under s. 973.013 (3m) and for
19 juvenile correctional services for persons under 18 years of age placed with the
20 department under s. 48.366 (8).

21 **SECTION 7.** 20.410 (3) (ho) of the statutes, as created by 1995 Wisconsin Act 27,
22 is amended to read:

23 20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for
24 providing foster care, treatment foster care, group home care and institutional child
25 care to delinquent children under ss. ~~48.553 (3) and (8), 48.557 and 49.19 (10) (d),~~

1 938.48 (4) and (14) and 938.52. All moneys transferred under s. 301.26 (4) (cm) and
2 all moneys received in payment for providing foster care, treatment foster care,
3 group home care and institutional child care to delinquent children under ss. ~~48.553~~
4 ~~(3) and (8)~~, ~~48.557 and 49.19 (10) (d)~~, 938.48 (4) and (14) and 938.52 as specified in
5 s. 301.26 (4) (e) shall be credited to this appropriation. If moneys generated by the
6 monthly rate exceed actual fiscal year foster care, treatment foster care, group home
7 care and institutional child care costs by 2% or more, all moneys in excess of 2% shall
8 be remitted to the counties during the subsequent calendar year. Each county shall
9 receive a proportionate share of the remittance depending on the total number of
10 days of placement in foster care, treatment foster care, group home care or
11 institutional child care.

12 **SECTION 8.** 20.410 (3) (o) of the statutes, as created by 1995 Wisconsin Act 27,
13 is amended to read:

14 20.410 **(3)** (o) *Federal aid; foster care and treatment foster care.* All federal
15 moneys received for meeting the costs of providing foster care, treatment foster care
16 and institutional child care to delinquent children under ss. ~~48.533 (3) and (8) and~~
17 ~~48.557~~ 938.48 (4) and (14) and 938.52, and for the cost of care for children under s.
18 49.19 (10) (d). All moneys received under this paragraph shall be deposited in the
19 general fund as a nonappropriated receipt.

20 **SECTION 9.** 20.435 (7) (b) of the statutes, as affected by 1995 Wisconsin Act 27,
21 is amended to read:

22 20.435 **(7)** (b) *Community aids.* The amounts in the schedule for human
23 services under s. 46.40, for reimbursement to counties having a population of less
24 than 500,000 for the cost of court attached intake services under s. 48.06 (4), for
25 shelter care under ss. ~~48.22 and 48.58~~ and 938.22 and for foster care and treatment

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1 foster care under s. 49.19 (10). Social services disbursements under s. 46.03 (20) (b)
2 may be made from this appropriation. Refunds received relating to payments made
3 under s. 46.03 (20) (b) for the provision of services for which moneys are appropriated
4 under this paragraph shall be returned to this appropriation. Notwithstanding ss.
5 20.001 (3) (a) and 20.002 (1), the department of health and social services may
6 transfer funds between fiscal years under this paragraph. The department shall
7 deposit into this appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423
8 (15) from prior year audit adjustments including those resulting from audits of
9 services under s. 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be
10 carried forward under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423
11 (15) and all funds allocated under s. 46.40 and not spent or encumbered by December
12 31 of each year shall lapse to the general fund on the succeeding January 1 unless
13 carried forward to the next calendar year by the joint committee on finance.

14 **SECTION 10.** 38.24 (1s) of the statutes is amended to read:

15 38.24 (1s) ADDITIONAL FEES. A district board may establish and charge a fee in
16 addition to the fees under sub. (1m) for a court-approved alcohol or other drug abuse
17 education program offered to individuals under s. 48.245 (2) (a) 4., ~~48.32 (1g) (b),~~
18 ~~48.34 (4s) (b) 3. or (13) (b), 48.343 (10) (c) or 48.344 (2g) (a) 3~~ 48.345 (13) (b), 938.245
19 (2) (a) 4., 938.32 (1g) (b), 938.34 (6r) (b) or (14s) (b) 3., 938.343 (10) (c) or 938.344 (2g)
20 (a).

21 **SECTION 11.** 46.03 (7) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
22 is amended to read:

23 46.03 (7) (a) Promote the enforcement of laws for the protection of
24 developmentally disabled children, children in need of protection or services and
25 nonmarital children; and to this end cooperate with courts assigned to exercise

1 jurisdiction under ~~ch.~~ chs. 48 and 938 and licensed child welfare agencies and
2 institutions (public and private) and take the initiative in all matters involving the
3 interests of such children where adequate provision therefor has not already been
4 made, including the establishment and enforcement of standards for services
5 provided under s. 48.345.

6 **SECTION 12.** 46.041 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
7 is amended to read:

8 46.041 (1) (a) Provide for the temporary residence and evaluation of children
9 referred from courts assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938, the
10 institutions and services under the jurisdiction of the department, University of
11 Wisconsin Hospitals and Clinics Authority, county departments under s. 46.215,
12 46.22 or 46.23, private child welfare agencies, schools for the deaf and visually
13 handicapped, and mental health facilities within the state at the discretion of the
14 superintendent.

15 **SECTION 13.** 46.043 of the statutes, as affected by 1995 Wisconsin Act 27,
16 section 2052r, is amended to read:

17 **46.043 Secured adolescent treatment unit.** The department shall provide
18 a secured adolescent treatment unit at the Mendota Mental Health Institute. The
19 department may designate not more than 43 beds at the secured adolescent
20 treatment unit as secured correctional facility, as defined in s. ~~48.02~~ 938.02 (15m),
21 beds. From the appropriation under s. 20.410 (3) (hm), the department of corrections
22 may expend not more than \$2,500,000 in fiscal year 1996-97 for services for children
23 placed in that secured adolescent treatment unit. The department of health and
24 social services may charge the department of corrections not more than the actual

1 cost of providing services for children under the supervision of the department of
2 corrections who are provided services at the secured adolescent treatment unit.

3 **SECTION 14.** 46.10 (1) of the statutes is amended to read:

4 46.10 (1) Liability and the collection and enforcement of such liability for the
5 care, maintenance, services and supplies specified in this section is governed
6 exclusively by this section, except in cases of child support ordered by a court under
7 s. 48.355 (2) (b) 4., 48.357 (5m) ~~or~~, 48.363 (2), 938.183 (2), 938.355 (2) (b) 4., 938.357
8 (5m) or 938.363 (2) or ch. 767.

9 **SECTION 15.** 46.10 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
10 section 2055, is amended to read:

11 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
12 including but not limited to a person admitted, committed or placed under s. 975.01,
13 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. ~~48.34 (4h) or~~
14 ~~(4m), 48.357 (4) and (5) (e), 48.366, 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5),~~
15 ~~51.45 (10), (11), (12) and (13), 55.05, 55.06, 938.183 (2), 938.34 (4h) or (4m), 938.357~~
16 ~~(4) and (5) (e), 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care,~~
17 maintenance, services and supplies provided by any institution in this state
18 including University of Wisconsin Hospitals and Clinics, in which the state is
19 chargeable with all or part of the person's care, maintenance, services and supplies,
20 any person receiving care and services from a county department established under
21 s. 51.42 or 51.437 or from a facility established under s. 49.73, and any person
22 receiving treatment and services from a public or private agency under s. 971.17 (3)
23 (d) or (4) (e), 980.06 (2) (c) or 980.08 (5) and the person's property and estate,
24 including the homestead, and the spouse of the person, and the spouse's property and
25 estate, including the homestead, and, in the case of a minor child, the parents of the

1 person, and their property and estates, including their homestead, and, in the case
2 of a foreign child described in s. 48.839 (1) who became dependent on public funds
3 for his or her primary support before an order granting his or her adoption, the
4 resident of this state appointed guardian of the child by a foreign court who brought
5 the child into this state for the purpose of adoption, and his or her property and
6 estate, including his or her homestead, shall be liable for the cost of the care,
7 maintenance, services and supplies in accordance with the fee schedule established
8 by the department under s. 46.03 (18). If a spouse, widow or minor, or an
9 incapacitated person may be lawfully dependent upon the property for their support,
10 the court shall release all or such part of the property and estate from the charges
11 that may be necessary to provide for those persons. The department shall make
12 every reasonable effort to notify the liable persons as soon as possible after the
13 beginning of the maintenance, but the notice or the receipt thereof is not a condition
14 of liability.

15 **SECTION 16.** 46.10 (14) (b) of the statutes is amended to read:

16 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
17 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
18 parent's minor child who has been placed by a court order under s. 48.355 ~~or~~, 48.357,
19 938.183 (2), 938.355 or 938.357 in a residential, nonmedical facility such as a group
20 home, foster home, treatment foster home, child caring institution or juvenile
21 correctional institution shall be determined by the court by using the percentage
22 standard established by the department under s. 46.25 (9) (a) and by applying the
23 percentage standard in the manner established by the department under s. 46.25 (9)
24 (b).

1 **SECTION 17.** 46.10 (14) (e) 1. of the statutes, as created by 1993 Wisconsin Act
2 481, is amended to read:

3 46.10 **(14)** (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) ~~or~~, 48.363
4 ~~(2), 938.183 (2), 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2)~~ for support determined
5 under this subsection constitutes an assignment of all commissions, earnings,
6 salaries, wages, pension benefits, benefits under ch. 102 or 108 and other money due
7 or to be due in the future to the county department under s. 46.215, 46.22 or 46.23
8 in the county where the order was entered or to the department, depending upon the
9 placement of the child as specified by rules promulgated under subd. 5. The
10 assignment shall be for an amount sufficient to ensure payment under the order.

11 **SECTION 18.** 46.206 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 27,
12 is amended to read:

13 46.206 **(1)** (b) All records of the department and all county records relating to
14 social services shall be open to inspection at all reasonable hours by authorized
15 representatives of the federal government. Notwithstanding s. ~~ss.~~ 48.396 (2) and
16 938.396 (2), all county records relating to the administration of such services and
17 public assistance shall be open to inspection at all reasonable hours by authorized
18 representatives of the department.

19 **SECTION 19.** 46.21 (2) (a) of the statutes is amended to read:

20 46.21 **(2)** (a) Shall adopt policies for the management, operation, maintenance
21 and improvement of the county hospital; the detention center; the probation section
22 of the children's court center; the provision and maintenance of the physical facilities
23 for the children's court and its intake section under the supervision and operation
24 of the judges assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938 and as
25 provided in s. ~~ss.~~ 48.06 (1) and 938.06 (1); the mental health complex; the county

1 department of human services; the central service departments; and all buildings
2 and land used in connection with any institution under this section. The powers and
3 duties of the county board of supervisors are policy forming only, and not
4 administrative or executive.

5 **SECTION 20.** 46.215 (1) (h) of the statutes is amended to read:

6 46.215 (1) (h) To administer child welfare services under ss. 48.56 and 48.57
7 and juvenile welfare services under s. 938.57, to accept custody and guardianship of
8 children upon the order of a competent court and to place children for adoption and
9 to make recommendations relating to the adoption of children under s. 48.85.

10 **SECTION 21.** 46.22 (1) (c) 1. b. of the statutes is amended to read:

11 46.22 (1) (c) 1. b. 'State institutions'. Mendota mental health institute,
12 Winnebago mental health institute, university of Wisconsin hospital and clinics,
13 centers for the developmentally disabled and Type 1 secured correctional facilities,
14 as defined in s. 48.02 (~~15m~~) (19).

15 **SECTION 22.** 46.22 (1) (c) 1. b. of the statutes, as affected by 1995 Wisconsin Acts
16 27 and (this act), is repealed and recreated to read:

17 46.22 (1) (c) 1. b. 'State institutions'. Mendota mental health institute,
18 Winnebago mental health institute, centers for the developmentally disabled and
19 Type 1 secured correctional facilities, as defined in s. 938.02 (19).

20 **SECTION 23.** 46.22 (1) (c) 1. c. of the statutes, as created by 1995 Wisconsin Act
21 27, is amended to read:

22 46.22 (1) (c) 1. c. 'Other institution'. University of Wisconsin Hospitals and
23 Clinics and secured child caring institutions, as defined in s. 938.02 (15g).

24 **SECTION 24.** 46.22 (1) (c) 5. of the statutes is amended to read:

1 46.22 (1) (c) 5. Perform the duties and functions prescribed in ~~s. ss. 48.08 and~~
2 938.08 when requested to do so by the judge assigned to exercise jurisdiction under
3 ~~ch. chs. 48 and 938.~~

4 **SECTION 25.** 46.22 (1) (c) 8. c. of the statutes is amended to read:

5 46.22 (1) (c) 8. c. Upon the request of the judge assigned to exercise jurisdiction
6 under ~~ch. chs. 48 and 938~~, the county department of social services shall investigate
7 the home environment and other factors in the life of any child brought to the
8 attention of the court for alleged dependency, neglect, or delinquency, and to assume
9 guidance and supervision of any child placed on probation by that court.

10 **SECTION 26.** 46.22 (1) (c) 8. e. of the statutes is amended to read:

11 46.22 (1) (c) 8. e. The county department of social services shall have the powers
12 and duties specified in ~~s. ss. 48.57 and 938.57.~~

13 **SECTION 27.** 46.25 (9) (b) of the statutes is amended to read:

14 46.25 (9) (b) For purposes of determining child support under s. 46.10 (14) (b),
15 the department shall promulgate separate rules related to the application of the
16 standard under par. (a) to a child support obligation for the care and maintenance
17 of a child who is placed by a court order under s. 48.355 ~~or~~, 48.357, 938.183 (2),
18 938.355 or 938.357 in a residential, nonmedical facility. The rules shall take into
19 account the needs of any person, including dependent children other than the child,
20 whom either parent is legally obligated to support.

21 **SECTION 28.** 46.26 (4) (d) 3. of the statutes, as affected by 1995 Wisconsin Act
22 27, section 2181m, is amended to read:

23 46.26 (4) (d) 3. Beginning January 1, 1996, and ending June 30, 1996, the per
24 person daily cost assessment to counties shall be \$120.73 for care in a juvenile
25 ~~correctional institution~~ Type 1 secured correctional facility, as defined in s. 48.02

1 (19), \$120.73 for care for children transferred from a juvenile correctional institution
2 under s. 51.35 (3), the dollar amount set by the department of corrections by rule for
3 maintaining a prisoner in an adult correctional institution, \$153.87 for care in a child
4 caring institution, \$106.69 for care in a group home for children, \$23.80 for care in
5 a foster home, \$68.58 for care in a treatment foster home, \$86.51 for departmental
6 corrective sanctions services and \$12.20 for departmental aftercare services.

7 **SECTION 29.** 46.26 (4) (d) 3. of the statutes, as affected by 1995 Wisconsin Acts
8 27 and (this act), is repealed.

9 **SECTION 30.** 46.275 (4) (b) 1. of the statutes is amended to read:

10 46.275 (4) (b) 1. Consent for participation is given either by the person's parent,
11 guardian or legal custodian, if the person is under age 18, or by the person or the
12 person's guardian, if the person is age 18 or over, except that this subdivision does
13 not limit the authority of the circuit court to enter, change, revise or extend a
14 dispositional order under subch. VI of ch. 48 or subch. VI of ch. 938 or to order a
15 placement under s. 55.06.

16 **SECTION 31.** 46.28 (1) (am) 1. of the statutes is amended to read:

17 46.28 (1) (am) 1. A child adjudged delinquent for whom a case disposition is
18 made under s. 48.34 938.34.

19 **SECTION 32.** 46.28 (1) (am) 2. of the statutes is amended to read:

20 46.28 (1) (am) 2. A child found in need of protection or services for whom an
21 order is made under s. 48.345 or 938.345.

22 **SECTION 33.** 46.56 (3) (a) 5. of the statutes is amended to read:

23 46.56 (3) (a) 5. The juvenile court administrator or another representative
24 appointed by the judge responsible for cases heard under ~~ch.~~ chs. 48 and 938.

25 **SECTION 34.** 46.56 (8) (a) of the statutes is amended to read:

1 46.56 (8) (a) Referrals to the program may come from any county departments,
2 agencies, school districts, cooperative educational service agencies, county
3 handicapped children's education boards, technical college districts, courts assigned
4 to exercise jurisdiction under ~~ch. chs.~~ chs. 48 and 938 or any other organization or the
5 child with severe disabilities or his or her family may contact the administering
6 agency or service coordination agency to request services.

7 **SECTION 35.** 46.56 (8) (g) of the statutes is amended to read:

8 46.56 (8) (g) The service coordinator shall assemble the results of all prior
9 relevant assessments and evaluations documenting the service needs of the child
10 with severe disabilities and the child's family, including multidisciplinary team
11 evaluations under s. 115.80 (3) or independent educational evaluations,
12 court-ordered evaluations under s. 48.295 or 938.295, family support program
13 evaluations, community integration program or community options program
14 assessments, and any other available medical, psychiatric, psychological, vocational
15 or developmental evaluations.

16 **SECTION 36.** 46.56 (8) (h) 5. of the statutes is amended to read:

17 46.56 (8) (h) 5. Identification of any administrative or judicial procedures
18 under ch. 48, 51, 55, 115 ~~or~~, 118 or 938 that may be necessary in order to fully
19 implement the integrated service plan and the identity of the individual or
20 organization that will be responsible for initiating those procedures, if any are
21 required.

22 **SECTION 37.** 46.56 (8) (j) of the statutes is amended to read:

23 46.56 (8) (j) The proposed integrated service plan shall be submitted to any
24 service providers who would be included in the integrated service plan and the court

1 assigned to exercise jurisdiction under ~~eh. chs. 48 and 938~~ if participation in the
2 program has been court ordered under s. ~~48.34~~ 48.345 (6m) or 938.34 (6m).

3 **SECTION 38.** 46.56 (8) (k) of the statutes is amended to read:

4 46.56 (8) (k) Upon written approval of the integrated service plan by the
5 proposed service providers and the child's family, unless the child's involvement in
6 the program is through court order under s. 48.355 or 938.355, in which case
7 approval of the court may be substituted for that of the family, the integrated service
8 plan shall be implemented by the service coordination agency and the service
9 providers designated to provide services under the integrated service plan.

10 **SECTION 39.** 46.56 (14) (a) (intro.) of the statutes, as affected by 1995 Wisconsin
11 Act 27, is amended to read:

12 46.56 (14) (a) (intro.) In order to support the development of a comprehensive
13 system of coordinated care for children with severe disabilities and their families, the
14 department shall establish a statewide advisory committee with representatives of
15 county departments, the department of public instruction, educational agencies,
16 professionals experienced in the provision of services to children with severe
17 disabilities, families with children with severe disabilities, advocates for such
18 families and their children, the subunit of the department of industry, labor and
19 human relations that administers vocational rehabilitation, the technical college
20 system, health care providers, courts assigned to exercise jurisdiction under ~~eh. chs.~~
21 48 and 938, child welfare officials, and other appropriate persons as selected by the
22 department. The department may use an existing committee for this purpose if it
23 has representatives from the listed groups and is willing to perform the required
24 functions. This committee shall do all of the following:

25 **SECTION 40.** 48.01 (1) (c) of the statutes is repealed.

1 **SECTION 41.** 48.01 (1) (d) of the statutes is repealed.

2 **SECTION 42.** 48.01 (1) (h) of the statutes is repealed.

3 **SECTION 43.** 48.02 (1) of the statutes, as affected by 1995 Wisconsin Act 27, is
4 amended to read:

5 48.02 (1) “Adult” means a person who is 18 years of age or older, except that
6 for purposes of prosecuting a person who is alleged to have violated any state or
7 federal criminal law or any civil law or municipal ordinance, “adult” means a person
8 who has attained 17 years of age.

9 **SECTION 44.** 48.02 (2) of the statutes, as affected by 1995 Wisconsin Act 27, is
10 amended to read:

11 48.02 (2) “Child” means a person who is less than 18 years of age, except that
12 for purposes of prosecuting a person who is alleged to have violated a state or federal
13 criminal law or any civil law or municipal ordinance, “child” does not include a person
14 who has attained 17 years of age.

15 **SECTION 45.** 48.02 (2m) of the statutes is amended to read:

16 48.02 (2m) “Court”, when used without further qualification, means the court
17 assigned to exercise jurisdiction under this chapter and ch. 938.

18 **SECTION 46.** 48.02 (3m) of the statutes, as affected by 1995 Wisconsin Act 27,
19 is repealed.

20 **SECTION 47.** 48.02 (9m) of the statutes is repealed.

21 **SECTION 48.** 48.02 (10) of the statutes is amended to read:

22 48.02 (10) “Judge”, if used without further qualification, means the judge of the
23 court assigned to exercise jurisdiction under this chapter and ch. 938.

24 **SECTION 49.** 48.02 (15g) of the statutes, as created by 1995 Wisconsin Act 27,
25 is repealed.

1 **SECTION 50.** 48.02 (15m) of the statutes, as affected by 1995 Wisconsin Act 27,
2 section 2426m, is amended to read:

3 48.02 **(15m)** “Secured correctional facility” means a correctional institution
4 operated or contracted for by the department for holding in secure custody persons
5 adjudged delinquent. “Secured correctional facility” includes the facility at which
6 the juvenile boot camp program under s. 48.532 is operated and a facility authorized
7 under s. 48.533 (3) (b).

8 **SECTION 51.** 48.02 (15m) of the statutes, as affected by 1995 Wisconsin Acts 27
9 and (this act), is repealed.

10 **SECTION 52.** 48.02 (19) of the statutes is created to read:

11 48.02 **(19)** “Type 1 secured correctional facility” means a secured correctional
12 facility, but excludes any correctional institution that meets the criteria under sub.
13 (15m) solely because of its status under s. 48.533 (3) (b).

14 **SECTION 53.** 48.02 (19) of the statutes, as created by 1995 Wisconsin Act (this
15 act), is repealed.

16 **SECTION 54.** 48.02 (20) of the statutes is created to read:

17 48.02 **(20)** “Type 2 secured correctional facility” means a secured correctional
18 facility that meets the criteria under sub. (15m) solely because of its status under s.
19 48.533 (3) (b).

20 **SECTION 55.** 48.02 (20) of the statutes, as created by 1995 Wisconsin Act (this
21 act), is repealed.

22 **SECTION 56.** 48.023 (4) of the statutes, as affected by 1995 Wisconsin Act 27,
23 is amended to read:

24 48.023 **(4)** The rights and responsibilities of legal custody except when legal
25 custody has been vested in another person or when the child is under the supervision

1 of the department of corrections under s. ~~48.34 938.183, 938.34~~ (4h), (4m) or (4n) or
2 938.357 (4) or the supervision of a county department under s. ~~48.34 938.34~~ (4n).

3 **SECTION 57.** 48.03 (2) of the statutes is amended to read:

4 48.03 (2) In the case of the absence or disability of the judge of a court assigned
5 to exercise jurisdiction under this chapter and ch. 938, another judge shall be
6 assigned under s. 751.03 to act temporarily in the judge's place. If the judge assigned
7 temporarily is from a circuit other than the one for which elected, the judge shall
8 receive expenses as provided under s. 753.073.

9 **SECTION 58.** 48.035 of the statutes is amended to read:

10 **48.035 Court; Menominee and Shawano counties.** Menominee county is
11 attached to Shawano county for judicial purposes to the extent of the jurisdiction and
12 functions of the court assigned to exercise jurisdiction under this chapter and ch. 938
13 and the office and functions of the judge of the court, and the duly designated judge
14 of the court assigned to exercise jurisdiction under this chapter and ch. 938 of the
15 circuit court for Menominee and Shawano counties shall serve in both counties. The
16 county boards of Menominee county and Shawano county shall enter into an
17 agreement on administration of this section and the prorating of expenditures
18 involved, and for such purposes the county board of supervisors of Menominee county
19 may appropriate, levy and collect a sum each year sufficient to pay its share of the
20 expenses. If the 2 county boards are unable to agree on the prorating of expenditure
21 involved, then the circuit judges for the circuit court for Menominee and Shawano
22 counties shall, upon appropriate notice and hearing, determine the prorating of the
23 expenditures on the basis of a fair allocation to each county under such procedure as
24 they prescribe. If the circuit judges are unable to agree, the chief judge of the judicial
25 administrative district shall make the determination.

1 **SECTION 59.** 48.065 (2) (g) of the statutes is repealed.

2 **SECTION 60.** 48.065 (2) (gm) of the statutes is amended to read:

3 48.065 (2) (gm) Conduct uncontested proceedings under ~~ss. 48.12 and s.~~ 48.13.

4 **SECTION 61.** 48.065 (3) (a) of the statutes is repealed.

5 **SECTION 62.** 48.065 (3) (b) of the statutes is amended to read:

6 48.065 (3) (b) Conduct fact-finding or dispositional hearings ~~except petitions~~
7 ~~or citations under s. 48.125 and except as provided in sub. (2) (gm).~~

8 **SECTION 63.** 48.065 (3) (c) of the statutes is amended to read:

9 48.065 (3) (c) Make dispositions other than approving consent decrees and
10 other than dispositions in uncontested proceedings under ~~ss. 48.12 and s.~~ 48.13.

11 **SECTION 64.** 48.065 (3) (e) of the statutes is amended to read:

12 48.065 (3) (e) Make changes in placements of children, or revisions or
13 extensions of dispositional orders, ~~except pursuant to petitions or citations under s.~~
14 ~~48.125 and except in uncontested proceedings under ss. 48.12 and s.~~ 48.13.

15 **SECTION 92m.** 48.065 (3) (f) of the statutes, as affected by 1993 Wisconsin Act
16 377, is amended to read:

17 48.065 (3) (f) Make any dispositional order under s. 48.34 (4g) ~~or~~ (4m).

18 **SECTION 65.** 48.065 (3) (f) of the statutes, as affected by 1993 Wisconsin Act 377
19 and 1995 Wisconsin Act (this act), is repealed.

20 **SECTION 93m.** 48.069 (1) (intro.) of the statutes, as affected by 1995 Wisconsin
21 Act 27, is amended to read:

22 48.069 (1) (intro.) The staff of the department of health and social services, the
23 department of corrections, the court, a county department or a licensed child welfare
24 agency designated by the court to carry out the objectives and provisions of this
25 chapter shall:

1 **SECTION 66.** 48.069 (1) (dj) of the statutes, as created by 1993 Wisconsin Act
2 385, is repealed.

3 **SECTION 94m.** 48.069 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
4 is amended to read:

5 48.069 (2) Licensed child welfare agencies, and the department of health and
6 ~~social services and the department of corrections~~ shall provide services under this
7 section only upon the approval of the agency from whom services are requested.

8 **SECTION 67.** 48.07 (3) of the statutes is amended to read:

9 48.07 (3) COUNTY DEPARTMENT IN POPULOUS COUNTIES. In counties having a
10 population of 500,000 or more, the director of the county department may be ordered
11 by the court to provide services for furnishing emergency shelter care to any child
12 whose need therefor, ~~either by reason of need of protection and services or~~
13 ~~delinquency~~, is determined by the intake worker under s. 48.205. The court may
14 authorize the director to appoint members of the county department to furnish
15 emergency shelter care services for the child. The emergency shelter care may be
16 provided as specified in s. 48.207.

17 **SECTION 68.** 48.07 (4) of the statutes is amended to read:

18 48.07 (4) COUNTY DEPARTMENTS THAT PROVIDE DEVELOPMENTAL DISABILITIES,
19 MENTAL HEALTH OR ALCOHOL AND OTHER DRUG ABUSE SERVICES. Within the limits of
20 available state and federal funds and of county funds appropriated to match state
21 funds, the court may order county departments established under s. 51.42 or 51.437
22 to provide special treatment or care to a child if special treatment or care has been
23 ordered under s. ~~48.34~~ 48.345 (6) and if s. 48.362 (4) applies.

24 **SECTION 96m.** 48.08 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
25 is amended to read:

1 48.08 (2) ~~Except as provided in sub. (3), any~~ Any person authorized to provide
2 or providing intake or dispositional services for the court under ss. 48.067 and 48.069
3 has the power of police officers and deputy sheriffs only for the purpose of taking a
4 child into physical custody when the child comes voluntarily or is suffering from
5 illness or injury or is in immediate danger from his or her surroundings and removal
6 from the surroundings is necessary.

7 **SECTION 97m.** 48.08 (3) (a) (intro.) of the statutes, as affected by 1995
8 Wisconsin Act 27, is repealed.

9 **SECTION 97r.** 48.08 (3) (a) 1. and 2. and (b) of the statutes are repealed.

10 **SECTION 69.** 48.09 (1) of the statutes is repealed.

11 **SECTION 70.** 48.09 (2) of the statutes is repealed.

12 **SECTION 71.** 48.09 (3) of the statutes is repealed.

13 **SECTION 72.** 48.09 (4) of the statutes is repealed.

14 **SECTION 73.** 48.10 of the statutes is amended to read:

15 **48.10 Power of the judge to act as intake worker.** The duties of the intake
16 worker may be carried out from time to time by the judge at his or her discretion, but
17 if a recommendation to file a petition is made, ~~a citation is issued~~ or an informal
18 disposition is entered into, the judge shall be disqualified from participating further
19 in the proceedings.

20 **SECTION 74.** 48.12 (title) of the statutes is repealed.

21 **SECTION 75.** 48.12 (1) and (2) of the statutes, as affected by 1995 Wisconsin Act
22 27, are repealed.

23 **SECTION 76.** 48.125 of the statutes is repealed.

24 **SECTION 77.** 48.13 (4) of the statutes is amended to read:

1 48.13 (4) Whose parent or guardian signs the petition requesting jurisdiction
2 and states that he or she is unable to care for, ~~control~~ or provide necessary special
3 treatment or care for the child;

4 **SECTION 78.** 48.13 (6) of the statutes is repealed.

5 **SECTION 79.** 48.13 (6m) of the statutes is repealed.

6 **SECTION 80.** 48.13 (7) of the statutes is repealed.

7 **SECTION 81.** 48.13 (12) of the statutes is repealed.

8 **SECTION 82.** 48.13 (14) of the statutes is repealed.

9 **SECTION 83.** 48.135 (1) of the statutes is amended to read:

10 48.135 (1) If a child alleged to be ~~delinquent~~ or in need of protection or services
11 is before the court and it appears that the child is developmentally disabled, mentally
12 ill or drug dependent or suffers from alcoholism, the court may proceed under ch. 51
13 or 55.

14 **SECTION 84.** 48.14 (4) of the statutes is repealed.

15 **SECTION 85.** 48.15 of the statutes is amended to read:

16 **48.15 Jurisdiction of other courts to determine legal custody.** Nothing
17 contained in ss. ~~48.12~~, 48.13 and 48.14 deprives other courts of the right to determine
18 the legal custody of children by habeas corpus or to determine the legal custody or
19 guardianship of children if the legal custody or guardianship is incidental to the
20 determination of causes pending in the other courts. But the jurisdiction of the court
21 assigned to exercise jurisdiction under this chapter and ch. 938 is paramount in all
22 cases involving children alleged to come within the provisions of ss. ~~48.12~~, 48.13 and
23 48.14.

24 **SECTION 86.** 48.17 of the statutes is repealed.

25 **SECTION 87.** 48.18 (title) and (1) of the statutes are repealed.

1 **SECTION 88.** 48.18 (2) of the statutes is repealed.

2 **SECTION 89.** 48.18 (2r) of the statutes, as created by 1995 Wisconsin Act 27, is
3 repealed.

4 **SECTION 90.** 48.18 (3) of the statutes is repealed.

5 **SECTION 91.** 48.18 (4) of the statutes is repealed.

6 **SECTION 92.** 48.18 (5) (intro.) of the statutes is repealed.

7 **SECTION 93.** 48.18 (5) (a) of the statutes is repealed.

8 **SECTION 94.** 48.18 (5) (b) of the statutes is repealed.

9 **SECTION 95.** 48.18 (5) (c) of the statutes, as affected by 1995 Wisconsin Act 27,
10 section 2434p, is repealed.

11 **SECTION 96.** 48.18 (5) (d) of the statutes is repealed.

12 **SECTION 97.** 48.18 (6) of the statutes is repealed.

13 **SECTION 98.** 48.18 (8) of the statutes is repealed.

14 **SECTION 99.** 48.18 (9) of the statutes is repealed.

15 **SECTION 100.** 48.183 of the statutes is repealed.

16 **SECTION 101.** 48.185 (1) of the statutes is amended to read:

17 48.185 (1) ~~Subject to sub. (3), venue~~ Venue for any proceeding under ss. 48.12,
18 48.125, 48.13, 48.135, and 48.14 (1) to (9) ~~and 48.18~~ may be in any of the following:
19 the county where the child resides, the county where the child is present or, in the
20 case of a violation of a state law or a county, town or municipal ordinance, the county
21 where the violation occurred. Venue for proceedings brought under subch. VIII is as
22 provided in this subsection except where the child has been placed and is living
23 outside the home of the child's parent pursuant to a dispositional order, in which case
24 venue is as provided in sub. (2). Venue for a proceeding under s. 48.14 (10) is as
25 provided in s. 801.50 (5s).

1 **SECTION 102.** 48.185 (3) of the statutes is repealed.

2 **SECTION 103.** 48.19 (1) (d) 3. of the statutes is repealed.

3 **SECTION 104.** 48.19 (1) (d) 6. of the statutes, as affected by 1995 Wisconsin Act
4 27, section 2435d, is amended to read:

5 48.19 (1) (d) 6. The child has violated the terms of court-ordered supervision
6 or aftercare supervision administered by the department or a county department ~~or~~
7 ~~of corrective sanctions supervision administered by the department.~~

8 **SECTION 105.** 48.19 (1) (d) 6. of the statutes, as affected by 1995 Wisconsin Acts
9 27 and (this act), is repealed.

10 **SECTION 106.** 48.19 (1) (d) 8. of the statutes is repealed.

11 **SECTION 107.** 48.19 (1) (d) 9. of the statutes is repealed.

12 **SECTION 108.** 48.19 (1) (d) 10. of the statutes is repealed.

13 **SECTION 109.** 48.19 (1m) of the statutes is repealed.

14 **SECTION 110.** 48.20 (2) (ag) of the statutes is amended to read:

15 48.20 (2) (ag) Except as provided in pars. (b) to ~~(g)~~ (d), a person taking a child
16 into custody shall make every effort to release the child immediately to the child's
17 parent, guardian or legal custodian.

18 **SECTION 111.** 48.20 (2) (cm) of the statutes, as affected by 1995 Wisconsin Act
19 27, is repealed.

20 **SECTION 112.** 48.20 (2) (e) of the statutes is repealed.

21 **SECTION 113.** 48.20 (2) (f) of the statutes is repealed.

22 **SECTION 114.** 48.20 (2) (g) of the statutes is repealed.

23 **SECTION 115.** 48.20 (3) of the statutes is amended to read:

24 48.20 (3) If the child is released under sub. (2) (b) to (d) ~~or (g)~~, the person who
25 took the child into custody shall immediately notify the child's parent, guardian and

1 legal custodian of the time and circumstances of the release and the person, if any,
2 to whom the child was released. If the child is not released under sub. (2), the person
3 who took the child into custody shall arrange in a manner determined by the court
4 and law enforcement agencies for the child to be interviewed by the intake worker
5 under s. 48.067 (2), and shall make a statement in writing with supporting facts of
6 the reasons why the child was taken into physical custody and shall give any child
7 12 years of age or older a copy of the statement in addition to giving a copy to the
8 intake worker. When the intake interview is not done in person, the report may be
9 read to the intake worker.

10 **SECTION 116.** 48.20 (7) (a) of the statutes is amended to read:

11 48.20 (7) (a) When a child is interviewed by an intake worker, the intake worker
12 shall inform any child ~~possibly involved in a delinquent act of his or her right to~~
13 ~~counsel and the right against self-incrimination.~~ If the child who is alleged to be in
14 need of protection or services and who is 12 years of age or older, ~~the intake worker~~
15 ~~shall inform the child of his or her right to counsel.~~

16 **SECTION 117.** 48.20 (7) (c) 1m. of the statutes, as affected by 1995 Wisconsin Act
17 27, is repealed.

18 **SECTION 118.** 48.20 (8) of the statutes, as affected by 1995 Wisconsin Act 27,
19 section 2435v, is amended to read:

20 48.20 (8) If a child is held in custody, the intake worker shall notify the child's
21 parent, guardian and legal custodian of the reasons for holding the child in custody
22 and of the child's whereabouts unless there is reason to believe that notice would
23 present imminent danger to the child. If a child who has violated the terms of
24 aftercare supervision administered by the department of corrections or a county
25 department is held in custody, the intake worker shall also notify the department of

1 corrections or county department, whichever has supervision over the child, of the
2 reasons for holding the child in custody, of the child's whereabouts and of the time
3 and place of the detention hearing required under s. 48.21. The parent, guardian and
4 legal custodian shall also be notified of the time and place of the detention hearing
5 required under s. 48.21, the nature and possible consequences of that hearing, and
6 the right to present and cross-examine witnesses at the hearing. If the parent,
7 guardian or legal custodian is not immediately available, the intake worker or
8 another person designated by the court shall provide notice as soon as possible.
9 When the child is alleged to be in need of protection or services and is 12 years of age
10 or older, ~~or is alleged to have committed a delinquent act,~~ the child shall receive the
11 same notice about the detention hearing as the parent, guardian or legal custodian.
12 The intake worker shall notify both the child and the child's parent, guardian or legal
13 custodian.

14 **SECTION 119.** 48.205 (1) (a) of the statutes is amended to read:

15 48.205 (1) (a) Probable cause exists to believe that if the child is not held he or
16 she will ~~commit injury to the person or property of others or cause injury to himself~~
17 ~~or herself or be subject to injury by others;~~

18 **SECTION 120.** 48.205 (1) (c) of the statutes, as affected by 1995 Wisconsin Act
19 27, section 2436m, is amended to read:

20 48.205 (1) (c) Probable cause exists to believe that the child will run away or
21 be taken away so as to be unavailable for proceedings of the court or its officers or
22 proceedings of the division of hearings and appeals in the department of
23 administration for revocation of aftercare ~~or corrective sanctions~~ supervision.

24 **SECTION 121.** 48.205 (1) (c) of the statutes, as affected by 1995 Wisconsin Acts
25 27, section 2436p, and ... (this act), is repealed and recreated to read:

1 48.205 (1) (c) Probable cause exists to believe that the child will run away or
2 be taken away so as to be unavailable for proceedings of the court or its officers.

3 **SECTION 122.** 48.208 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
4 section 2437m, is amended to read:

5 48.208 (1) Probable cause exists to believe that the child has committed a
6 delinquent act and either presents a substantial risk of physical harm to another
7 person or a substantial risk of running away as evidenced by a previous act or
8 attempt so as to be unavailable for a court hearing or a revocation hearing for
9 children on aftercare ~~or corrective sanctions~~ supervision. For children on aftercare
10 ~~or corrective sanctions~~ supervision, the delinquent act referred to in this section may
11 be the act for which the child was placed in a secured correctional facility.

12 **SECTION 123.** 48.208 (1) of the statutes, as affected by 1995 Wisconsin Acts 27
13 and ... (this act), is repealed.

14 **SECTION 124.** 48.208 (2) of the statutes is repealed.

15 **SECTION 125.** 48.208 (5) of the statutes is repealed.

16 **SECTION 126.** 48.209 (3) of the statutes is repealed.

17 **SECTION 127.** 48.21 (1) (a) of the statutes is amended to read:

18 48.21 (1) (a) If a child who has been taken into custody is not released under
19 s. 48.20, a hearing to determine whether the child shall continue to be held in custody
20 under the criteria of ss. 48.205 to 48.209 shall be conducted by the judge or juvenile
21 court commissioner within 24 hours of the time the decision to hold the child was
22 made, excluding Saturdays, Sundays and legal holidays. By the time of the hearing
23 a petition under s. 48.25 shall be filed, except that no petition need be filed where a
24 child is taken into custody under s. 48.19 (1) (b) or (d) 2., 6. or 7. or where the child
25 is a runaway from another state, in which case a written statement of the reasons

1 for holding a child in custody shall be substituted if the petition is not filed. If no
2 hearing has been held within 24 hours or if no petition or statement has been filed
3 at the time of the hearing, the child shall be released except as provided in par. (b).
4 A parent not present at the hearing shall be granted a rehearing upon request.

5 **SECTION 128.** 48.21 (2) of the statutes is repealed.

6 **SECTION 129.** 48.21 (3) (intro.) of the statutes is amended to read:

7 48.21 (3) PROCEEDINGS CONCERNING CHILDREN IN NEED OF PROTECTION OR
8 SERVICES. (intro.) Proceedings concerning a child who comes within the jurisdiction
9 of the court under s. 48.13 (1) to (5) or (8) to (11) shall be conducted according to this
10 subsection.

11 **SECTION 130.** 48.21 (4m) of the statutes is repealed.

12 **SECTION 131.** 48.22 of the statutes, as affected by 1993 Wisconsin Act 377 and
13 1995 Wisconsin Act 27, is repealed.

14 **SECTION 132.** 48.225 of the statutes is repealed.

15 **SECTION 133.** 48.227 (4) (b) of the statutes is amended to read:

16 48.227 (4) (b) If, in addition to jurisdiction under par. (c), the court has
17 jurisdiction over the child under ss. ~~48.12~~ 48.13 to 48.14, excluding s. 48.14 (8), or
18 under ss. 938.12 to 938.14, a hearing may be held under s. 48.21 or 938.21.

19 **SECTION 134.** 48.227 (4) (e) 2. of the statutes is amended to read:

20 48.227 (4) (e) 2. That, with the consent of the child and the runaway home, the
21 child remain in the care of the runaway home for a period of not more than 20 days.
22 Without further proceedings, the child shall be released whenever the child
23 indicates, either by statement or conduct, that he or she wishes to leave the home or
24 whenever the runaway home withdraws its consent. During this time period not to
25 exceed 20 days ordered by the court, the child's parent, guardian or legal custodian

1 may not remove the child from the home but may confer with the child or with the
2 person operating the home. If, at the conclusion of the time period ordered by the
3 court the child has not left the home, and no petition concerning the child has been
4 filed under s. ~~48.12 or 48.13, 938.12 or 938.13~~, the child shall be released from the
5 home. If a petition concerning the child has been filed under s. ~~48.12 or 48.13, 938.12~~
6 or 938.13, the child may be held in temporary physical custody under ss. 48.20 to
7 48.21 or 938.20 to 938.21.

8 **SECTION 135.** 48.23 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
9 section 2442p, is amended to read:

10 48.23 (1) (a) Any child ~~alleged to be delinquent under s. 48.12 or~~ held in a secure
11 detention facility shall be represented by counsel at all stages of the proceedings, but
12 a child 15 years of age or older may waive counsel if the court is satisfied that the
13 waiver is knowingly and voluntarily made and the court accepts the waiver. ~~If the~~
14 ~~waiver is accepted, the court may not place the child in a secured correctional facility,~~
15 ~~transfer supervision of the child to the department of corrections for participation in~~
16 ~~the serious juvenile offender program or transfer jurisdiction over the child to adult~~
17 ~~court.~~

18 **SECTION 136.** 48.23 (1) (am) of the statutes is repealed.

19 **SECTION 137.** 48.23 (1) (ar) of the statutes, as created by 1993 Wisconsin Act
20 385, is repealed.

21 **SECTION 138.** 48.23 (2m) of the statutes is repealed.

22 **SECTION 139.** 48.23 (4) of the statutes is amended to read:

23 48.23 (4) PROVIDING COUNSEL. In any situation under this section in which a
24 person has a right to be represented by counsel or is provided counsel at the
25 discretion of the court and counsel is not knowingly and voluntarily waived, the court

1 shall refer the person to the state public defender and counsel shall be appointed by
2 the state public defender under s. 977.08 without a determination of indigency. If the
3 referral is of a person who has filed a petition under s. 48.375 (7), the state public
4 defender shall appoint counsel within 24 hours after that referral. Any counsel
5 appointed in a petition filed under s. 48.375 (7) shall continue to represent the child
6 in any appeal brought under s. 809.105 unless the child requests substitution of
7 counsel or extenuating circumstances make it impossible for counsel to continue to
8 represent the child. In any situation under sub. (2) in which a parent 18 years of age
9 or older is entitled to representation by counsel; counsel is not knowingly and
10 voluntarily waived; and it appears that the parent is unable to afford counsel in full,
11 or the parent so indicates; the court shall refer the parent to the authority for
12 indigency determinations specified under s. 977.07 (1). In any other situation under
13 this section in which a person has a right to be represented by counsel or is provided
14 counsel at the discretion of the court, competent and independent counsel shall be
15 provided and reimbursed in any manner suitable to the court regardless of the
16 person's ability to pay, except that the court may not order a person who files a
17 petition under s. 813.122 or 813.125 to reimburse counsel for the child who is named
18 as the respondent in that petition.

19 **SECTION 140.** 48.237 of the statutes is repealed.

20 **SECTION 141.** 48.24 (1) of the statutes is amended to read:

21 48.24 (1) ~~Except where a citation has been issued under s. 48.17 (2),~~
22 ~~information~~ Information indicating that a child should be referred to the court as
23 ~~delinquent, in need of protection or services or in violation of a civil law or a county,~~
24 ~~town or municipal ordinance~~ shall be referred to the intake worker, who shall
25 conduct an intake inquiry on behalf of the court to determine whether the available

1 facts establish prima facie jurisdiction and to determine the best interests of the child
2 and of the public with regard to any action to be taken.

3 **SECTION 142.** 48.24 (2m) (a) 1. of the statutes is repealed.

4 **SECTION 143.** 48.24 (2m) (a) 2. of the statutes is amended to read:

5 48.24 **(2m)** (a) 2. Any child alleged to be ~~delinquent~~ or in need of protection and
6 services who has at least 2 prior adjudications for a violation of s. 125.07 (4) (a) or
7 (b), 125.085 (3) (b) or 125.09 (2) or a local ordinance that strictly conforms to any of
8 those sections.

9 **SECTION 144.** 48.24 (2m) (a) 3. of the statutes is repealed.

10 **SECTION 145.** 48.24 (5) of the statutes is amended to read:

11 48.24 **(5)** The intake worker shall recommend that a petition be filed, enter into
12 an informal disposition or close the case within 40 days or sooner of receipt of referral
13 information. If the case is closed or an informal disposition is entered into, the
14 district attorney, corporation counsel or other official under s. 48.09 shall receive
15 written notice of such action. ~~A notice of informal disposition of an alleged~~
16 ~~delinquency case shall include a summary of facts surrounding the allegation and~~
17 ~~a list of prior intake referrals and dispositions.~~ If a law enforcement officer has made
18 a recommendation concerning the child, the intake worker shall forward this
19 recommendation to the district attorney, corporation counsel or other official under
20 s. 48.09. With respect to petitioning a child to be in need of protection or services,
21 information received more than 40 days before filing the petition may be included to
22 establish a condition or pattern which, together with information received within the
23 40-day period, provides a basis for conferring jurisdiction on the court.
24 Notwithstanding the requirements of this section, ~~the district attorney may initiate~~
25 ~~a delinquency petition under s. 48.25 within 20 days after notice that the case has~~

1 ~~been closed or that an informal disposition has been made.~~ The judge shall dismiss
2 with prejudice any such petition which is not referred or filed within the time limits
3 specified within this subsection.

4 **SECTION 146.** 48.24 (7) of the statutes is repealed.

5 **SECTION 147.** 48.243 (1) (intro.) of the statutes is amended to read:

6 48.243 (1) (intro.) Before conferring with the parent or child during the intake
7 inquiry, the intake worker shall personally inform ~~a child alleged to have committed~~
8 ~~a delinquent act,~~ and parents and children 12 years of age or older who are the focus
9 of an inquiry regarding the need for protection or services, that the referral may
10 result in a petition to the court and:

11 **SECTION 148.** 48.243 (1) (b) of the statutes, as affected by 1995 Wisconsin Act
12 27, is amended to read:

13 48.243 (1) (b) The nature and possible consequences of the proceedings
14 ~~including the provisions of ss. 48.17 and 48.18 if applicable;~~

15 **SECTION 149.** 48.243 (1) (c) of the statutes is amended to read:

16 48.243 (1) (c) The right to remain silent and the fact that ~~in a delinquency~~
17 ~~proceeding the silence of the child shall not be adversely considered by the court or~~
18 ~~jury,~~ although silence of any party may be relevant ~~in any nondelinquency~~
19 ~~proceeding;~~

20 **SECTION 150.** 48.243 (1) (h) of the statutes is amended to read:

21 48.243 (1) (h) The right to have the allegations of the petition proved by clear
22 and convincing evidence ~~unless the child comes within the court's jurisdiction under~~
23 ~~s. 48.12 or 48.13 (12), in which case the standard of proof shall be beyond a reasonable~~
24 ~~doubt.~~

25 **SECTION 151.** 48.243 (1m) of the statutes is repealed.

1 **SECTION 152.** 48.245 (1) of the statutes is amended to read:

2 48.245 (1) The intake worker may enter into a written agreement with all
3 parties which imposes informal disposition under this section if the intake worker
4 has determined that neither the interests of the child nor of the public require filing
5 of a petition for circumstances relating to ss. ~~48.12~~ 48.13 to 48.14. Informal
6 disposition shall be available only if the facts persuade the intake worker that the
7 jurisdiction of the court, if sought, would exist and upon consent of the child, parent,
8 guardian and legal custodian.

9 **SECTION 153.** 48.245 (2) (a) 5. of the statutes is repealed.

10 **SECTION 154.** 48.245 (2) (a) 6. of the statutes is repealed.

11 **SECTION 155.** 48.245 (2) (a) 7. of the statutes is repealed.

12 **SECTION 156.** 48.245 (2) (b) of the statutes is amended to read:

13 48.245 (2) (b) Informal disposition may not include any form of residential
14 placement and may not exceed 6 months, ~~except as provided under sub. (2m).~~

15 **SECTION 157.** 48.245 (2g) of the statutes, as created by 1995 Wisconsin Act 24,
16 is repealed.

17 **SECTION 158.** 48.245 (2m) of the statutes is repealed.

18 **SECTION 159.** 48.245 (6) of the statutes is repealed.

19 **SECTION 160.** 48.245 (7) of the statutes is amended to read:

20 48.245 (7) If at any time during the period of informal disposition the intake
21 worker determines that the obligations imposed under it are not being met, the
22 intake worker may cancel the informal disposition. Within 10 days after the
23 cancellation of the informal disposition, the intake worker shall notify the district
24 attorney, corporation counsel or other official under s. 48.09 of the cancellation and
25 recommend whether or not a petition should be filed. ~~In delinquency cases, the~~

1 ~~district attorney may initiate a petition within 20 days after the date of the notice~~
2 ~~regardless of whether the intake worker has recommended that a petition be filed.~~
3 The judge shall dismiss with prejudice any petition which is not filed within the time
4 limit specified in this subsection.

5 **SECTION 161.** 48.245 (8) of the statutes is amended to read:

6 48.245 (8) If the obligations imposed under the informal disposition are met,
7 the intake worker shall so inform the child and a parent, guardian and legal
8 custodian in writing, and no petition may be filed ~~or citation issued~~ on the charges
9 that brought about the informal disposition nor may the charges be the sole basis for
10 a petition under ss. 48.13 to 48.14.

11 **SECTION 162.** 48.25 (1) of the statutes is amended to read:

12 48.25 (1) A petition initiating proceedings under this chapter shall be signed
13 by a person who has knowledge of the facts alleged or is informed of them and
14 believes them to be true. ~~If a petition under s. 48.12 is to be filed, it shall be prepared,~~
15 ~~signed and filed by the district attorney.~~ The district attorney, ~~city attorney or~~
16 corporation counsel or other appropriate official specified under s. 48.09 may file the
17 petition if the proceeding is under s. ~~48.125 or~~ 48.13. The counsel or guardian ad
18 litem for a parent, relative, guardian or child may file a petition under s. 48.13 or
19 48.14. The district attorney, corporation counsel or other appropriate person
20 designated by the court may initiate proceedings under s. 48.14 in a manner specified
21 by the court.

22 **SECTION 163.** 48.25 (2) (a) of the statutes is renumbered 48.25 (2) and amended
23 to read:

24 48.25 (2) If the proceeding is brought under s. ~~48.12, 48.125 or~~ 48.13, the
25 district attorney, corporation counsel or other appropriate official shall file the

1 petition, close the case, or refer the case back to intake within 20 days after the date
2 that the intake worker's recommendation was filed. A referral back to intake may
3 be made only when the district attorney, corporation counsel or other appropriate
4 official decides not to file a petition or determines that further investigation is
5 necessary. If the case is referred back to intake upon a decision not to file a petition,
6 the intake worker shall close the case or enter into an informal disposition within 20
7 days. If the case is referred back to intake for further investigation, the appropriate
8 agency or person shall complete the investigation within 20 days. If another referral
9 is made to the district attorney, corporation counsel or other appropriate official, it
10 shall be considered a new referral to which the time limits of this subsection shall
11 apply. The time limits in this subsection may only be extended by a judge upon a
12 showing of good cause under s. 48.315. If a petition is not filed within the time
13 limitations set forth in this subsection and the court has not granted an extension,
14 the petition shall be accompanied by a statement of reasons for the delay. The court
15 shall dismiss with prejudice a petition which was not timely filed unless the court
16 finds at the plea hearing that good cause has been shown for failure to meet the time
17 limitations.

18 **SECTION 164.** 48.25 (2) (b) of the statutes is repealed.

19 **SECTION 165.** 48.25 (3) of the statutes is amended to read:

20 48.25 (3) If the district attorney, ~~city attorney~~ or corporation counsel or other
21 appropriate official specified in s. 48.09 refuses to file a petition, any person may
22 request the judge to order that the petition be filed and a hearing shall be held on the
23 request. The judge may order the filing of the petition on his or her own motion. The
24 matter may not be heard by the judge who orders the filing of a petition.

25 **SECTION 166.** 48.25 (4) of the statutes is repealed.

1 **SECTION 167.** 48.25 (5) of the statutes is repealed.

2 **SECTION 168.** 48.255 (1) (intro.) of the statutes, as affected by 1995 Wisconsin
3 Act 27, is amended to read:

4 48.255 (1) (intro.) A petition initiating proceedings under this chapter other
5 than a petition initiating proceedings under s. ~~48.12 or 48.13 (12)~~, shall be entitled,
6 “In the interest of (child’s name), a person under the age of 18”. ~~A petition initiating~~
7 ~~proceedings under s. 48.12 or 48.13 (12) shall be entitled, “In the interest of (child’s~~
8 ~~name), a person under the age of 17”. A petition initiating proceedings under this~~
9 ~~chapter and shall set forth with specificity:~~

10 **SECTION 169.** 48.255 (1) (d) of the statutes is repealed.

11 **SECTION 170.** 48.255 (1) (e) of the statutes is amended to read:

12 48.255 (1) (e) If the child is alleged to come within the provisions of s. 48.13 ~~(1)~~
13 ~~to (11) or 48.14~~, reliable and credible information which forms the basis of the
14 allegations necessary to invoke the jurisdiction of the court and to provide reasonable
15 notice of the conduct or circumstances to be considered by the court together with a
16 statement that the child is in need of supervision, services, care or rehabilitation.

17 **SECTION 171.** 48.255 (3) of the statutes is amended to read:

18 48.255 (3) If the information required under sub. (1) ~~(d) or (e)~~ is not stated the
19 petition shall be dismissed or amended under s. 48.263 (2).

20 **SECTION 172.** 48.255 (4) of the statutes is amended to read:

21 48.255 (4) A copy of the petition shall be given to the child if the child is 12 years
22 of age or older ~~or alleged to have committed a delinquent act~~ and to the parents,
23 guardian, legal custodian and physical custodian.

24 **SECTION 173.** 48.263 (2) of the statutes is amended to read:

1 48.263 (2) With reasonable notification to the interested parties and prior to
2 the taking of a plea under s. 48.30, the petition may be amended at the discretion of
3 the court or person who filed the petition. After the taking of a plea, if the child is
4 alleged to be delinquent, the court may allow amendment of the petition to conform
5 to the proof if the amendment is not prejudicial to the child. If the child is alleged
6 to be in need of protection or services, the petition may be amended provided any
7 objecting party is allowed a continuance for a reasonable time.

8 **SECTION 174.** 48.27 (1) of the statutes is amended to read:

9 48.27 (1) After a citation is issued or a petition has been filed relating to facts
10 concerning a situation specified under ss. 48.12, 48.125 and 48.13, unless the parties
11 under sub. (3) voluntarily appear, the court may issue a summons requiring the
12 person who has legal custody of the child to appear personally, and, if the court so
13 orders, to bring the child before the court at a time and place stated.

14 **SECTION 175.** 48.27 (4m) of the statutes is repealed.

15 **SECTION 176.** 48.27 (7) of the statutes is repealed.

16 **SECTION 177.** 48.27 (8) of the statutes is amended to read:

17 48.27 (8) When a petition is filed under s. 48.12 or 48.13, the court shall notify,
18 in writing, the child's parents or guardian that they may be ordered to reimburse this
19 state or the county for the costs of legal counsel provided for the child, as provided
20 under s. 48.275 (2).

21 **SECTION 178.** 48.273 (1) of the statutes is amended to read:

22 48.273 (1) Service of summons or notice required by s. 48.27 may be made by
23 mailing a copy thereof to the persons summoned or notified. If the persons, other
24 than a person specified in s. 48.27 (4m), fail to appear at the hearing or otherwise to
25 acknowledge service, a continuance shall be granted, except where the court

1 determines otherwise because the child is in secure custody, and service shall be
2 made personally by delivering to the persons a copy of the summons or notice; except
3 that if the court is satisfied that it is impracticable to serve the summons or notice
4 personally, it may make an order providing for the service of the summons or notice
5 by certified mail addressed to the last-known addresses of the persons. The court
6 may refuse to grant a continuance when the child is being held in secure custody, but
7 in such a case the court shall order that service of notice of the next hearing be made
8 personally or by certified mail to the last-known address of the person who failed to
9 appear at the hearing. Personal service shall be made at least 72 hours before the
10 time of the hearing. Mail shall be sent at least 7 days before the time of the hearing,
11 except where the petition is filed under s. 48.13 and the person to be notified lives
12 outside the state, in which case the mail shall be sent at least 14 days before the time
13 of the hearing.

14 **SECTION 179.** 48.273 (3) of the statutes is amended to read:

15 48.273 (3) The expenses of service of summons or notice or of the publication
16 of summons or notice and the traveling expenses and fees as allowed in ch. 885
17 incurred by any person summoned or required to appear at the hearing of any case
18 coming within the jurisdiction of the court under ss. 48.12 48.13 to 48.14, shall be a
19 charge on the county when approved by the court.

20 **SECTION 180.** 48.275 (1) of the statutes is amended to read:

21 48.275 (1) If the court finds a child to be delinquent under s. 48.12, in violation
22 of a civil law or ordinance under s. 48.125 or in need of protection or services under
23 s. 48.13, the court shall order the parents of the child to contribute toward the
24 expense of post-adjudication services to the child the proportion of the total amount
25 which the court finds the parents are able to pay.

1 **SECTION 181.** 48.275 (2) (a) of the statutes, as affected by 1995 Wisconsin Act
2 27, is amended to read:

3 48.275 (2) (a) If this state or a county provides legal counsel to a child subject
4 to a proceeding under s. ~~48.12 or~~ 48.13, the court shall order the child's parent to
5 reimburse the state or county in accordance with par. (b) or (c). The court may not
6 order reimbursement if a parent is the complaining or petitioning party or if the court
7 finds that the interests of the parent and the interests of the child in the proceeding
8 are substantially and directly adverse and that reimbursement would be unfair to
9 the parent. The court may not order reimbursement until the completion of the
10 proceeding or until the state or county is no longer providing the child with legal
11 counsel in the proceeding.

12 **SECTION 182.** 48.275 (3) of the statutes is repealed and recreated to read:

13 48.275 (3) This section does not apply to any proceedings under s. 48.375 (7).

14 **SECTION 183.** 48.29 (1) of the statutes is amended to read:

15 48.29 (1) ~~Except as provided in sub. (1g), the~~ The child, or the child's parent,
16 guardian or legal custodian, either before or during the plea hearing, may file a
17 written request with the clerk of the court or other person acting as the clerk for a
18 substitution of the judge assigned to the proceeding. Upon filing the written request,
19 the filing party shall immediately mail or deliver a copy of the request to the judge
20 named therein. ~~In a proceeding under s. 48.12 or 48.13 (12), only the child may~~
21 ~~request a substitution of the judge.~~ Whenever any person has the right to request
22 a substitution of judge, that person's counsel or guardian ad litem may file the
23 request. Not more than one such written request may be filed in any one proceeding,
24 nor may any single request name more than one judge. This section shall not apply
25 to proceedings under s. 48.21.

1 **SECTION 184.** 48.29 (1g) of the statutes is repealed.

2 **SECTION 185.** 48.29 (1m) of the statutes is amended to read:

3 48.29 **(1m)** When the clerk receives a request for substitution, the clerk shall
4 immediately contact the judge whose substitution has been requested for a
5 determination of whether the request was made timely and in proper form. ~~Except~~
6 ~~as provided in sub. (2), if~~ If the request is found to be timely and in proper form, the
7 judge named in the request has no further jurisdiction and the clerk shall request
8 the assignment of another judge under s. 751.03. If no determination is made within
9 7 days, the clerk shall refer the matter to the chief judge of the judicial administrative
10 district for determination of whether the request was made timely and in proper form
11 and reassignment as necessary.

12 **SECTION 186.** 48.29 (2) of the statutes is repealed.

13 **SECTION 187.** 48.29 (3) of the statutes is amended to read:

14 48.29 **(3)** Subsections (1) to ~~(2)~~ (1m) do not apply in any proceeding under s.
15 48.375 (7). For proceedings under s. 48.375 (7), the minor may select the judge whom
16 she wishes to be assigned to the proceeding and that judge shall be assigned to the
17 proceeding.

18 **SECTION 188.** 48.293 (1) of the statutes is amended to read:

19 48.293 **(1)** Copies of all ~~peace~~ law enforcement officer reports, including but not
20 limited to the officer's memorandum and witnesses' statements, shall be made
21 available upon request to counsel or guardian ad litem prior to a plea hearing. The
22 reports shall be available through the representative of the public designated under
23 s. 48.09. ~~The child, through counsel or guardian ad litem, is the only party who shall~~
24 ~~have access to the reports in proceedings under ss. 48.12, 48.125 and 48.13 (12).~~ The
25 identity of a confidential informant may be withheld pursuant to s. 905.10.

1 **SECTION 189.** 48.293 (2) of the statutes is amended to read:

2 48.293 (2) All records relating to a child which are relevant to the subject
3 matter of a proceeding under this chapter shall be open to inspection by a guardian
4 ad litem or counsel for any party, upon demand and upon presentation of releases
5 where necessary, at least 48 hours before the proceeding. Persons entitled to inspect
6 the records may obtain copies of the records with the permission of the custodian of
7 the records or with permission of the court. The court may instruct counsel not to
8 disclose specified items in the materials to the child or the parent if the court
9 reasonably believes that the disclosure would be harmful to the interests of the child.
10 ~~Sections 971.23 to 971.25 and 972.11 (5) shall be applicable in all delinquency~~
11 ~~proceedings under this chapter except the court shall establish the timetable for ss.~~
12 ~~971.23 (3), (8) and (9) and 972.11 (5).~~

13 **SECTION 190.** 48.295 (1c) (intro.) and (a) of the statutes are consolidated,
14 renumbered 48.295 (1c) and amended to read:

15 48.295 (1c) Reasonable cause is considered to exist to warrant an alcohol and
16 other drug abuse assessment under sub. (1) if ~~any of the following applies: (a) The~~
17 the multidisciplinary screen procedure conducted under s. 48.24 (2) indicates that
18 the child is at risk of having needs and problems related to alcohol or other drug
19 abuse.

20 **SECTION 191.** 48.295 (1c) (b) of the statutes is repealed.

21 **SECTION 192.** 48.295 (1c) (c) of the statutes is repealed.

22 **SECTION 193.** 48.295 (2) (a) of the statutes is repealed.

23 **SECTION 194.** 48.295 (2) (b) of the statutes is renumbered 48.295 (2) and
24 amended to read:

1 48.295 (2) The examiner shall file a report of the examination with the court
2 by the date specified in the order. The court shall cause copies to be transmitted to
3 the district attorney or corporation counsel and to the child's counsel. The report
4 shall describe the nature of the examination and identify the persons interviewed,
5 the particular records reviewed and any tests administered to the child. ~~If the~~
6 ~~examination is ordered following a plea under s. 48.30 (4) (c), the report shall also~~
7 ~~contain an opinion regarding whether the child suffered from mental disease or~~
8 ~~defect at the time of the commission of the act alleged in the petition and, if so,~~
9 ~~whether this caused the child to lack substantial capacity to appreciate the~~
10 ~~wrongfulness of his or her conduct or to conform his or her conduct to the~~
11 ~~requirements of law. If the examination is ordered following a finding that there is~~
12 ~~probable cause to believe that the child has committed the alleged offense and that~~
13 ~~there is reason to doubt the child's competency to proceed, the report shall also~~
14 ~~contain an opinion regarding the child's present mental capacity to understand the~~
15 ~~proceedings and assist in his or her defense and, if the examiner reports that the~~
16 ~~child lacks competency to proceed, the examiner's opinion regarding the likelihood~~
17 ~~that the child, if provided treatment, may be restored to competency within the time~~
18 ~~specified in s. 48.30 (5) (e) 1. The report shall also state in reasonable detail the facts~~
19 and reasoning upon which the examiner's opinions are based.

20 **SECTION 195.** 48.296 of the statutes is repealed

21 **SECTION 196.** 48.297 (2) of the statutes is amended to read:

22 48.297 (2) Defenses and objections based on defects in the institution of
23 proceedings, lack of probable cause on the face of the petition, insufficiency of the
24 petition ~~or a citation~~ or invalidity in whole or in part of the statute on which the
25 petition ~~or a citation~~ is founded shall be raised not later than 10 days after the plea

1 hearing or be deemed waived. Other motions capable of determination without trial
2 may be brought any time before trial.

3 **SECTION 197.** 48.297 (3) of the statutes is amended to read:

4 48.297 (3) Motions to suppress evidence as having been illegally seized or
5 statements illegally obtained shall be made before fact-finding on the issues. The
6 court may entertain the motion at the fact-finding hearing if it appears that a party
7 is surprised by the attempt to introduce such evidence and that party waives
8 jeopardy. ~~Only the child may waive jeopardy in cases under s. 48.12, 48.125 or 48.13~~
9 ~~(12).~~

10 **SECTION 198.** 48.297 (5) of the statutes is amended to read:

11 48.297 (5) If the child is in custody and the court grants a motion to dismiss
12 based upon a defect in the petition ~~or a citation~~ or in the institution of the
13 proceedings, the court may order the child continued in custody for not more than 48
14 hours pending the filing of a new petition ~~or citation~~.

15 **SECTION 199.** 48.299 (1) (a) of the statutes is amended to read:

16 48.299 (1) (a) The general public shall be excluded from hearings under this
17 chapter and from hearings by courts exercising jurisdiction under s. 48.16 ~~or 48.17~~
18 ~~(2)~~ unless a public fact-finding hearing is demanded by a child through his or her
19 counsel. However, the court shall refuse to grant the public hearing ~~if the victim of~~
20 ~~an alleged sexual assault objects or, in a nondelinquency proceeding other than a~~
21 proceeding under s. 48.375 (7), if a parent or guardian objects. All hearings under
22 s. 48.375 (7) shall be held in chambers, unless a public fact-finding hearing is
23 demanded by the child through her counsel. If a public hearing is not held, only the
24 parties, their counsel, witnesses and other persons requested by a party and
25 approved by the court may be present. Except in a proceeding under s. 48.375 (7),

1 any other person the court finds to have a proper interest in the case or in the work
2 of the court, including a member of the bar, may be admitted by the court.

3 **SECTION 200.** 48.299 (1) (am) of the statutes is repealed.

4 **SECTION 201.** 48.299 (4) (a) of the statutes is amended to read:

5 48.299 (4) (a) Chapters 901 to 911 shall govern the presentation of evidence at
6 the fact-finding hearings under ss. 48.31 and 48.42. ~~Section 972.11 (5) applies at~~
7 ~~fact-finding proceedings in all delinquency proceedings under this chapter.~~

8 **SECTION 202.** 48.299 (4) (b) of the statutes is amended to read:

9 48.299 (4) (b) Except as provided in s. 901.05, neither common law nor
10 statutory rules of evidence are binding at ~~a waiver hearing under s. 48.18~~, a hearing
11 for a child held in custody under s. 48.21, a runaway home hearing under s. 48.227
12 (4), ~~a hearing under s. 48.296 (4) for a child who is alleged to have violated s. 940.225,~~
13 ~~948.02, 948.025, 948.05 or 948.06~~, a dispositional hearing, or a hearing about
14 changes in placement, revision of dispositional orders or extension of dispositional
15 orders. At those hearings, the court shall admit all testimony having reasonable
16 probative value, but shall exclude immaterial, irrelevant or unduly repetitious
17 testimony or evidence that is inadmissible under s. 901.05. Hearsay evidence may
18 be admitted if it has demonstrable circumstantial guarantees of trustworthiness.
19 The court shall give effect to the rules of privilege recognized by law. The court shall
20 apply the basic principles of relevancy, materiality and probative value to proof of all
21 questions of fact. Objections to evidentiary offers and offers of proof of evidence not
22 admitted may be made and shall be noted in the record.

23 **SECTION 203.** 48.30 (1) of the statutes is amended to read:

24 48.30 (1) Except as provided in this subsection, the hearing ~~to determine the~~
25 ~~child's plea to a citation or a petition under s. 48.12, 48.125 or 48.13 (12), or to~~

1 determine whether any party wishes to contest an allegation that the child is in need
2 of protection or services, shall take place on a date which allows reasonable time for
3 the parties to prepare but is within 30 days after the filing of a petition ~~or issuance~~
4 ~~of a citation~~ for a child who is not being held in secure custody or within 10 days after
5 the filing of a petition ~~or issuance of a citation~~ for a child who is being held in secure
6 custody. ~~In a municipal court operated jointly by 2 or more cities, towns or villages~~
7 ~~under s. 755.01 (4), the hearing to determine the child's plea shall take place within~~
8 ~~45 days after the filing of a petition or issuance of a citation for a child who is not being~~
9 ~~held in secure custody.~~

10 **SECTION 204.** 48.30 (2) of the statutes is amended to read:

11 48.30 (2) At the commencement of the hearing under this section the child and
12 the parent, guardian or legal custodian shall be advised of their rights as specified
13 in s. 48.243 and shall be informed that a request for a jury trial or for a substitution
14 of judge under s. 48.29 must be made before the end of the plea hearing or be waived,
15 ~~except where the child is before the court on a uniform municipal citation, issued~~
16 ~~under ch. 800 in which case the court shall inform the child that a request for a jury~~
17 ~~trial may be made at any time prior to the fact-finding hearing and within 20 days~~
18 ~~after the plea hearing.~~ Nonpetitioning parties, including the child, shall be granted
19 a continuance of the plea hearing if they wish to consult with an attorney on the
20 request for a jury trial or substitution of a judge.

21 **SECTION 205.** 48.30 (3) of the statutes is amended to read:

22 48.30 (3) If a petition alleges that a child is in need of protection or services
23 under s. 48.13 (1) ~~to (11)~~, the nonpetitioning parties and the child, if he or she is 12
24 years of age or older or is otherwise competent to do so, shall state whether they
25 desire to contest the petition.

1 **SECTION 206.** 48.30 (4) of the statutes is repealed.

2 **SECTION 207.** 48.30 (5) of the statutes is repealed.

3 **SECTION 208.** 48.30 (6) of the statutes is amended to read:

4 48.30 (6) If a petition is not contested, the court shall set a date for the
5 dispositional hearing which allows reasonable time for the parties to prepare but is
6 no more than 10 days from the plea hearing for the child who is held in secure custody
7 and no more than 30 days from the plea hearing for a child who is not held in secure
8 custody. If it appears to the court that disposition of the case may include placement
9 of the child outside the child's home, the court shall order the child's parent to provide
10 a statement of income, assets, debts and living expenses to the court or the
11 designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the
12 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
13 provide, without charge, to any parent ordered to provide a statement of income,
14 assets, debts and living expenses a document setting forth the percentage standard
15 established by the department under s. 46.25 (9) and listing the factors that a court
16 may consider under s. 46.10 (14) (c). If all parties consent the court may proceed
17 immediately with the dispositional hearing. ~~If a citation is not contested, the court~~
18 ~~may proceed immediately to enter a dispositional order.~~

19 **SECTION 209.** 48.30 (7) of the statutes is amended to read:

20 48.30 (7) If the ~~citation or the~~ petition is contested, the court shall set a date
21 for the fact-finding hearing which allows reasonable time for the parties to prepare
22 but is no more than 20 days from the plea hearing for a child who is held in secure
23 custody and no more than 30 days from the plea hearing for a child who is not held
24 in secure custody.

25 **SECTION 210.** 48.30 (8) of the statutes is amended to read:

1 48.30 (8) ~~Except when a child fails to appear in response or stipulates to a~~
2 ~~citation before~~ Before accepting an admission or plea of no contest of the alleged facts
3 in a petition ~~or citation~~, the court shall:

4 (a) Address the parties present including the child personally and determine
5 that the plea or admission is made voluntarily with understanding of the nature of
6 the acts alleged in the petition ~~or citation~~ and the potential dispositions.

7 (b) Establish whether any promises or threats were made to elicit a plea the
8 plea or admission and alert unrepresented parties to the possibility that a lawyer
9 may discover defenses or mitigating circumstances which would not be apparent to
10 them.

11 (c) Make such inquiries as satisfactorily establishes that there is a factual basis
12 for the child's ~~plea or parent~~ parent's and child's plea or admission.

13 **SECTION 211.** 48.30 (9) of the statutes is amended to read:

14 48.30 (9) If a court commissioner conducts the plea hearing and accepts an
15 admission of the alleged facts in a petition brought under s. 48.12 ~~or~~ 48.13, the judge
16 shall review the admission at the beginning of the dispositional hearing by
17 addressing the parties and making the inquires set forth in sub. (8).

18 **SECTION 212.** 48.30 (10) of the statutes is amended to read:

19 48.30 (10) The court may permit any party to participate in hearings under this
20 section by telephone or live audio-visual means ~~except a child who intends to admit~~
21 the facts of a delinquency petition.

22 **SECTION 213.** 48.31 (1) of the statutes is amended to read:

23 48.31 (1) In this section, "fact-finding hearing" means ~~a hearing to determine~~
24 if the allegations of a petition under s. 48.12 ~~or~~ 48.13 (12) are supported beyond a
25 reasonable doubt ~~or~~ a hearing to determine if the allegations in a petition ~~or citation~~

1 under s. ~~48.125 or~~ 48.13 (1) to (11) or a petition to terminate parental rights are
2 proved by clear and convincing evidence.

3 **SECTION 214.** 48.31 (2) of the statutes is amended to read:

4 48.31 (2) The hearing shall be to the court unless the child, parent, guardian
5 or legal custodian exercises the right to a jury trial by demanding a jury trial at any
6 time before or during the plea hearing. Chapters 756 and 805 shall govern the
7 selection of jurors ~~except that ss. 972.03 and 972.04 shall apply in cases in which the~~
8 ~~juvenile is alleged to be delinquent under s. 48.12.~~ If the hearing involves a child
9 victim or witness, as defined in s. 950.02, the court may order the taking and allow
10 the use of a videotaped deposition under s. 967.04 (7) to (10) and, with the district
11 attorney, shall comply with s. 971.105. At the conclusion of the hearing, the court or
12 jury shall make a determination of the facts. If the court finds that the child is not
13 within the jurisdiction of the court or the court or jury finds that the facts alleged in
14 the petition ~~or citation~~ have not been proved, the court shall dismiss the petition ~~or~~
15 ~~citation~~ with prejudice.

16 **SECTION 215.** 48.31 (4) of the statutes is amended to read:

17 48.31 (4) The court or jury shall make findings of fact and the court shall make
18 conclusions of law relating to the allegations of a petition filed under s. 48.13 (1) to
19 ~~(11m)~~. In cases alleging a child to be in need of protection or services under s. 48.13
20 (11), the court shall not find that the child is suffering serious emotional damage
21 unless a licensed physician specializing in psychiatry or a licensed psychologist
22 appointed by the court to examine the child has testified at the hearing that in his
23 or her opinion the condition exists, and adequate opportunity for the
24 cross-examination of the physician or psychologist has been afforded. The judge
25 may use the written reports if the right to have testimony presented is voluntarily,

1 knowingly and intelligently waived by the guardian ad litem or legal counsel for the
2 child and the parent or guardian. In cases alleging a child to be in need of protection
3 and services under s. 48.13 (11m), the court shall not find that the child is in need
4 of treatment and education for needs and problems related to the use or abuse of
5 alcohol beverages or controlled substances and its medical, personal, family or social
6 effects unless an assessment for alcohol and other drug abuse that conforms to the
7 criteria specified under s. 48.547 (4) has been conducted by an approved treatment
8 facility. ~~In cases alleging a child delinquent or in need of protection or services under~~
9 ~~s. 48.13 (12) the court shall make findings relating to the proof of the violation of law~~
10 ~~and to the proof that the child named in the petition committed the violation alleged.~~

11 **SECTION 216.** 48.32 (1) of the statutes is amended to read:

12 48.32 (1) At any time after the filing of a petition for a proceeding relating to
13 s. ~~48.12~~ or 48.13 and before the entry of judgment, the judge or juvenile court
14 commissioner may suspend the proceedings and place the child under supervision
15 in the child's own home or present placement. The court may establish terms and
16 conditions applicable to the parent, guardian or legal custodian, and to the child,
17 ~~including any conditions specified in subs. (1d), (1g) and (1t).~~ The order under this
18 section shall be known as a consent decree and must be agreed to by the child if 12
19 years of age or older; the parent, guardian or legal custodian; and the person filing
20 the petition under s. 48.25. ~~If the consent decree includes any conditions specified~~
21 ~~in sub. (1g), the consent decree shall include provisions for payment of the services~~
22 ~~as specified in s. 48.361.~~ The consent decree shall be reduced to writing and given
23 to the parties.

24 **SECTION 217.** 48.32 (1d) of the statutes is repealed.

25 **SECTION 218.** 48.32 (1g) of the statutes is repealed.

1 **SECTION 219.** 48.32 (1r) of the statutes is repealed.

2 **SECTION 220.** 48.32 (1t) of the statutes is repealed.

3 **SECTION 221.** 48.32 (1x) of the statutes, as created by 1995 Wisconsin Act 24,
4 is repealed.

5 **SECTION 222.** 48.32 (2) (a) of the statutes is amended to read:

6 48.32 (2) (a) ~~Except as provided in par. (b), a~~ A consent decree shall remain in
7 effect up to 6 months unless the child, parent, guardian or legal custodian is
8 discharged sooner by the judge or juvenile court commissioner.

9 **SECTION 223.** 48.32 (2) (b) of the statutes is repealed.

10 **SECTION 224.** 48.32 (4) of the statutes is repealed.

11 **SECTION 225.** 48.32 (5) (a) of the statutes is amended to read:

12 48.32 (5) (a) The court refuses to enter into a consent decree and the allegations
13 in the petition remain to be decided in a hearing where ~~the child denies the~~
14 ~~allegations of delinquency or~~ one of the parties denies the allegations forming the
15 basis for a child in need of protection or services petition; or

16 **SECTION 226.** 48.32 (5) (b) of the statutes is amended to read:

17 48.32 (5) (b) A consent decree is granted but the petition under s. ~~48.12 or~~ 48.13
18 is subsequently reinstated.

19 **SECTION 227.** 48.33 (1) (intro.) of the statutes, as affected by 1995 Wisconsin Act
20 27, is amended to read:

21 48.33 (1) **REPORT REQUIRED.** (intro.) Before the disposition of a child adjudged
22 to be ~~delinquent or~~ in need of protection or services the court shall designate an
23 agency, as defined in s. 48.38 (1) (a), to submit a report which shall contain all of the
24 following:

1 **SECTION 228.** 48.33 (3) of the statutes, as affected by 1993 Wisconsin Acts 385
2 and 481, is repealed.

3 **SECTION 229.** 48.33 (3r) of the statutes, as created by 1995 Wisconsin Act 27,
4 is repealed.

5 **SECTION 230.** 48.33 (4m) (intro.) of the statutes is amended to read:

6 48.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In
7 making a recommendation for an amount of child support under sub. (3) or (4), the
8 agency shall consider the factors that the court considers under s. 46.10 (14) (c) for
9 deviation from the percentage standard. Prior to the dispositional hearing under s.
10 48.335, the agency shall provide the child's parent with all of the following:

11 **SECTION 231.** 48.331 of the statutes, as affected by 1993 Wisconsin Act 377, is
12 repealed.

13 **SECTION 232.** 48.335 (1) of the statutes is amended to read:

14 48.335 (1) The court shall conduct a hearing to determine the disposition of a
15 case in which a child is adjudged to be delinquent under s. 48.12, to have violated a
16 civil law or ordinance under s. 48.125 or to be in need of protection or services under
17 s. 48.13, except the court shall proceed as provided by s. 48.237 (2) if a citation is
18 issued and the child fails to contest the citation.

19 **SECTION 233.** 48.335 (3m) of the statutes is repealed.

20 **SECTION 234.** 48.34 (intro.) of the statutes, as affected by 1995 Wisconsin Acts
21 22 and 24, is repealed.

22 **SECTION 235.** 48.34 (1) of the statutes is renumbered 48.345 (1).

23 **SECTION 236.** 48.34 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
24 is renumbered 48.345 (2) and amended to read:

1 48.345 (2) Place the child under supervision of an agency, the department of
2 corrections, if the department of corrections approves, or a suitable adult, including
3 a friend of the child, under conditions prescribed by the judge including reasonable
4 rules for the child's conduct, designed for the physical, mental and moral well-being
5 and behavior of the child.

6 **SECTION 237.** 48.34 (2m) of the statutes, as affected by 1995 Wisconsin Act 27,
7 section 2451r, is renumbered 48.345 (2m) and amended to read:

8 48.345 (2m) Place the child in the child's home under the supervision of an
9 agency, or the department of health and social services, if the child is in need of
10 ~~protection or services and that, if the~~ department approves, ~~or the department of~~
11 ~~corrections, if the child is delinquent and that department approves,~~ and order the
12 agency or department to provide specified services to the child and the child's family,
13 which may include but are not limited to individual, family or group counseling,
14 homemaker or parent aide services, respite care, housing assistance, day care or
15 parent skills training.

16 **SECTION 238.** 48.34 (2r) of the statutes is repealed.

17 **SECTION 239.** 48.34 (3) of the statutes is renumbered 48.345 (3).

18 **SECTION 240.** 48.34 (3g) of the statutes, as affected by 1995 Wisconsin Act 27,
19 section 2453p, is repealed.

20 **SECTION 241.** 48.34 (4) of the statutes is renumbered 48.345 (4).

21 **SECTION 242.** 48.34 (4h) of the statutes, as created by 1995 Wisconsin Act 27,
22 is repealed.

23 **SECTION 243.** 48.34 (4m) of the statutes, as affected by 1995 Wisconsin Act 27,
24 is repealed.

1 **SECTION 244.** 48.34 (4n) of the statutes, as affected by 1993 Wisconsin Act 385
2 and 1995 Wisconsin Act 27, is repealed.

3 **SECTION 245.** 48.34 (4p) of the statutes is repealed.

4 **SECTION 246.** 48.34 (4r) of the statutes is repealed.

5 **SECTION 247.** 48.34 (4s) of the statutes is repealed.

6 **SECTION 248.** 48.34 (5) of the statutes is repealed.

7 **SECTION 249.** 48.34 (6) of the statutes is renumbered 48.345 (6).

8 **SECTION 250.** 48.34 (6m) of the statutes, as affected by 1993 Wisconsin Act 377,
9 is renumbered 48.345 (6m).

10 **SECTION 251.** 48.34 (7) of the statutes is repealed.

11 **SECTION 252.** 48.34 (7m) of the statutes is repealed.

12 **SECTION 253.** 48.34 (7r) of the statutes, as created by 1995 Wisconsin Act 22,
13 is repealed.

14 **SECTION 254.** 48.34 (7t) of the statutes, as created by 1995 Wisconsin Act 24,
15 is repealed.

16 **SECTION 255.** 48.34 (8) of the statutes is repealed.

17 **SECTION 256.** 48.34 (9) of the statutes, as affected by 1995 Wisconsin Act 22,
18 is repealed.

19 **SECTION 257.** 48.34 (10) (title) of the statutes is renumbered 48.345 (10) (title).

20 **SECTION 258.** 48.34 (10) (a) of the statutes, as affected by 1995 Wisconsin Act
21 27, is renumbered 48.345 (10) (a).

22 **SECTION 259.** 48.34 (10) (b) of the statutes is renumbered 48.345 (10) (b).

23 **SECTION 260.** 48.34 (10) (c) of the statutes is renumbered 48.345 (10) (c).

24 **SECTION 261.** 48.34 (11) of the statutes is renumbered 48.345 (11).

25 **SECTION 262.** 48.34 (12) of the statutes is renumbered 48.345 (12).

1 **SECTION 263.** 48.34 (13) of the statutes, as affected by 1993 Wisconsin Act 377,
2 is renumbered 48.345 (13).

3 **SECTION 264.** 48.34 (14) of the statutes is repealed.

4 **SECTION 265.** 48.34 (15) of the statutes is repealed.

5 **SECTION 266.** 48.341 of the statutes is repealed.

6 **SECTION 267.** 48.342 of the statutes is repealed.

7 **SECTION 268.** 48.343 of the statutes is repealed.

8 **SECTION 269.** 48.344 of the statutes is repealed.

9 **SECTION 270.** 48.345 (1) (intro.) and (e) of the statutes are consolidated,
10 renumbered 48.345 (intro.) and amended to read:

11 **48.345 Disposition of child adjudged in need of protection or services.**
12 (intro.) If the judge finds that the child is in need of protection or services, the judge
13 shall enter an order deciding one or more of the dispositions of the case as provided
14 in s. 48.34 this section under a care and treatment plan, except that the order may
15 not do any of the following: ~~(e) Place~~ place any child not specifically found under chs.
16 46, 49, 51, 115 and 880 to be developmentally disabled, mentally ill or to have
17 exceptional educational needs in facilities which exclusively treat those categories
18 of children. The dispositions under this section are as follows:

19 **SECTION 271.** 48.345 (1) (a) of the statutes, as affected by 1995 Wisconsin Act
20 27, is repealed.

21 **SECTION 272.** 48.345 (1) (b) of the statutes is repealed.

22 **SECTION 273.** 48.345 (1) (c) of the statutes is repealed.

23 **SECTION 274.** 48.345 (1) (d) of the statutes is repealed.

24 **SECTION 275.** 48.345 (1) (f) of the statutes is repealed.

25 **SECTION 276.** 48.345 (2) of the statutes is repealed.

1 **SECTION 277.** 48.346 of the statutes is repealed.

2 **SECTION 278.** 48.35 (intro.) of the statutes is renumbered 48.35 (1) (a).

3 **SECTION 279.** 48.35 (1) (a) of the statutes is repealed.

4 **SECTION 280.** 48.35 (1) (b) 2. of the statutes is amended to read:

5 48.35 (1) (b) 2. In a proceeding in any court assigned to exercise jurisdiction
6 under this chapter and ch. 938; or

7 **SECTION 281.** 48.35 (1) (b) 4. of the statutes is repealed.

8 **SECTION 282.** 48.35 (1) (c) of the statutes, as affected by 1995 Wisconsin Act 27,
9 is repealed.

10 **SECTION 283.** 48.355 (1) of the statutes, as affected by 1993 Wisconsin Act 377,
11 is amended to read:

12 48.355 (1) **INTENT.** In any order under s. ~~48.34 or~~ 48.345 the judge shall decide
13 on a placement and treatment finding based on evidence submitted to the judge. The
14 disposition shall employ those means necessary to maintain and protect the child's
15 well-being which are the least restrictive of the rights of the parent or child and
16 which assure the care, treatment or rehabilitation of the child and the family,
17 consistent with the protection of the public. Wherever possible, and, in cases of child
18 abuse and neglect, when it is consistent with the child's best interest in terms of
19 physical safety and physical health the family unit shall be preserved and there shall
20 be a policy of transferring custody from the parent only where there is no less drastic
21 alternative. ~~If information under s. 48.331 has been provided in a court report under~~
22 ~~s. 48.33 (1), the court shall consider that information when deciding on a placement~~
23 ~~and treatment finding.~~

24 **SECTION 284.** 48.355 (2) (b) 5. of the statutes is amended to read:

1 48.355 (2) (b) 5. For a child placed outside his or her home pursuant to an order
2 under s. ~~48.34 (3) or~~ 48.345, a permanency plan under s. 48.38 if one has been
3 prepared.

4 **SECTION 285.** 48.355 (3m) of the statutes is repealed.

5 **SECTION 286.** 48.355 (4) (a) of the statutes, as affected by 1995 Wisconsin Act
6 27, section 2465p, is renumbered 48.355 (4) and amended to read:

7 48.355 (4) Except as provided under ~~par. (b) or~~ s. 48.368, all orders under this
8 section shall terminate at the end of one year unless the judge specifies a shorter
9 period of time. Except if s. 48.368 applies, extensions or revisions shall terminate
10 at the end of one year unless the judge specifies a shorter period of time. ~~No extension~~
11 ~~under s. 48.365 of an original dispositional order may be granted for a child who is~~
12 ~~under the supervision of the department of corrections under s. 48.34 (4h), (4m) or~~
13 ~~(4n) or under the supervision of a county department under s. 48.34 (4n) if the child~~
14 ~~is 17 years of age or older when the original dispositional order terminates. Any~~
15 ~~order made before the child reaches the age of majority shall be effective for a time~~
16 ~~up to one year after its entry unless the judge specifies a shorter period of time.~~

17 **SECTION 287.** 48.355 (4) (b) of the statutes, as affected by 1995 Wisconsin Act
18 27, section 2466m, is repealed.

19 **SECTION 288.** 48.355 (6) and (6g) of the statutes are repealed.

20 **SECTION 289.** 48.355 (7) of the statutes, as affected by 1993 Wisconsin Act 377,
21 is amended to read:

22 48.355 (7) **ORDERS APPLICABLE TO PARENTS, GUARDIANS, LEGAL CUSTODIANS AND**
23 **OTHER ADULTS.** In addition to any dispositional order entered under s. ~~48.34 or~~ 48.345,
24 the court may enter an order applicable to a child's parent, guardian or legal
25 custodian or to another adult, as provided under s. 48.45.

1 **SECTION 290.** 48.357 (2) of the statutes is amended to read:

2 48.357 (2) If emergency conditions necessitate an immediate change in the
3 placement of a child placed outside the home, the person or agency primarily
4 responsible for implementing the dispositional order may remove the child to a new
5 placement, whether or not authorized by the existing dispositional order, without the
6 prior notice provided in sub. (1). The notice shall, however, be sent within 48 hours
7 after the emergency change in placement. Any party receiving notice may demand
8 a hearing under sub. (1). In emergency situations, the child may be placed in a
9 licensed public or private shelter care facility as a transitional placement for not
10 more than 20 days, as well as in any placement authorized under s. 48.34 48.345 (3).

11 **SECTION 291.** 48.357 (3) of the statutes, as affected by 1993 Wisconsin Act 385,
12 is repealed.

13 **SECTION 292.** 48.357 (4) of the statutes, as affected by 1993 Wisconsin Act 385,
14 is amended to read:

15 48.357 (4) When the child is placed with the department, the department may,
16 after an examination under s. 48.50, place the child in a secured correctional facility
17 or on aftercare ~~or corrective sanctions~~ supervision, either immediately or after a
18 period of placement in a secured correctional facility. The department shall send
19 written notice of the change to the parent, guardian, legal custodian, county
20 department designated under s. 48.34 (4n), if any, and committing court.

21 **SECTION 293.** 48.357 (4) (a) of the statutes, as affected by 1995 Wisconsin Acts
22 27 and (this act), is repealed.

23 **SECTION 294.** 48.357 (4g) of the statutes, as affected by 1993 Wisconsin Act 385
24 and 1995 Wisconsin Acts 27 and (this act), is repealed.

1 **SECTION 295.** 48.357 (4g) (b) of the statutes, as created by 1993 Wisconsin Act
2 385, is amended to read:

3 48.357 **(4g)** (b) The department may waive the time period within which an
4 aftercare plan must be prepared and submitted under par. (a) if the department
5 anticipates that the child will remain in the secured correctional facility for a period
6 exceeding 8 months, or if the child is subject to extended jurisdiction under s. 48.366
7 ~~or if the child is under corrective sanctions supervision under s. 48.533.~~ If the
8 department has waived the time period within which an aftercare plan must be
9 prepared and submitted and if there will be a reasonable time period after release
10 from the secured correctional facility ~~or from corrective sanctions supervision~~ during
11 which the child may remain subject to court jurisdiction, the department shall notify
12 the county department providing aftercare supervision of the anticipated release
13 date not less than 60 days before the date on which the child will be eligible for
14 release. If the department waives the time limits specified under par. (a), the
15 aftercare plan shall be prepared by the department or prepared and submitted by the
16 county department providing aftercare supervision on or before the date on which
17 the child becomes eligible for release.

18 **SECTION 296.** 48.357 (4g) (d) of the statutes, as created by 1993 Wisconsin Act
19 385, is amended to read:

20 48.357 **(4g)** (d) A child may be released from a secured correctional facility ~~or~~
21 ~~from corrective sanctions supervision~~ whether or not an aftercare plan has been
22 prepared under this subsection.

23 **SECTION 297.** 48.357 (4m) of the statutes is amended to read:

1 48.357 ~~(4m)~~ The department shall try to release a child to aftercare ~~or~~
2 ~~corrective sanctions~~ supervision under sub. (4) within 30 days after the date the
3 department determines the child is eligible for the release.

4 **SECTION 298.** 48.357 (5) of the statutes, as affected by 1993 Wisconsin Act 385
5 and 1995 Wisconsin Acts 27 and (this act), is repealed.

6 **SECTION 299.** 48.357 (5) (a), (b) and (d) of the statutes, as affected by 1993
7 Wisconsin Act 385, are amended to read:

8 48.357 **(5)** (a) The department or a county department, whichever has been
9 designated as a child's aftercare provider under s. 48.34 (4n), may revoke the
10 aftercare status of that child. ~~The department may revoke a child's placement in the~~
11 ~~community under corrective sanctions supervision.~~ Revocation of aftercare ~~or~~
12 ~~corrective sanctions~~ supervision shall not require prior notice under sub. (1).

13 (b) A child on aftercare status may be taken into custody only as provided in
14 ss. 48.19 to 48.21. ~~A child under corrective sanctions supervision may be taken into~~
15 ~~custody under ss. 48.19 to 48.21 or under s. 48.533 (3).~~

16 (d) A hearing on the revocation shall be conducted by the division of hearings
17 and appeals in the department of administration within 30 days after the child is
18 taken into custody for an alleged violation of the conditions of the child's aftercare
19 ~~or corrective sanctions~~ supervision. This time limit may be waived only upon the
20 agreement of the aftercare ~~or corrective sanctions~~ provider, the child and the child's
21 counsel.

22 **SECTION 300.** 48.357 (5) (e) and (g) of the statutes, as created by 1993 Wisconsin
23 Act 385, are amended to read:

24 48.357 **(5)** (e) If the hearing examiner finds that the child has violated a
25 condition of aftercare ~~or corrective sanctions~~ supervision, the hearing examiner shall

1 determine whether confinement in a secured correctional facility is necessary to
2 protect the public or to provide for the child's rehabilitation.

3 (g) The department shall promulgate rules setting standards to be used by a
4 hearing examiner to determine whether to revoke a child's aftercare ~~or corrective~~
5 ~~sanctions~~ status. The standards shall specify that the burden is on the department
6 or county department seeking revocation to show by a preponderance of the evidence
7 that the child violated a condition of aftercare ~~or corrective sanctions~~ supervision.

8 **SECTION 301.** 48.36 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
9 is amended to read:

10 48.36 (1) (a) If legal custody is transferred from the parent or guardian or the
11 court otherwise designates an alternative placement for the child by a disposition
12 made under s. 48.34 ~~or~~ 48.345 or by a change in placement under s. 48.357, the duty
13 of the parent or guardian or, in the case of a transfer of guardianship and custody
14 under s. 48.839 (4), the duty of the former guardian to provide support shall continue
15 even though the legal custodian or the placement designee may provide the support.
16 A copy of the order transferring custody or designating alternative placement for the
17 child shall be submitted to the agency or person receiving custody or placement and
18 the agency or person may apply to the court for an order to compel the parent or
19 guardian to provide the support. Support payments for residential services, when
20 purchased or otherwise funded or provided by the department of health and social
21 services, ~~the department of corrections,~~ or a county department under s. 46.215,
22 46.22, 46.23, 51.42 or 51.437, shall be determined under s. 46.10 (14).

23 (b) In determining the amount of support under par. (a), the court may consider
24 all relevant financial information or other information relevant to the parent's
25 earning capacity, including information reported to the department of health and

1 ~~social services~~, or the county child and spousal support agency, under s. 46.25 (2m).
2 If the court has insufficient information with which to determine the amount of
3 support, the court shall order the child's parent to furnish a statement of income,
4 assets, debts and living expenses, if the parent has not already done so, to the court
5 within 10 days after the court's order transferring custody or designating an
6 alternative placement is entered or at such other time as ordered by the court.

7 **SECTION 302.** 48.361 (1) (b) of the statutes is amended to read:

8 48.361 (1) (b) Any special treatment or care that relates to alcohol or other drug
9 abuse services ordered by a court under s. ~~48.34~~ 48.345 (6) (a).

10 **SECTION 303.** 48.361 (1) (c) of the statutes is amended to read:

11 48.361 (1) (c) Any alcohol or other drug abuse treatment or education ordered
12 by a court under s. ~~48.32 (1g), 48.34~~ 48.345 (6) (a) or (13), ~~48.343 (10) or 48.344 (2g)~~.

13 **SECTION 304.** 48.361 (2) (am) 2. of the statutes is amended to read:

14 48.361 (2) (am) 2. If a court in a county that does not have a pilot program under
15 s. 48.547 finds that payment is not attainable under par. (a), the court may order
16 payment in accordance with s. ~~48.34~~ 48.345 (6) (a) or 48.36.

17 **SECTION 305.** 48.362 (2) of the statutes is amended to read:

18 48.362 (2) This section applies to the payment of court-ordered special
19 treatment or care under s. ~~48.34~~ 48.345 (6) (a), whether or not custody has been taken
20 from the parent.

21 **SECTION 306.** 48.364 of the statutes is repealed.

22 **SECTION 307.** 48.365 (7) of the statutes, as affected by 1995 Wisconsin Act 27,
23 section 2469m, is amended to read:

1 48.365 (7) Nothing in this section may be construed to allow any changes in
2 placement or revocation of aftercare ~~or corrective sanctions~~ supervision. Revocation
3 and other changes in placement may take place only under s. 48.357.

4 **SECTION 308.** 48.365 (7) of the statutes, as affected by 1995 Wisconsin Acts 27,
5 section 2469p, and (this act), is repealed and recreated to read:

6 48.365 (7) Nothing in this section may be construed to allow any changes in
7 placement. Revocation and other changes in placement may take place only under
8 s. 48.357.

9 **SECTION 309.** 48.366 (5) (a) 2. of the statutes, as affected by 1995 Wisconsin Act
10 27, is amended to read:

11 48.366 (5) (a) 2. The department of corrections or county department ordered
12 under s. 48.34 (4n), 1993 stats., to provide aftercare supervision of the person.

13 **SECTION 310.** 48.366 (6) (a) 2. of the statutes, as affected by 1995 Wisconsin Act
14 27, is amended to read:

15 48.366 (6) (a) 2. The department of corrections or county department ordered
16 under s. 48.34 (4n), 1993 stats., to provide aftercare supervision of the person.

17 **SECTION 311.** 48.366 (6) (c) 2. of the statutes, as affected by 1995 Wisconsin Act
18 27, is amended to read:

19 48.366 (6) (c) 2. At the time a person subject to an order files a petition under
20 par. (a), he or she shall provide written notice of the petition to the department of
21 corrections or county department, whichever has been ordered under s. 48.34 (4n),
22 1993 stats., to provide aftercare supervision of the person.

23 **SECTION 312.** 48.37 (1) of the statutes is amended to read:

1 48.37 (1) A court assigned to exercise jurisdiction under this chapter and ch.
2 938 may not assess costs or assessments against a child under 14 years of age but
3 may assess costs against a child 14 years of age or older.

4 **SECTION 313.** 48.37 (3) of the statutes is repealed.

5 **SECTION 314.** 48.373 (1) of the statutes is amended to read:

6 48.373 (1) The court assigned to exercise jurisdiction under this chapter and
7 ch. 938 may authorize medical services including surgical procedures when needed
8 if the court assigned to exercise jurisdiction under this chapter and ch. 938
9 determines that reasonable cause exists for the services and that the minor is within
10 the jurisdiction of the court assigned to exercise jurisdiction under this chapter and
11 ch. 938 and, ~~except as provided in s. 48.296 (4),~~ consents.

12 **SECTION 315.** 48.375 (4) (b) 1g. of the statutes is amended to read:

13 48.375 (4) (b) 1g. The minor provides the person who intends to perform or
14 induce the abortion with a written statement, signed and dated by the minor, in
15 which the minor swears that the pregnancy is the result of a sexual assault in
16 violation of s. 940.225 (1), (2) or (3) in which the minor did not indicate a freely given
17 agreement to have sexual intercourse. The person who intends to perform or induce
18 the abortion shall place the statement in the minor's medical record and report the
19 sexual intercourse as required under s. 48.981 (2) or (2m) (e). Any minor who makes
20 a false statement under this subdivision, which the minor does not believe is true,
21 is subject to a proceeding under s. ~~48.12 or 48.13~~ 938.12 or 938.13 (12), whichever is
22 applicable, based on a violation of s. 946.32 (2).

23 **SECTION 316.** 48.38 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
24 is amended to read:

1 48.38 (1) (a) “Agency” means the department of health and social services, the
2 department of corrections, a county department or a licensed child welfare agency.

3 **SECTION 317.** 48.38 (3) (intro.) and (b) of the statutes are consolidated,
4 renumbered 48.38 (3) and amended to read:

5 48.38 (3) TIME. The agency shall file the permanency plan with the court
6 within 60 days after the date on which the child was first held in physical custody
7 or placed outside of his or her home under a court order, except under either of the
8 following conditions: (b) that if the child is held for less than 60 days in a secure
9 detention facility, juvenile portion of a county jail or a shelter care facility, no
10 permanency plan is required if the child is returned to his or her home within that
11 period.

12 **SECTION 318.** 48.38 (3) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
13 section 2476, is repealed.

14 **SECTION 319.** 48.39 of the statutes, as affected by 1995 Wisconsin Act 27, is
15 repealed.

16 **SECTION 320.** 48.396 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
17 is amended to read:

18 48.396 (1) Peace Law enforcement officers’ records of children shall be kept
19 separate from records of adults. Peace Law enforcement officers’ records of children
20 shall not be open to inspection or their contents disclosed except under sub. (1g) or
21 (1m) or (5) or s. 48.293 or by order of the court. This subsection does not apply to the
22 representatives of newspapers or other reporters of news who wish to obtain
23 information for the purpose of reporting news without revealing the identity of the
24 child involved, to the confidential exchange of information between the police and
25 officials of the school attended by the child or other law enforcement or social welfare

1 agencies or to children ~~16~~ 10 years of age or older who are transferred to the criminal
2 courts subject to the jurisdiction of the court of criminal jurisdiction.

3 **SECTION 321.** 48.396 (1g) of the statutes is created to read:

4 48.396 (1g) If requested by the parent, guardian or legal custodian of a child
5 who is the subject of a law enforcement officer's report, or if requested by the child,
6 if 14 years of age or over, a law enforcement agency may, subject to official agency
7 policy, provide to the parent, guardian, legal custodian or child a copy of that report.

8 **SECTION 322.** 48.396 (1m) of the statutes is repealed and recreated to read:

9 48.396 (1m) Upon the written permission of the parent, guardian or legal
10 custodian of a child who is the subject of a law enforcement officer's report or upon
11 the written permission of the child, if 14 years of age or over, a law enforcement
12 agency may, subject to official agency policy, make available to the person named in
13 the permission any reports specifically identified by the parent, guardian, legal
14 custodian or child in the written permission.

15 **SECTION 323.** 48.396 (2) (a) of the statutes is amended to read:

16 48.396 (2) (a) Records of the court assigned to exercise jurisdiction under this
17 chapter and ch. 938 and of courts exercising jurisdiction under s. 48.16 ~~or 48.17 (2)~~
18 shall be entered in books or deposited in files kept for that purpose only. They shall
19 not be open to inspection or their contents disclosed except by order of the court
20 assigned to exercise jurisdiction under this chapter and ch. 938 or as permitted under
21 this section or s. 48.375 (7) (e).

22 **SECTION 324.** 48.396 (2) (ag) of the statutes is created to read:

23 48.396 (2) (ag) Upon request of the parent, guardian or legal custodian of a
24 child who is the subject of a record of a court specified in par. (a), or upon request of
25 the child, if 14 years of age or over, the court shall open for inspection by the parent,

1 guardian, legal custodian or child the records of the court relating to that child,
2 unless the court finds, after due notice and hearing, that inspection of those records
3 by the parent, guardian or legal custodian would result in imminent danger to the
4 child.

5 **Section 314m.** 48.396 (2) (am) of the statutes is created to read:

6 48.396 (2) (am) Upon the written permission of the parent, guardian or legal
7 custodian of a child who is the subject of a record of a court specified in par. (a), the
8 court shall open for inspection by the person named in the permission any records
9 specifically identified by the parent, guardian, legal custodian or child in the written
10 permission.

11 **SECTION 325.** 48.396 (2) (b) of the statutes, as affected by 1995 Wisconsin Act
12 27, is amended to read:

13 48.396 (2) (b) Upon request of the department of health and social services, the
14 department of corrections or a federal agency to review court records for the purpose
15 of monitoring and conducting periodic evaluations of activities as required by and
16 implemented under 45 CFR 1355, 1356 and 1357, the court shall open those records
17 for inspection by authorized representatives of the requesting department or federal
18 agency.

19 **SECTION 326.** 48.396 (2) (c) of the statutes is repealed.

20 **SECTION 327.** 48.396 (2) (d) of the statutes is repealed.

21 **SECTION 328.** 48.396 (2) (e) of the statutes, as affected by 1995 Wisconsin Act
22 27, is repealed.

23 **SECTION 329.** 48.396 (2m) of the statutes is repealed.

24 **SECTION 330.** 48.396 (3) of the statutes is repealed.

25 **SECTION 331.** 48.396 (4) of the statutes is repealed.

1 **SECTION 332.** 48.396 (5) of the statutes is repealed.

2 **SECTION 333.** 48.396 (6) of the statutes is repealed.

3 **SECTION 334.** 48.396 (7) of the statutes is repealed.

4 **SECTION 335.** 48.396 (8) of the statutes is repealed.

5 **SECTION 336.** 48.415 (1) (a) 2. of the statutes is amended to read:

6 48.415 (1) (a) 2. The child has been placed, or continued in a placement, outside
7 the parent's home by a court order containing the notice required by s. 48.356 (2) or
8 938.356 (2) and the parent has failed to visit or communicate with the child for a
9 period of 6 months or longer; or

10 **SECTION 337.** 48.415 (2) (a) of the statutes is amended to read:

11 48.415 (2) (a) That the child has been adjudged to be in need of protection or
12 services and placed, or continued in a placement, outside his or her home pursuant
13 to one or more court orders under s. 48.345, 48.357, 48.363 ~~or~~, 48.365, 938.345,
14 938.357, 938.363 or 938.365 containing the notice required by s. 48.356 (2) or 938.356
15 (2).

16 **SECTION 338.** 48.45 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
17 is amended to read:

18 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition
19 described in s. ~~48.12 or~~ 48.13 it appears that any person 17 or older has been guilty
20 of contributing to, encouraging, or tending to cause by any act or omission, such
21 condition of the child, the judge may make orders with respect to the conduct of such
22 person in his or her relationship to the child, including orders determining the ability
23 of the person to provide for the maintenance or care of the child and directing when,
24 how and where funds for the maintenance or care shall be paid.

25 **SECTION 339.** 48.45 (1) (b) of the statutes is amended to read:

1 48.45 (1) (b) An act or failure to act contributes to a condition of a child as
2 described in s. ~~48.12~~ or 48.13, although the child is not actually adjudicated to come
3 within the provisions of s. ~~48.12~~ or 48.13, if the natural and probable consequences
4 of that act or failure to act would be to cause the child to come within the provisions
5 of s. ~~48.12~~ or 48.13.

6 **SECTION 340.** 48.45 (1m) (a) of the statutes, as affected by 1993 Wisconsin Act
7 377, is amended to read:

8 48.45 (1m) (a) In a proceeding in which a child has been ~~adjudicated delinquent~~
9 ~~or has been found to be in need of protection or services~~ under s. 48.13, the judge may
10 order the child's parent, guardian or legal custodian to comply with any conditions
11 determined by the judge to be necessary for the child's welfare. An order under this
12 paragraph may include an order to participate in mental health treatment, anger
13 management, individual or family counseling or parent training and education and
14 to make a reasonable contribution, based on ability to pay, toward the cost of those
15 services.

16 **SECTION 341.** 48.48 (13) of the statutes is amended to read:

17 48.48 (13) To promulgate rules for the payment of an allowance to children in
18 its institutions and a cash grant to a child being discharged from its institutions or
19 released to aftercare ~~or corrective sanctions~~ supervision.

20 **SECTION 342.** 48.48 (13) of the statutes, as affected by 1995 Wisconsin Acts 27
21 and ... (this act), is repealed and recreated to read:

22 48.48 (13) To promulgate rules for the payment of an allowance to children in
23 its institutions and a cash grant to a child being discharged from its institutions.

24 **SECTION 343.** 48.505 of the statutes, as affected by 1995 Wisconsin Act 27,
25 section 2537m, is repealed.

1 **SECTION 344.** 48.51 (1) (intro.) of the statutes, as affected by 1995 Wisconsin
2 Act 27, section 2539m, is amended to read:

3 48.51 (1) (intro.) At least 15 days prior to the date of release of a child from a
4 secured correctional facility ~~or a placement in the community under the corrective~~
5 ~~sanctions program~~, the department of health and social services shall:

6 **SECTION 345.** 48.51 (1) (intro.) of the statutes, as affected by 1995 Wisconsin
7 Acts 27 and (this act), is repealed.

8 **SECTION 346.** 48.52 (title) of the statutes, as affected by 1995 Wisconsin Act 27,
9 is amended to read:

10 **48.52** (title) **Facilities for care of children in care of department of**
11 **health and social services.**

12 **SECTION 347.** 48.52 (1) (c) of the statutes is amended to read:

13 48.52 (1) (c) Group homes; and

14 **SECTION 348.** 48.532 of the statutes, as affected by 1995 Wisconsin Act 27, is
15 repealed.

16 **SECTION 349.** 48.533 of the statutes, as affected by 1995 Wisconsin Acts 27 and
17 (this act), is repealed.

18 **SECTION 350.** 48.533 (3) of the statutes, as affected by 1995 Wisconsin Act 27,
19 section 2548, is renumbered 48.533 (3) (a) and amended to read:

20 48.533 (3) (a) A participant in the corrective sanctions program ~~under sub. (2)~~
21 remains under the supervision of the department, remains subject to the rules and
22 discipline of that department and is considered to be in custody, as defined in s.
23 946.42 (1) (a). Notwithstanding ss. 48.19 to 48.21, if a child violates a condition of
24 that child's participation in the corrective sanctions program ~~under sub. (2)~~ the
25 department may, without a hearing, take the child into custody and place the child

1 in a secure detention facility or return the child to placement in a Type 1 secured
2 correctional facility for up to 72 hours as a sanction for that violation. If the child is
3 returned to a secured correctional facility, for longer than 72 hours, the child is
4 entitled to a hearing under s. 48.357 (5).

5 **(3m)** (title) ESCAPE. If a child runs away from the child's placement in the
6 community while participating in the corrective sanctions program under sub. (2),
7 that child is considered to have escaped in violation of s. 946.42 (3) (c).

8 **SECTION 351.** 48.533 (3) (b) of the statutes is created to read:

9 48.533 **(3)** (b) The department shall operate the corrective sanctions program
10 as a Type 2 secured correctional facility. The secretary may allocate and reallocate
11 existing and future facilities as part of the Type 2 secured correctional facility. The
12 Type 2 secured correctional facility is subject to s. 46.03 (1). Construction or
13 establishment of a Type 2 secured correctional facility shall be in compliance with
14 all state laws except s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48
15 (13), construction or establishment of a Type 2 secured correctional facility is not
16 subject to the ordinances or regulations relating to zoning, including zoning under
17 ch. 91, of the county and city, village or town in which the construction or
18 establishment takes place and is exempt from the investigations permitted under s.
19 46.22 (1) (c) 1. b.

20 **SECTION 352.** 48.534 of the statutes, as affected by 1995 Wisconsin Act 27, is
21 repealed.

22 **SECTION 353.** 48.535 of the statutes, as affected by 1995 Wisconsin Act 27,
23 section 2549r, is repealed.

24 **SECTION 354.** 48.538 of the statutes, as created by 1995 Wisconsin Act 27, is
25 repealed.

1 **SECTION 355.** 48.547 (1) of the statutes is amended to read:

2 48.547 (1) LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that the use
3 and abuse of alcohol and other drugs by children is a state responsibility of statewide
4 dimension. The legislature recognizes that there is a lack of adequate procedures to
5 screen, assess and treat children for alcohol and other drug abuse. To reduce the
6 incidence of alcohol and other drug abuse by children, the legislature deems it
7 necessary to experiment with solutions to the problems of the use and abuse of
8 alcohol and other drugs by children by establishing a juvenile alcohol and other drug
9 abuse pilot program in a limited number of counties. The purpose of the program is
10 to develop intake and court procedures that screen, assess and give new dispositional
11 alternatives for children with needs and problems related to the use of alcohol
12 beverages or controlled substances who come within the jurisdiction of a court
13 assigned to exercise jurisdiction under this chapter and ch. 938 in the pilot counties
14 selected by the department.

15 **SECTION 356.** 48.547 (4) of the statutes is amended to read:

16 48.547 (4) ASSESSMENT CRITERIA. By September 1, 1988, the department shall
17 develop uniform alcohol and other drug abuse assessment criteria to be used in the
18 pilot program under ss. 48.245 (2) (a) 3., and 48.295 (1), ~~48.32 (1g), 48.343 (10) and~~
19 ~~48.344 (2g)~~. An approved treatment facility that assesses a person under ~~ss. s.~~ 48.245
20 (2) (a) 3., or 48.295 (1), ~~48.32 (1g), 48.343 (10) and 48.344 (2g)~~ may not also provide
21 the person with treatment unless the department permits the approved treatment
22 facility to do both in accordance with the criteria established by rule by the
23 department.

24 **SECTION 357.** 48.553 of the statutes, as created by 1995 Wisconsin Act 27, is
25 repealed.

1 **SECTION 358.** 48.554 of the statutes, as created by 1995 Wisconsin Act 27, is
2 repealed.

3 **SECTION 359.** 48.555 of the statutes, as created by 1995 Wisconsin Act 27, is
4 repealed.

5 **SECTION 360.** 48.556 of the statutes, as created by 1995 Wisconsin Act 27, is
6 repealed.

7 **SECTION 361.** 48.557 of the statutes, as created by 1995 Wisconsin Act 27, is
8 repealed.

9 **SECTION 362.** 48.558 of the statutes, as created by 1995 Wisconsin Act 27, is
10 repealed.

11 **SECTION 363.** 48.559 of the statutes, as created by 1995 Wisconsin Act 27, is
12 repealed.

13 **SECTION 364.** 48.57 (1) (a) of the statutes is amended to read:

14 48.57 (1) (a) To investigate the conditions surrounding ~~delinquent children,~~
15 nonmarital children and children in need of protection or services including
16 developmentally disabled children within the county and to take every reasonable
17 action within its power to secure for them the full benefit of all laws enacted for their
18 benefit. Unless provided by another agency, the county department shall offer social
19 services to the caretaker of any child who is referred to it under the conditions
20 specified in this paragraph. This duty shall be discharged in cooperation with the
21 court and with the public officers or boards legally responsible for the administration
22 and enforcement of these laws.

23 **SECTION 365.** 48.57 (4) of the statutes, as affected by 1995 Wisconsin Act 27,
24 is repealed.

25 **SECTION 366.** 48.58 (1) (b) of the statutes is amended to read:

1 48.58 (1) (b) Provide care for children in need of protection or services, and
2 delinquent children juveniles referred by the county department, if the delinquent
3 children juveniles are placed in separate facilities;

4 **SECTION 367.** 48.58 (1) (c) of the statutes is amended to read:

5 48.58 (1) (c) Provide temporary shelter care for children in need of protection
6 or services and delinquent children juveniles; provided that the delinquent children
7 juveniles are placed in separate facilities.

8 **SECTION 368.** 48.58 (1) (d) of the statutes is amended to read:

9 48.58 (1) (d) Provide temporary shelter care for children taken into custody
10 under s. 48.19 or 938.19.

11 **SECTION 369.** 48.59 (1) of the statutes, as affected by 1993 Wisconsin Act 385,
12 is amended to read:

13 48.59 (1) The county department shall investigate the personal and family
14 history and environment of any child transferred to its legal custody or placed under
15 its supervision under s. ~~48.34 (4n)~~ 48.345 and make any physical or mental
16 examinations of the child considered necessary to determine the type of care
17 necessary for the child. The county department shall screen a child who is examined
18 under this subsection to determine whether the child is in need of special treatment
19 or care because of alcohol or other drug abuse, mental illness or severe emotional
20 disturbance. The county department shall keep a complete record of the information
21 received from the court, the date of reception, all available data on the personal and
22 family history of the child, the results of all tests and examinations given the child
23 and a complete history of all placements of the child while in the legal custody or
24 under the supervision of the county department.

1 **SECTION 370.** 48.595 of the statutes, as created by 1993 Wisconsin Act 385, is
2 repealed.

3 **SECTION 371.** 48.60 (2) (h) of the statutes is created to read:

4 48.60 (2) (h) A youth village program as described in s. 118.42.

5 **SECTION 372.** 48.63 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
6 is amended to read:

7 48.63 (1) Acting pursuant to court order or voluntary agreement, the child's
8 parent or guardian or the department of health and social services, the department
9 of corrections, a county department or a child welfare agency licensed to place
10 children in foster homes or treatment foster homes may place a child or negotiate or
11 act as intermediary for the placement of a child in a foster home, treatment foster
12 home or group home. Voluntary agreements under this subsection may not be used
13 for placements in facilities other than foster, treatment foster or group homes and
14 may not be extended. A foster home or treatment foster home placement under a
15 voluntary agreement may not exceed 6 months. A group home placement under a
16 voluntary agreement may not exceed 15 days. These time limitations do not apply
17 to placements made under ~~ss. 48.34 and s. 48.345, 938.183, 938.34 or 938.345.~~
18 Voluntary agreements may be made only under this subsection and shall be in
19 writing and shall specifically state that the agreement may be terminated at any
20 time by the parent or by the child if the child's consent to the agreement is required.
21 The child's consent to the agreement is required whenever the child is 12 years of age
22 or older.

23 **SECTION 373.** 48.66 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
24 is amended to read:

1 48.66 (1) The department shall license and supervise child welfare agencies,
2 as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities,
3 as required by s. 48.48 and day care centers, as required by s. 48.65. The department
4 may license foster homes or treatment foster homes, as provided by s. 48.62, and may
5 license and supervise county departments in accordance with the procedures
6 specified in this section and in ss. 48.67 to 48.74. The department of corrections may
7 license a child welfare agency to operate a secured child caring institution, as defined
8 in s. 938.02 (15g), for holding in secure custody children who have been convicted
9 under s. 938.183 or adjudicated delinquent under s. 48.34 938.34 (4h) or (4m) and
10 referred to the child welfare agency by the court or the department of corrections and
11 to provide supervision, care and maintenance for those children.

12 **SECTION 374.** 48.68 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
13 is amended to read:

14 48.68 (1) After receipt of an application for a license, the department shall
15 investigate to determine if the applicant meets the minimum requirements for a
16 license adopted by the department under s. 48.67. In determining whether to issue
17 a license, the department may consider any action by the applicant, or by an employe
18 of the applicant, that constitutes a substantial failure by the applicant or employe
19 to protect and promote the health, safety and welfare of a child. Upon satisfactory
20 completion of this investigation and payment of the fee required under s. 48.22 (7)
21 (b), 48.615 (1) (a) or (b), 48.625 (2) (a) ~~or~~, 48.65 (3) (a) or 938.22 (7) (b), the department
22 shall issue a license under s. 48.66 (1) or, if applicable, a probationary license under
23 s. 48.69. At the time of initial licensure and license renewal, the department shall
24 provide a foster home licensee with written information relating to the age-related
25 monthly foster care rates and supplemental payments specified in s. 48.62 (4),

1 including payment amounts, eligibility requirements for supplemental payments
2 and the procedures for applying for supplemental payments.

3 **SECTION 375.** 48.78 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
4 is amended to read:

5 48.78 (1) In this section, unless otherwise qualified, “agency” means the
6 department of ~~health and social services, the department of corrections,~~ a county
7 department, a licensed child welfare agency, a licensed day care center or a licensed
8 maternity hospital.

9 **SECTION 376.** 48.78 (2) (a) of the statutes is amended to read:

10 48.78 (2) (a) No agency may make available for inspection or disclose the
11 contents of any record kept or information received about an individual in its care
12 or legal custody, except as provided under ~~sub. (3) or~~ s. 48.371, 48.38 (5) (b) or (d),
13 48.432, 48.433, 48.93 or 48.981 (7) or by order of the court.

14 **SECTION 377.** 48.78 (2) (ag) of the statutes is created to read:

15 48.78 (2) (ag) Paragraph (a) does not prohibit an agency from making available
16 for inspection or disclosing the contents of a record, upon the request of the parent,
17 guardian or legal custodian of the child who is the subject of the record or upon the
18 request of the child, if 14 years of age or over, to the parent, guardian, legal custodian
19 or child.

20 **SECTION 378.** 48.78 (2) (am) of the statutes is created to read:

21 48.78 (2) (am) Paragraph (a) does not prohibit an agency from making
22 available for inspection or disclosing the contents of a record, upon the written
23 permission of the parent, guardian or legal custodian of the child who is the subject
24 of the record or upon the written permission of the child, if 14 years of age or over,

1 to the person named in the permission if the parent, guardian, legal custodian or
2 child specifically identifies the record in the written permission.

3 **SECTION 379.** 48.78 (2) (c) of the statutes, as affected by 1995 Wisconsin Act 27,
4 is amended to read:

5 48.78 (2) (c) Paragraph (a) does not prohibit the department of ~~health and~~
6 ~~social services~~ or a county department from using in the media a picture or
7 description of a child in the guardianship of the department or a county department
8 for the purpose of finding adoptive parents for that child.

9 **SECTION 380.** 48.78 (2) (e) of the statutes, as affected by 1995 Wisconsin Act 27,
10 is repealed.

11 **SECTION 381.** 48.78 (2) (f) of the statutes, as created by 1995 Wisconsin Act 27,
12 is repealed.

13 **SECTION 382.** 48.78 (2) (g) of the statutes is created to read:

14 48.78 (2) (g) If an agency discloses information in its records about a child
15 under par. (b), the agency shall immediately notify the child who is the subject of the
16 record and the child's parent, guardian or legal custodian of that disclosure and shall
17 immediately provide to the child and the parent, guardian or legal custodian the
18 information disclosed, unless the agency determines that provision of that
19 information to the parent, guardian or legal custodian would result in imminent
20 danger to the child.

21 **SECTION 383.** 48.78 (3) of the statutes, as affected by 1995 Wisconsin Act 27,
22 section 2614m, is amended to read:

23 48.78 (3) If a child adjudged delinquent on the basis of a violation of s. 941.10,
24 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295,
25 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a),

1 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60,
2 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
3 correctional facility, or has been allowed to leave a secured correctional facility for
4 a specified time period and is absent from the facility for more than 12 hours after
5 the expiration of the specified period ~~or has run away from the child's placement in~~
6 ~~the community while under corrective sanctions supervision~~, the department may
7 release the child's name and any information about the child that is necessary for the
8 protection of the public or to secure the child's return to the facility ~~or placement~~.
9 The department shall promulgate rules establishing guidelines for the release of the
10 child's name or information about the child to the public.

11 **SECTION 384.** 48.78 (3) of the statutes, as affected by 1995 Wisconsin Acts 27
12 and ... (this act), is repealed.

13 **SECTION 385.** 48.79 (intro.) of the statutes, as affected by 1995 Wisconsin Act
14 27, is amended to read:

15 **48.79 (title) Powers of the department of health and social services.**
16 (intro.) The department of ~~health and social services~~ has authority and power:

17 **SECTION 386.** 48.795 of the statutes, as created by 1995 Wisconsin Act 27, is
18 repealed.

19 **SECTION 387.** 48.95 of the statutes is amended to read:

20 **48.95 Withdrawal or denial of petition.** Except as provided under s. 48.839
21 (3) (b), if the petition is withdrawn or denied, the circuit court shall order the case
22 transferred to the court assigned to exercise jurisdiction under this chapter and ch.
23 938 for appropriate action, except that if parental rights have been terminated and
24 the guardian of the minor is the department, a licensed child welfare agency or a

1 county department under s. 48.57 (1) (e) or (hm), the minor shall remain in the legal
2 custody of the guardian.

3 **SECTION 388.** 48.991 of the statutes is renumbered 938.991.

4 **SECTION 389.** 48.992 (intro.) and (2) of the statutes are renumbered 938.992
5 (intro.) and (2).

6 **SECTION 390.** 48.992 (1) (a) of the statutes, as affected by 1995 Wisconsin Act
7 27, is renumbered 938.992 (1) (a) and amended to read:

8 938.992 (1) (a) The “appropriate court” of this state to issue a requisition under
9 s. ~~48.991~~ 938.991 (4) is the court assigned to exercise jurisdiction under this chapter
10 and ch. 48 for the county of the petitioner’s residence, or, if the petitioner is a child
11 welfare agency, the court so assigned for the county where the agency has its
12 principal office, or, if the petitioner is the department of ~~corrections~~, any court so
13 assigned in the state.

14 **SECTION 391.** 48.992 (1) (b) of the statutes is renumbered 938.992 (1) (b) and
15 amended to read:

16 938.992 (1) (b) The “appropriate court” of this state to receive a requisition
17 under s. ~~48.991~~ 938.991 (4) or (5) or ~~48.998~~ 938.998 is the court assigned to exercise
18 jurisdiction under this chapter and ch. 48 for the county where the juvenile is located.

19 **SECTION 392.** 48.992 (3) of the statutes is renumbered 938.992 (3) and amended
20 to read:

21 938.992 (3) Notwithstanding s. ~~48.991~~ 938.991 (3) (b), “delinquent juvenile”
22 does not include a person subject to an order under s. 48.366 who is confined to a state
23 prison under s. 302.01 or a person subject to an order under s. 938.34 (4h) who is 17
24 years of age or over.

1 **SECTION 393.** 48.993 of the statutes, as affected by 1995 Wisconsin Act 27, is
2 renumbered 938.993 and amended to read:

3 **938.993 Juvenile compact administrator.** (1) Under the interstate
4 compact on juveniles, the governor may designate an officer or employe of the
5 department of ~~corrections~~ to be the compact administrator, who, acting jointly with
6 like officers of other party states, shall promulgate rules to carry out more effectively
7 the terms of the compact. The compact administrator shall serve subject to the
8 pleasure of the governor. If there is a vacancy in the office of compact administrator
9 or in the case of absence or disability, the functions shall be performed by the
10 secretary of corrections, or other employe designated by the secretary. The compact
11 administrator may cooperate with all departments, agencies and officers of and in
12 the government of this state and its political subdivisions in facilitating the proper
13 administration of the compact or of any supplementary agreement entered into by
14 this state.

15 (2) The compact administrator shall determine for this state whether to receive
16 juvenile probationers and parolees of other states under s. ~~48.991~~ 938.991 (7) and
17 shall arrange for the supervision of each such probationer or parolee received, either
18 by the department of ~~corrections~~ or by a person appointed to perform supervision
19 service for the court assigned to exercise jurisdiction under this chapter ch. 48 for the
20 county where the juvenile is to reside, whichever is more convenient. Those persons
21 shall in all such cases make periodic reports to the compact administrator regarding
22 the conduct and progress of the juveniles.

23 **SECTION 394.** 48.994 of the statutes, as affected by 1995 Wisconsin Act 27, is
24 renumbered 938.994 and amended to read:

1 **938.994 Supplementary agreements.** The department of corrections may
2 enter into supplementary agreements with appropriate officials of other states
3 under s. ~~48.991~~ 938.991 (10). If the supplementary agreement requires or
4 contemplates the use of any institution or facility of this state or the provision of any
5 service by this state, the supplementary agreement has no effect until approved by
6 the department or agency under whose jurisdiction the institution or facility is
7 operated or which shall be charged with the rendering of the service.

8 **SECTION 395.** 48.995 (intro.) and (1) of the statutes are renumbered 938.995
9 (intro.) and (1) and amended to read:

10 **938.995 Financial arrangements.** (intro.) The expense of returning
11 juveniles to this state pursuant to s. ~~48.991~~ 938.991 shall be paid as follows:

12 **(1)** In the case of a runaway under s. ~~48.991~~ 938.991 (4), the court making the
13 requisition shall inquire summarily regarding the financial ability of the petitioner
14 to bear the expense and if it finds the petitioner is able to do so, shall order the
15 petitioner to pay all the expenses of returning the juvenile; otherwise the court shall
16 arrange for the transportation at the expense of the county and order that the county
17 reimburse the person, if any, who returns the juvenile, for that person's actual and
18 necessary expenses; and the court may order that the petitioner reimburse the
19 county for so much of the expense as the court finds the petitioner is able to pay. If
20 the petitioner fails, without good cause, or refuses to pay that sum, the petitioner
21 may be proceeded against for contempt.

22 **SECTION 396.** 48.995 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
23 is renumbered 938.995 (2) and amended to read:

24 **938.995 (2)** In the case of an escapee or absconder under s. ~~48.991~~ 938.991 (5)
25 or (6), if the juvenile is in the legal custody or under the supervision of the department

1 of corrections, it shall bear the expense of his or her return; otherwise the appropriate
2 court shall, on petition of the person entitled to the juvenile's custody or charged with
3 his or her supervision, arrange for the transportation at the expense of the county
4 and order that the county reimburse the person, if any, who returns the juvenile, for
5 the person's actual and necessary expenses. In this subsection "appropriate court"
6 means the court which adjudged the juvenile to be delinquent or, if the juvenile is
7 under supervision for another state under s. ~~48.991~~ 938.991 (7), then the court
8 assigned to exercise jurisdiction under this chapter and ch. 48 for the county of the
9 juvenile's residence during the supervision.

10 **SECTION 397.** 48.995 (3) and (4) of the statutes are renumbered 938.995 (3) and
11 (4) and amended to read:

12 938.995 (3) In the case of a voluntary return of a runaway without requisition
13 under s. ~~48.991~~ 938.991 (6), the person entitled to the juvenile's legal custody shall
14 pay the expense of transportation and the actual and necessary expenses of the
15 person, if any, who returns the juvenile; but if the person is financially unable to pay
16 all the expenses he or she may petition the court assigned to exercise jurisdiction
17 under this chapter and ch. 48 for the county of the petitioner's residence for an order
18 arranging for the transportation as provided in sub. (1). The court shall inquire
19 summarily into the financial ability of the petitioner and, if it finds the petitioner is
20 unable to bear any or all of the expense, the court shall arrange for the transportation
21 at the expense of the county and shall order the county to reimburse the person, if
22 any, who returns the juvenile, for the person's actual and necessary expenses. The
23 court may order that the petitioner reimburse the county for so much of the expense
24 as the court finds the petitioner is able to pay. If the petitioner fails, without good
25 cause, or refuses to pay that sum, he or she may be proceeded against for contempt.

1 **(4)** In the case of a juvenile subject to a petition under s. ~~48.998~~ 938.998, the
2 appropriate court shall arrange for the transportation at the expense of the county
3 in which the violation of criminal law is alleged to have been committed and order
4 that the county reimburse the person, if any, who returns the juvenile, for the
5 person's actual and necessary expenses. In this subsection "appropriate court"
6 means the court assigned to exercise jurisdiction under this chapter and ch. 48 for
7 the county in which the violation of criminal law is alleged to have been committed.

8 **SECTION 398.** 48.996 of the statutes, as affected by 1995 Wisconsin Act 27, is
9 renumbered 938.996.

10 **SECTION 399.** 48.997 of the statutes is renumbered 938.997.

11 **SECTION 400.** 48.998 of the statutes is renumbered 938.998, and 938.998 (2),
12 as renumbered, is amended to read:

13 **938.998 (2)** All provisions and procedures of s. ~~48.991~~ 938.991 (5) and (6) shall
14 be construed to apply to any juvenile charged with being a delinquent by reason of
15 a violation of any criminal law. Any juvenile, charged with being a delinquent by
16 reason of violating any criminal law shall be returned to the requesting state upon
17 a requisition to the state where the juvenile may be found. A petition in such case
18 shall be filed in a court of competent jurisdiction in the requesting state where the
19 violation of criminal law is alleged to have been committed. The petition may be filed
20 regardless of whether the juvenile has left the state before or after the filing of the
21 petition. The requisition described in s. ~~48.991~~ 938.991 (5) shall be forwarded by the
22 judge of the court in which the petition has been filed.

23 **SECTION 401.** 49.19 (4) (c) of the statutes is amended to read:

24 **49.19 (4) (c)** The person having the care and custody of the dependent child
25 must be fit and proper to have the child. Aid shall not be denied by the county

1 department under s. 46.215 or 46.22 on the grounds that a person is not fit and proper
2 to have the care and custody of the child until the county department obtains a
3 finding substantiating that fact from a court assigned to exercise jurisdiction under
4 ~~ch. chs. 48 and 938~~ or other court of competent jurisdiction; but in appropriate cases
5 it is the responsibility of the county department to petition under ch. 48 or refer the
6 case to a proper child protection agency.

7 **SECTION 402.** 49.46 (1) (a) 5. of the statutes is amended to read:

8 49.46 (1) (a) 5. Any child in an adoption assistance, foster care or treatment
9 foster care placement under ch. 48 or 938, as determined by the department.

10 **SECTION 403.** 49.90 (1m) of the statutes is amended to read:

11 49.90 (1m) Each spouse has an equal obligation to support the other spouse as
12 provided in this chapter. Each parent has an equal obligation to support his or her
13 minor children as provided in this chapter and ~~ch. chs. 48 and 938~~. Each parent of
14 a dependent person under the age of 18 has an equal obligation to support the child
15 of the dependent person as provided under sub. (1) (a) 2.

16 **SECTION 404.** 50.39 (3) of the statutes, as affected by 1995 Wisconsin Act 27,
17 is amended to read:

18 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
19 58.06, 252.073, 252.076 and 252.10, secured correctional facilities as defined in s.
20 ~~48.02~~ 938.02 (15m), correctional institutions governed by the department of
21 corrections under s. 301.02 and the offices and clinics of persons licensed to treat the
22 sick under chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32
23 to 50.39 do not abridge the rights of the medical examining board, physical therapists
24 affiliated credentialing board, dentistry examining board, pharmacy examining

1 board, chiropractic examining board and board of nursing in carrying out their
2 statutory duties and responsibilities.

3 **SECTION 405.** 51.05 (2) of the statutes is amended to read:

4 51.05 (2) The department may not accept for admission to a mental health
5 institute any resident person, except in an emergency, unless the county department
6 under s. 51.42 in the county where the person has legal residency authorizes the care,
7 as provided in s. 51.42 (3) (as). Patients who are committed to the department under
8 s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17, 975.06 or 980.06,
9 admitted by the department under s. 975.17, 1977 stats., or are transferred from a
10 juvenile correctional facility or a secured child caring institution, as defined in s.
11 938.02 (15g), to a state treatment facility under s. 51.35 (3) or from a jail or prison
12 to a state treatment facility under s. 51.37 (5) are not subject to this section.

13 **SECTION 406.** 51.13 (1) (c) of the statutes is amended to read:

14 51.13 (1) (c) If a minor 14 years of age or older wishes to be admitted to an
15 approved inpatient treatment facility but a parent with legal custody or the guardian
16 refuses to execute the application for admission or cannot be found, or if there is no
17 parent with legal custody, the minor or a person acting on the minor's behalf may
18 petition the court assigned to exercise jurisdiction under chs. 48 and 938 in the
19 county of residence of the parent or guardian for approval of the admission. A copy
20 of the petition and a notice of hearing shall be served upon the parent or guardian
21 at his or her last-known address. If, after hearing, the court determines that the
22 parent or guardian's consent is unreasonably withheld or that the parent or guardian
23 cannot be found or that there is no parent with legal custody, and that the admission
24 is proper under the standards prescribed in sub. (4) (d), it shall approve the minor's
25 admission without the parent or guardian's consent. The court may, at the minor's

1 request, temporarily approve the admission pending hearing on the petition. If a
2 hearing is held under this subsection, no review or hearing under sub. (4) is required.

3 **SECTION 407.** 51.13 (4) (a) of the statutes is amended to read:

4 51.13 (4) (a) Within 3 days of the admission of a minor under sub. (1), or within
5 3 days of application for such admission, whichever occurs first, the treatment
6 director of the facility to which the minor is admitted or, in the case of a center for
7 the developmentally disabled, the director of the center, shall file a verified petition
8 for review of the admission in the court assigned to exercise jurisdiction under ~~ch.~~
9 chs. 48 and 938 in the county in which the facility is located. The petition shall
10 contain: 1) the name, address and date of birth of the minor; 2) the names and
11 addresses of the parents or guardian; 3) the facts substantiating the petitioner's
12 belief in the minor's need for psychiatric services, or services for developmental
13 disability, alcoholism or drug abuse; 4) the facts substantiating the appropriateness
14 of inpatient treatment in the inpatient treatment facility; 5) the basis for the
15 petitioner's opinion that inpatient care in the facility is the least restrictive
16 treatment consistent with the needs of the minor; and 6) notation of any statement
17 made or conduct demonstrated by the minor in the presence of the director or staff
18 of the facility indicating that inpatient treatment is against the wishes of the minor.
19 A copy of the application for admission and of any relevant professional evaluations
20 shall be attached to the petition.

21 **SECTION 408.** 51.13 (4) (b) of the statutes is amended to read:

22 51.13 (4) (b) If hardship would otherwise occur and if the best interests of the
23 minor would be served thereby, the court may, on its own motion or on the motion of
24 any interested party, remove the petition to the court assigned to exercise

1 jurisdiction under ~~ch.~~ chs. 48 and 938 of the county of residence of the parent or
2 guardian.

3 **SECTION 409.** 51.13 (4) (d) of the statutes is amended to read:

4 51.13 (4) (d) Within 5 days of the filing of the petition, the court assigned to
5 exercise jurisdiction under ~~ch.~~ chs. 48 and 938 shall determine, based on the
6 allegations of the petition and accompanying documents, whether the admission is
7 voluntary on the part of the minor if the minor is 14 years of age or older and whether
8 there is a prima facie showing that the minor is in need of psychiatric services, or
9 services for developmental disability, alcoholism or drug abuse, that the treatment
10 facility offers inpatient therapy or treatment which is appropriate to the minor's
11 needs, and that inpatient care in the treatment facility is the least restrictive therapy
12 or treatment consistent with the needs of the minor. If such a showing is made, the
13 court shall permit voluntary admission. If the court is unable to make such
14 determinations based on the petition and accompanying documents, it shall dismiss
15 the petition as provided in par. (h); or order additional information to be produced
16 as it deems necessary to make such review, and make such determinations within
17 14 days of admission or application for admission, whichever is sooner; or it may hold
18 a hearing within 14 days of admission or application for admission, whichever is
19 sooner. If a notation of the minor's unwillingness appears on the face of the petition,
20 or if a hearing has been requested by the minor, the minor's counsel, parent or
21 guardian, the court shall hold a hearing to review the admission within 14 days of
22 admission or application for admission, whichever is sooner, and shall appoint
23 counsel to represent the minor if the minor is unrepresented. If the court deems it
24 necessary, it shall also appoint a guardian ad litem to represent the minor.

25 **SECTION 410.** 51.13 (4) (h) 2. of the statutes is amended to read:

1 51.13 (4) (h) 2. Order the petition to be treated as a petition for involuntary
2 commitment and refer it to the court where the review under this section was held,
3 or if it was not held in the county of legal residence of the subject individual's parent
4 or guardian and hardship would otherwise occur and if the best interests of the
5 subject individual would be served thereby, to the court assigned to exercise
6 jurisdiction under ~~ch~~ chs. 48 and 938 in such county for a hearing under s. 51.20 or
7 51.45 (13).

8 **SECTION 411.** 51.13 (4) (h) 4. of the statutes is amended to read:

9 51.13 (4) (h) 4. If there is a reason to believe the minor is in need of protection
10 or services under s. 48.13 or 938.13, dismiss the petition and authorize the filing of
11 a petition under s. 48.25 (3) or 938.25 (3). The court may release the minor or may
12 order that the minor be taken and held in custody under s. 48.19 (1) (c) or 938.19 (1)
13 (c).

14 **SECTION 412.** 51.14 (2) of the statutes is amended to read:

15 51.14 (2) MENTAL HEALTH REVIEW OFFICER. Each court assigned to exercise
16 jurisdiction under ~~ch~~ chs. 48 and 938 shall designate a mental health review officer
17 to review petitions filed under sub. (3).

18 **SECTION 413.** 51.15 (1) (a) (intro.), 3. and 4. of the statutes are amended to read:

19 51.15 (1) (a) (intro.) A law enforcement officer or other person authorized to
20 take a child into custody under ch. 48 or 938 may take an individual into custody if
21 the officer or person has cause to believe that such individual is mentally ill, drug
22 dependent or developmentally disabled, and that the individual evidences any of the
23 following:

24 3. A substantial probability of physical impairment or injury to himself or
25 herself due to impaired judgment, as manifested by evidence of a recent act or

1 omission. The probability of physical impairment or injury is not substantial under
2 this subdivision if reasonable provision for the individual's protection is available in
3 the community and there is a reasonable probability that the individual will avail
4 himself or herself of these services or, in the case of a minor, if the individual is
5 appropriate for services or placement under s. 48.13 (4) or (11) or 938.13 (4). Food,
6 shelter or other care provided to an individual who is substantially incapable of
7 obtaining the care for himself or herself, by any person other than a treatment
8 facility, does not constitute reasonable provision for the individual's protection
9 available in the community under this subdivision.

10 4. Behavior manifested by a recent act or omission that, due to mental illness
11 or drug dependency, he or she is unable to satisfy basic needs for nourishment,
12 medical care, shelter or safety without prompt and adequate treatment so that a
13 substantial probability exists that death, serious physical injury, serious physical
14 debilitation or serious physical disease will imminently ensue unless the individual
15 receives prompt and adequate treatment for this mental illness or drug dependency.
16 No substantial probability of harm under this subdivision exists if reasonable
17 provision for the individual's treatment and protection is available in the community
18 and there is a reasonable probability that the individual will avail himself or herself
19 of these services, if the individual can receive protective placement under s. 55.06 or,
20 in the case of a minor, if the individual is appropriate for services or placement under
21 s. 48.13 (4) or (11) or 938.13 (4). The individual's status as a minor does not
22 automatically establish a substantial probability of death, serious physical injury,
23 serious physical debilitation or serious disease under this subdivision. Food, shelter
24 or other care provided to an individual who is substantially incapable of providing
25 the care for himself or herself, by any person other than a treatment facility, does not

1 constitute reasonable provision for the individual's treatment or protection available
2 in the community under this subdivision.

3 **SECTION 414.** 51.20 (1) (a) 2. b., c. and d. of the statutes are amended to read:

4 51.20 (1) (a) 2. b. Evidences a substantial probability of physical harm to other
5 individuals as manifested by evidence of recent homicidal or other violent behavior,
6 or by evidence that others are placed in reasonable fear of violent behavior and
7 serious physical harm to them, as evidenced by a recent overt act, attempt or threat
8 to do serious physical harm. In this subd. 2. b., if the petition is filed under a court
9 order under s. ~~48.30~~ 938.30 (5) (c) 1. or (d) 1., a finding by the court exercising
10 jurisdiction under ~~ch. 48 and 938~~ that the child committed the act or acts alleged
11 in the petition under s. ~~48.12 or 48.13~~ 938.12 or 938.13 (12) may be used to prove that
12 the child exhibited recent homicidal or other violent behavior or committed a recent
13 overt act, attempt or threat to do serious physical harm.

14 c. Evidences such impaired judgment, manifested by evidence of a pattern of
15 recent acts or omissions, that there is a substantial probability of physical
16 impairment or injury to himself or herself. The probability of physical impairment
17 or injury is not substantial under this subd. 2. c. if reasonable provision for the
18 subject individual's protection is available in the community and there is a
19 reasonable probability that the individual will avail himself or herself of these
20 services, if the individual is appropriate for protective placement under s. 55.06 or,
21 in the case of a minor, if the individual is appropriate for services or placement under
22 s. 48.13 (4) or (11) or 938.13 (4). The subject individual's status as a minor does not
23 automatically establish a substantial probability of physical impairment or injury
24 under this subd. 2. c. Food, shelter or other care provided to an individual who is
25 substantially incapable of obtaining the care for himself or herself, by a person other

1 than a treatment facility, does not constitute reasonable provision for the subject
2 individual's protection available in the community under this subd. 2. c.

3 d. Evidences behavior manifested by recent acts or omissions that, due to
4 mental illness, he or she is unable to satisfy basic needs for nourishment, medical
5 care, shelter or safety without prompt and adequate treatment so that a substantial
6 probability exists that death, serious physical injury, serious physical debilitation or
7 serious physical disease will imminently ensue unless the individual receives
8 prompt and adequate treatment for this mental illness. No substantial probability
9 of harm under this subd. 2. d. exists if reasonable provision for the individual's
10 treatment and protection is available in the community and there is a reasonable
11 probability that the individual will avail himself or herself of these services, if the
12 individual is appropriate for protective placement under s. 55.06 or, in the case of a
13 minor, if the individual is appropriate for services or placement under s. 48.13 (4) or
14 (11) or 938.13 (4). The individual's status as a minor does not automatically establish
15 a substantial probability of death, serious physical injury, serious physical
16 debilitation or serious disease under this subd. 2. d. Food, shelter or other care
17 provided to an individual who is substantially incapable of obtaining the care for
18 himself or herself, by any person other than a treatment facility, does not constitute
19 reasonable provision for the individual's treatment or protection available in the
20 community under this subd. 2. d.

21 **SECTION 415.** 51.20 (1) (b) of the statutes is amended to read:

22 51.20 (1) (b) Each petition for examination shall be signed by 3 adult persons,
23 at least one of whom has personal knowledge of the conduct of the subject individual,
24 except that this requirement does not apply if the petition is filed pursuant to a court
25 order under s. ~~48.30~~ 938.30 (5) (c) 1. or (d) 1.

1 **SECTION 416.** 51.20 (6) of the statutes is amended to read:

2 51.20 **(6)** JUVENILES. For minors, the hearings held under this section shall be
3 before the court assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938.

4 **SECTION 417.** 51.20 (13) (cr) of the statutes is amended to read:

5 51.20 **(13)** (cr) If the subject individual is before the court on a petition filed
6 under a court order under s. ~~48.30~~ 938.30 (5) (c) 1. and is found to have committed
7 a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the court shall require
8 the individual to provide a biological specimen to the state crime laboratories for
9 deoxyribonucleic acid analysis and to comply with the reporting and testing
10 requirements of s. 175.45.

11 **SECTION 418.** 51.35 (3) (title) of the statutes is amended to read:

12 51.35 **(3)** (title) TRANSFER OF CERTAIN CHILDREN FROM JUVENILE CORRECTIONAL
13 FACILITIES AND SECURED CHILD CARING INSTITUTIONS.

14 **SECTION 419.** 51.35 (3) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
15 is amended to read:

16 51.35 **(3)** (a) A licensed psychologist of a juvenile correctional facility ~~under s.~~
17 ~~48.557~~ or a secured child caring institution, as defined in s. 938.02 (15g), or a licensed
18 physician of the department of corrections, who has reason to believe that any
19 individual confined in the facility or institution is, in his or her opinion, in need of
20 services for developmental disability, alcoholism or drug dependency or in need of
21 psychiatric services, and who has obtained voluntary consent to make a transfer for
22 treatment, shall make a report, in writing, to the superintendent of the facility or
23 institution, stating the nature and basis of the belief and verifying the consent. In
24 the case of a minor age 14 and over, the minor and the minor's parent or guardian
25 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of

1 a minor under the age of 14, only the minor's parent or guardian need consent. The
2 superintendent shall inform, orally and in writing, the minor and the minor's parent
3 or guardian, that transfer is being considered and shall inform them of the basis for
4 the request and their rights as provided in s. 51.13 (3). If the department of
5 corrections, upon review of a request for transfer, determines that transfer is
6 appropriate, that department shall immediately notify the department of health and
7 social services and, if the department of health and social services consents, the
8 department of corrections may immediately transfer the individual. The
9 department of corrections shall file a petition under s. 51.13 (4) (a) in the court
10 assigned to exercise jurisdiction under ~~ch. chs. 48 and 938~~ of the county where the
11 treatment facility is located.

12 **SECTION 420.** 51.35 (3) (b) of the statutes is amended to read:

13 51.35 (3) (b) The court assigned to exercise jurisdiction under ~~ch. chs. 48 and~~
14 938 shall determine, based on the allegations of the petition and accompanying
15 documents, whether the transfer is voluntary on the part of the minor if he or she is
16 aged 14 or over, and whether the transfer of the minor to an inpatient facility is
17 appropriate and consistent with the needs of the minor. In the event that the court
18 is unable to make such determinations based on the petition and accompanying
19 documents, it shall order additional information to be produced as it deems
20 necessary to make such review, and make such determinations within 14 days of
21 admission, or it may hold a hearing within 14 days of admission. If a notation of the
22 minor's unwillingness appears on the face of the petition, or that a hearing has been
23 requested by the minor, the minor's counsel, guardian ad litem, parent or guardian,
24 the court shall hold a hearing and appoint counsel or a guardian ad litem for the
25 minor as provided in s. 51.13 (4) (d). At the conclusion of the hearing, the court shall

1 approve or disapprove the request for transfer. If the minor is under the continuing
2 jurisdiction of the court of another county, the court may order the case transferred
3 together with all appropriate records to that court.

4 **SECTION 421.** 51.35 (3) (c) of the statutes is amended to read:

5 51.35 (3) (c) A licensed psychologist of a juvenile correctional facility or a
6 secured child caring institution, as defined in s. 938.02 (15g), or a licensed physician
7 of the department of ~~corrections~~, who has reason to believe that any individual
8 confined in the facility or institution is, in his or her opinion, mentally ill, drug
9 dependent or developmentally disabled, and is dangerous as defined in s. 51.20 (1)
10 (a) 2., or is an alcoholic and is dangerous as defined in s. 51.45 (13) (a), shall file a
11 written report with the superintendent of the facility or institution, stating the
12 nature and basis of the belief. If the superintendent, upon review of the allegations
13 in the report, determines that transfer is appropriate, he or she shall file a petition
14 according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under ~~ch~~
15 chs. 48 and 938 of the county where the correctional facility or secured child caring
16 institution is located. The court shall hold a hearing according to procedures
17 provided in s. 51.20 or 51.45 (13).

18 **SECTION 422.** 51.35 (3) (e) of the statutes, as affected by 1995 Wisconsin Act 27,
19 is amended to read:

20 51.35 (3) (e) The department of corrections may authorize emergency transfer
21 of an individual from a juvenile correctional facility or a secured child caring
22 institution, as defined in s. 938.02 (15g), to a state treatment facility if there is cause
23 to believe that the individual is mentally ill, drug dependent or developmentally
24 disabled and exhibits conduct which constitutes a danger as defined in s. 51.20 (1)
25 (a) 2. to the individual or to others, or is an alcoholic and is dangerous as provided

1 in s. 51.45 (13) (a) 1. and 2. The ~~correctional~~ custodian of the sending facility or
2 institution shall execute a statement of emergency detention or petition for
3 emergency commitment for the individual and deliver it to the receiving state
4 treatment facility. The department of health and social services shall file the
5 statement or petition with the court within 24 hours after the subject individual is
6 received for detention or commitment. The statement or petition shall conform to s.
7 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made, the director
8 of the receiving facility may file a petition for continued commitment under s. 51.20
9 (1) or 51.45 (13) or may return the individual to the facility or institution from which
10 the transfer was made. As an alternative to this procedure, the procedure provided
11 in s. 51.15 or 51.45 (12) may be used, except that no prisoner may be released without
12 the approval of the court which directed confinement in the correctional facility or
13 secured child caring institution.

14 **SECTION 423.** 51.35 (3) (g) of the statutes is amended to read:

15 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment
16 facility under par. (a) may request in writing a return to the juvenile correctional
17 facility or secured child caring institution, as defined in s. 938.02 (15g). In the case
18 of a minor under 14 years of age, the parent or guardian may make the request. Upon
19 receipt of a request for return from a minor 14 years of age or over, the director shall
20 immediately notify the minor's parent or guardian. The minor shall be returned to
21 the juvenile correctional facility or secured child caring institution within 48 hours
22 after submission of the request unless a petition or statement is filed for emergency
23 detention, emergency commitment, involuntary commitment or protective
24 placement.

25 **SECTION 424.** 51.42 (3) (ar) 4. b. of the statutes is amended to read:

1 51.42 (3) (ar) 4. b. Comprehensive diagnostic and evaluation services,
2 including assessment as specified under ss. 343.30 (1q) and 343.305 (10) and
3 assessments under ~~s. ss.~~ ss. 48.295 (1) and 938.295 (1).

4 **SECTION 425.** 51.42 (3) (as) 1. of the statutes is amended to read:

5 51.42 (3) (as) 1. A county department of community programs shall authorize
6 all care of any patient in a state, local or private facility under a contractual
7 agreement between the county department of community programs and the facility,
8 unless the county department of community programs governs the facility. The need
9 for inpatient care shall be determined by the program director or designee in
10 consultation with and upon the recommendation of a licensed physician trained in
11 psychiatry and employed by the county department of community programs or its
12 contract agency. In cases of emergency, a facility under contract with any county
13 department of community programs shall charge the county department of
14 community programs having jurisdiction in the county where the patient is found.
15 The county department of community programs shall reimburse the facility for the
16 actual cost of all authorized care and services less applicable collections under s.
17 46.036, unless the department of health and social services determines that a charge
18 is administratively infeasible, or unless the department of health and social services,
19 after individual review, determines that the charge is not attributable to the cost of
20 basic care and services. A county department of community programs may not
21 reimburse any state institution or receive credit for collections for care received
22 therein by nonresidents of this state, interstate compact clients, transfers under s.
23 51.35 (3), and transfers from Wisconsin state prisons under s. 51.37 (5) (a),
24 commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats. or s. 971.14,
25 971.17 or 975.06 or admissions under s. 975.17, 1977 stats., or children placed in the

1 guardianship ~~or legal custody~~ of the department of health and social services ~~or the~~
2 department of corrections under s. 48.355, 48.427 or 48.43 or under the supervision
3 of the department of corrections under s. 938.183 or 938.355. The exclusionary
4 provisions of s. 46.03 (18) do not apply to direct and indirect costs which are
5 attributable to care and treatment of the client.

6 **SECTION 426.** 51.437 (4rm) (a) of the statutes, as affected by 1995 Wisconsin
7 Act 27, is amended to read:

8 51.437 (**4rm**) (a) A county department of developmental disabilities services
9 shall authorize all care of any patient in a state, local or private facility under a
10 contractual agreement between the county department of developmental disabilities
11 services and the facility, unless the county department of developmental disabilities
12 services governs the facility. The need for inpatient care shall be determined by the
13 program director or designee in consultation with and upon the recommendation of
14 a licensed physician trained in psychiatry and employed by the county department
15 of developmental disabilities services or its contract agency prior to the admission
16 of a patient to the facility except in the case of emergency services. In cases of
17 emergency, a facility under contract with any county department of developmental
18 disabilities services shall charge the county department of developmental
19 disabilities services having jurisdiction in the county where the individual receiving
20 care is found. The county department of developmental disabilities services shall
21 reimburse the facility for the actual cost of all authorized care and services less
22 applicable collections under s. 46.036, unless the department of health and social
23 services determines that a charge is administratively infeasible, or unless the
24 department of health and social services, after individual review, determines that
25 the charge is not attributable to the cost of basic care and services. The exclusionary

1 provisions of s. 46.03 (18) do not apply to direct and indirect costs which are
2 attributable to care and treatment of the client. County departments of
3 developmental disabilities services may not reimburse any state institution or
4 receive credit for collections for care received therein by nonresidents of this state,
5 interstate compact clients, transfers under s. 51.35 (3) (a), commitments under s.
6 975.01, 1977 stats., or s. 975.02, 1977 stats. or s. 971.14, 971.17 or 975.06, admissions
7 under s. 975.17, 1977 stats., or children placed in the guardianship of the department
8 of health and social services under s. 48.427 or 48.43 or under the supervision of the
9 department of corrections under s. ~~48.355~~ 938.183 (2) or 938.355.

10 **SECTION 427.** 51.45 (5) (d) 1. of the statutes is amended to read:

11 51.45 (5) (d) 1. Ensure that each county receiving funding under par. (b) has
12 in place not later than 12 months from the date the county initially receives the
13 funding a coordinating council whose duties shall include the coordination of alcohol
14 and other drug abuse activities relating to primary prevention with school districts,
15 community service and treatment providers in the community, courts assigned to
16 exercise jurisdiction under ~~ch. 48~~ chs. 48 and 938, law enforcement agencies, parents,
17 children and the alcohol and other drug abuse prevention specialist.

18 **SECTION 428.** 51.45 (11) (bm) of the statutes is amended to read:

19 51.45 (11) (bm) If the person who appears to be incapacitated by alcohol under
20 par. (b) is a minor, either a law enforcement officer or a person authorized to take a
21 child into custody under ch. 48 or 938 may take the minor into custody as provided
22 in par. (b).

23 **SECTION 429.** 59.175 of the statutes, as affected by 1995 Wisconsin Act 27,
24 section 3287bm, is amended to read:

1 **59.175 Clerks of counties containing state institutions to make claims**
2 **in certain cases.** The county clerk of any county which is entitled to reimbursement
3 under s. 16.51 (7) shall make a certified claim against the state, without direction
4 from the county board, in all cases where the reimbursement is directed in that
5 subsection, upon forms prescribed by the department of administration. The forms
6 shall contain information required by the clerk and shall be filed annually with the
7 department of corrections on or before June 1. If the claims are approved by the
8 department of corrections, they shall be certified to the department of
9 administration and paid from the appropriation made by s. 20.410 (1) (c), if the claim
10 is for reimbursement of expenses involving a prisoner in a state prison named in s.
11 302.01, or from the appropriation under s. 20.410 (3) (c), if the claim is for
12 reimbursement of expenses involving a child in a secured correctional facility, as
13 defined in s. ~~48.02~~ 938.02 (15m).

14 **SECTION 430.** 60.23 (22m) of the statutes is created to read:

15 **60.23 (22m) SCHOOL ATTENDANCE.** If the town board has established a
16 municipal court under s. 755.01 (1), enact and enforce an ordinance to impose a
17 forfeiture, which is the same as the fine provided under s. 118.15 (5), upon a person
18 having under his or her control a child who is between the ages of 6 and 18 years and
19 whose child is not in compliance with s. 118.15.

20 **SECTION 431.** 101.123 (1) (i) of the statutes is amended to read:

21 **101.123 (1) (i)** “State institution” means a prison, a secured correctional
22 facility, a mental health institute as defined in s. 51.01 (12) or a center for the
23 developmentally disabled as defined in s. 51.01 (3), except that “state institution”
24 does not include a Type 2 secured correctional facility, as defined in s. 48.02 (20).

1 **SECTION 432.** 101.123 (1) (i) of the statutes, as affected by 1995 Wisconsin Act
2 (this act), is repealed and recreated to read:

3 101.123 (1) (i) "State institution" means a prison, a secured correctional
4 facility, a mental health institute as defined in s. 51.01 (12) or a center for the
5 developmentally disabled as defined in s. 51.01 (3), except that "state institution"
6 does not include a Type 2 secured correctional facility, as defined in s. 938.02 (20).

7 **SECTION 433.** 101.123 (3) (gg) of the statutes is created to read:

8 101.123 (3) (gg) A Type 2 secured correctional facility, as defined in s. 48.02 (20).

9 **SECTION 412m.** 101.123 (3) (gg) of the statutes, as created by 1995 Wisconsin
10 Act (this act), is amended to read:

11 101.123 (3) (gg) A Type 2 secured correctional facility, as defined in s. 48.02
12 938.02 (20).

13 **SECTION 434.** 102.07 (13) of the statutes, as affected by 1995 Wisconsin Act 24,
14 is amended to read:

15 102.07 (13) A child performing uncompensated community service work as a
16 result of ~~an informal disposition under s. 48.245~~ a deferred prosecution agreement
17 under s. 938.245, a consent decree under s. 48.32 938.32 or an order under s. 48.34
18 ~~(7t) or (9)~~ 938.34 is an employe of the county in which the court ordering the
19 community service work is located. No compensation may be paid to that employe
20 for temporary disability during the healing period.

21 **SECTION 435.** 103.72 of the statutes is amended to read:

22 **103.72 Refusal and revocation of permits.** (1) The department or permit
23 officer may refuse to grant permits in the case of minors who seem physically unable
24 to perform the labor at which they are to be employed. They may also refuse to grant

1 a permit if in their judgment the best interests of the minor would be served by such
2 that refusal.

3 (2) Whenever it ~~shall appear~~ appears to the department that ~~any a~~ permit has
4 been improperly or illegally issued, or that the physical or moral welfare or school
5 attendance of the minor would be best served by the revocation of the permit or that
6 the failing school performance of the minor would be remedied by the revocation of
7 the permit, the department may ~~forthwith~~ immediately, without notice, revoke the
8 same, and permit. The department shall revoke a permit if ordered to do so under
9 s. 938.342 (1) (e). If the department revokes a permit, the department shall, by
10 registered mail, notify the person employing such the minor and the minor holding
11 such the permit of such the revocation. Upon receipt of such the notice, the employer
12 employing such the minor shall ~~forthwith~~ immediately return the revoked permit to
13 the department and discontinue the employment of the minor.

14 **SECTION 436.** 103.87 of the statutes is amended to read:

15 **103.87 Employe not to be disciplined for testifying.** No employer may
16 discharge an employe because the employe is subpoenaed to testify in an action or
17 proceeding pertaining to a crime or pursuant to ch. 48 or 938. On or before the first
18 business day after the receipt of a subpoena to testify, the employe shall give the
19 employer notice if he or she will have to be absent from employment because he or
20 she has been subpoenaed to testify in an action or proceeding pertaining to a crime
21 or pursuant to ch. 48 or 938. If a person is subpoenaed to testify in an action or
22 proceeding as a result of a crime, as defined in s. 950.02 (1m), against the person's
23 employer or an incident involving the person during the course of his or her
24 employment, the employer shall not decrease or withhold the employe's pay for any
25 time lost resulting from compliance with the subpoena. An employer who violates

1 this section may be fined not more than \$200 and may be required to make full
2 restitution to the aggrieved employe, including reinstatement and back pay. Except
3 as provided in this section, restitution shall be in accordance with s. 973.20.

4 **SECTION 437.** 115.31 (1) (b) of the statutes is amended to read:

5 115.31 (1) (b) "Educational agency" means a school district, cooperative
6 educational service agency, state correctional institution under s. 302.01, secured
7 correctional facility, as defined in s. ~~48.02~~ 938.02 (15m), secured child caring
8 institution, as defined in s. 938.02 (15g), the Wisconsin school for the visually
9 handicapped, the Wisconsin school for the deaf, the Mendota mental health institute,
10 the Winnebago mental health institute, a state center for the developmentally
11 disabled, a private school or a private, nonprofit, nonsectarian agency under contract
12 with a school board under s. 118.153 (3) (c).

13 **SECTION 438.** 115.81 (9) (c) of the statutes is amended to read:

14 115.81 (9) (c) Notwithstanding ss. ~~48.34 (4) and (4m)~~, 48.345, 48.363, 48.427
15 (3), 767.24 (3), 880.12 and, 880.15, 938.183, 938.34 (4), (4h), (4m) and (4n), 938.345
16 and 938.363, a surrogate parent has the authority to act as the child's parent in all
17 matters relating to this subchapter.

18 **SECTION 439.** 115.85 (2m) of the statutes, as affected by 1995 Wisconsin Act 27,
19 is amended to read:

20 115.85 (2m) PLACEMENT DISPUTES. If a dispute arises between the school board
21 and the department of health and social services, the department of corrections or
22 a county department under s. 46.215, 46.22 or 46.23, or between school boards under
23 s. 115.815 (4) (c), over the placement of a child in an appropriate program under sub.
24 (2), the state superintendent shall resolve the dispute. This subsection applies only
25 to placements in nonresidential educational programs made under s. 48.48 (4),

1 ~~48.553 (3) or 48.57 (1) (c), 938.48 (4) or 938.57 (1) (c)~~ and to placements in child caring
2 institutions made under s. 115.815.

3 **SECTION 440.** 118.125 (1) (a) of the statutes is amended to read:

4 118.125 (1) (a) “Behavioral records” means those pupil records which include
5 psychological tests, personality evaluations, records of conversations, any written
6 statement relating specifically to an individual pupil’s behavior, tests relating
7 specifically to achievement or measurement of ability, the pupil’s physical health
8 records other than his or her immunization records or any lead screening records
9 required under s. 254.162, ~~peace~~ law enforcement officers’ records obtained under s.
10 48.396 (1) or 938.396 (1m) and any other pupil records that are not progress records.

11 **SECTION 441.** 118.125 (2) (cg) of the statutes is created to read:

12 118.125 (2) (cg) The school district clerk shall provide a law enforcement
13 agency with a copy of a pupil’s attendance record if the law enforcement agency
14 certifies in writing that the pupil is under investigation for allegedly committing a
15 criminal or delinquent act and that the law enforcement agency will not further
16 disclose the pupil’s attendance record except as permitted under s. 938.396 (1) to (1r).

17 **SECTION 442.** 118.125 (2) (cm) of the statutes is amended to read:

18 118.125 (2) (cm) If school attendance is a condition of a child’s dispositional
19 order under s. 48.355 (2) (b) 7. ~~or 938.355 (2) (b) 7.~~, the school board shall notify the
20 county department that is responsible for supervising the child within 5 days after
21 any violation of the condition by the child.

22 **SECTION 443.** 118.125 (2) (d) of the statutes is amended to read:

23 118.125 (2) (d) Pupil records ~~may~~ shall be made available to persons employed
24 by the school district which the pupil attends who are required by the department
25 under s. 115.28 (7) to hold a license and other school district officials who have been

1 determined by the school board to have legitimate educational or safety interests.
2 Peace in the pupil records. Law enforcement officers' records obtained under s.
3 48.396 (1m) may 938.396 (1m) (a) shall be made available under this paragraph only
4 for the purposes of s. 118.127 (2) and only to those designated personnel involved in
5 employees of the school district who have been designated by the school board to
6 receive that information for the purpose of providing alcohol and other drug abuse
7 programs. Law enforcement officers' records obtained under s. 938.396 (1m) (b) shall
8 be made available under this paragraph for the purposes of s. 118.127 (3) to persons
9 employed by the school district which the pupil attends who are required by the
10 department under s. 115.28 (7) to hold a license, to other school district officials who
11 have been determined by the school board to have legitimate educational or safety
12 interests in those records and to those employees of the school district who have been
13 designated by the school board to receive that information for the purpose of
14 providing treatment programs. A school board member or an employe of a school
15 district may not be held personally liable for any damages caused by the
16 nondisclosure of any information specified in this paragraph unless the member or
17 employe acted with actual malice in failing to disclose the information. A school
18 district may not be held liable for any damages caused by the nondisclosure of any
19 information specified in this paragraph unless the school district or its agent acted
20 with gross negligence or with reckless, wanton or intentional misconduct in failing
21 to disclose the information.

22 **SECTION 444.** 118.125 (2) (e) of the statutes is amended to read:

23 118.125 (2) (e) Upon the written permission of an adult pupil, or the parent or
24 guardian of a minor pupil, the school shall make available to the person named in
25 the permission the pupil's progress records or such portions of the pupil's behavioral

1 records as determined by the person authorizing the release. ~~Peace~~ Law
2 enforcement officers' records obtained under s. ~~48.396~~ 938.396 (1m) may not be made
3 available under this paragraph unless specifically identified by the adult pupil or by
4 the parent or guardian of a minor pupil in the written permission.

5 **SECTION 445.** 118.125 (2) (j) 3. of the statutes is amended to read:

6 118.125 (2) (j) 3. If a school has notified the parent, legal guardian or guardian
7 ad litem of the information that it has designated as directory data with respect to
8 any pupil, the school has allowed 14 days for the parent, legal guardian or guardian
9 ad litem of the pupil to inform the school that such information may not be released
10 without the prior consent of the parent, legal guardian or guardian ad litem and the
11 parent, legal guardian or guardian ad litem has not so informed the school, the school
12 district clerk, upon request, shall provide any representative of a law enforcement
13 agency, as defined in s. 165.83 (1) (b), district attorney or corporation counsel, county
14 department under s. 46.215, 46.22 or 46.23 or a court of record or municipal court
15 with such information relating to any such pupil enrolled in the school district for the
16 purpose of enforcing that pupil's school attendance ~~or to respond,~~ investigating
17 alleged criminal or delinquent activity by the pupil or responding to a health or safety
18 emergency.

19 **SECTION 446.** 118.125 (2) (L) of the statutes is amended to read:

20 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in
21 compliance with a court order under s. ~~48.34~~ 48.345 (12) (b), ~~938.34~~ 938.396
22 (1m) (c) or 938.78 (2) (b) 2. after making a reasonable effort to notify the pupil's parent
23 or legal guardian.

24 **SECTION 447.** 118.125 (2) (n) of the statutes is created to read:

1 118.125 (2) (n) Subject to par. (m), if a public school discloses information in a
2 pupil record under par. (c), (cg), (d), (f), (g), (j) or (L), the public school shall
3 immediately notify the pupil who is the subject of the record and the pupil's parent
4 or guardian of that disclosure and shall immediately provide to the pupil and the
5 parent or guardian the information disclosed, unless the public school determines
6 that provision of the information to the parent or guardian would result in imminent
7 danger to the pupil.

8 **SECTION 448.** 118.125 (3) of the statutes, as affected by 1995 Wisconsin Act 27,
9 is amended to read:

10 118.125 (3) MAINTENANCE OF RECORDS. Each school board shall adopt rules in
11 writing specifying the content of pupil records and the time during which pupil
12 records shall be maintained. No behavioral records may be maintained for more than
13 one year after the pupil ceases to be enrolled in the school, unless the pupil specifies
14 in writing that his or her behavioral records may be maintained for a longer period.
15 A pupil's progress records shall be maintained for at least 5 years after the pupil
16 ceases to be enrolled in the school. A school board may maintain the records on
17 microfilm, optical disk or in electronic format if authorized under s. 19.21 (4) (c), or
18 in such other form as the school board deems appropriate. A school board shall
19 maintain ~~peace~~ law enforcement officers' records obtained under s. ~~48.396~~ 938.396
20 (1m) separately from a pupil's other pupil records. Rules adopted under this
21 subsection shall be published by the school board as a class 1 notice under ch. 985.

22 **SECTION 449.** 118.125 (4) of the statutes, as affected by 1993 Wisconsin Acts
23 377, 385 and 491, is amended to read:

24 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
25 transfer to another school or school district all pupil records relating to a specific

1 pupil if the transferring school district has received written notice from the pupil if
2 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
3 pupil intends to enroll in the other school or school district or written notice from the
4 other school or school district that the pupil has enrolled or from a court that legal
5 custody of the pupil has been transferred to the department of corrections or that the
6 pupil has been placed in a juvenile correctional facility or a secured child caring
7 institution, as defined in s. 938.02 (15g). In this subsection, “school” and “school
8 district” include any state juvenile correctional facility or secured child caring
9 institution which provides an educational program for its residents instead of or in
10 addition to that which is provided by public and private schools.

11 **SECTION 450.** 118.125 (5) of the statutes is renumbered 118.125 (5) (a) and
12 amended to read:

13 118.125 (5) (a) ~~Nothing~~ Except as provided in par. (b), nothing in this section
14 prohibits the use of a pupil’s records in connection with the suspension or expulsion
15 of the pupil or the use of such records by a multidisciplinary team under ch. 115.

16 **SECTION 451.** 118.125 (5) (b) of the statutes is created to read:

17 118.125 (5) (b) Law enforcement officers’ records obtained under s. 938.396
18 (1m) and records of the court assigned to exercise jurisdiction under chs. 48 and 938
19 obtained under s. 938.396 (7) shall not be used as the sole basis for expelling or
20 suspending a pupil.

21 **SECTION 452.** 118.127 of the statutes is amended to read:

22 **118.127 (title) Peace Law enforcement officers’ records. (1)** Upon receipt
23 of information from ~~peace~~ law enforcement officers’ records obtained under s. ~~48.396~~
24 938.396 (1m), the school district administrator shall notify any pupil named in the

1 records, and the parent or guardian of any minor pupil named in the records, of the
2 information.

3 (2) A school district ~~may~~ shall use information from ~~peace~~ law enforcement
4 officers' records obtained under s. ~~48.396 (1m)~~ only 938.396 (1m) (a) for the purpose
5 of providing alcohol and other drug abuse programs for pupils enrolled in the school
6 district. A school district shall not use law enforcement officers' records obtained
7 under s. 938.396 (1m) (a) as the sole basis for expelling or suspending a pupil.

8 **SECTION 453.** 118.127 (3) of the statutes is created to read:

9 118.127 (3) A school district shall use information from law enforcement
10 officers' records obtained under s. 938.396 (1m) (b) for legitimate educational or
11 safety purposes and for the purpose of providing treatment programs for pupils
12 enrolled in the school district. A school district shall not use law enforcement officers'
13 records obtained under s. 938.396 (1m) (b) as the sole basis for expelling or
14 suspending a pupil.

15 **SECTION 454.** 118.15 (1) (cm) 1. of the statutes is amended to read:

16 118.15 (1) (cm) 1. Upon the child's request and with the approval of the child's
17 parent or guardian, any child who is 17 years of age or over shall be excused by the
18 school board from regular school attendance if the child began a program leading to
19 a high school equivalency diploma in a secured correctional facility, as defined in s.
20 ~~48.02~~ 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g),
21 and the child and his or her parent or guardian agree under subd. 2. that the child
22 will continue to participate in such a program.

23 **SECTION 455.** 118.15 (5) (a) of the statutes is amended to read:

24 118.15 (5) (a) Except as provided under par. (b) or if a person has been found
25 guilty of a misdemeanor under s. 948.45, whoever violates this section may be fined

1 not more than \$500 or imprisoned for not more than 30 days or both, ~~after~~ if evidence
2 has been provided by the school attendance officer that the activities under s. 118.16
3 (5) have been completed or were not completed due to the child's absence from school
4 as provided in s. 118.16 (5m). In a prosecution under this paragraph, if the defendant
5 proves that he or she is unable to comply with the law because of the disobedience
6 of the child, the action shall be dismissed and the child shall be referred to the court
7 assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938.

8 **SECTION 456.** 118.15 (5) (am) of the statutes is created to read:

9 118.15 (5) (am) The court may order any person who violates this section to
10 participate in counseling at the person's own expense.

11 **SECTION 457.** 118.16 (2m) (a) (intro.) of the statutes is amended to read:

12 118.16 (2m) (a) (intro.) A school district administrator may designate any of
13 the following individuals to take a child who resides in the school district and who
14 is absent from school without an acceptable excuse under s. 118.15 into custody
15 under s. ~~48.19~~ 938.19 (1m):

16 **SECTION 458.** 118.16 (2m) (d) of the statutes is amended to read:

17 118.16 (2m) (d) A school district administrator who makes a designation under
18 par. (a) shall provide each individual so designated with an identification card of a
19 form determined by the school board. The designee shall carry the identification card
20 on his or her person at all times while the designee is on official duty under s. ~~48.19~~
21 938.19 (1m) and shall exhibit the identification card to any person to whom the
22 designee represents himself or herself as a person authorized to take a child into
23 custody under s. ~~48.19~~ 938.19 (1m).

24 **SECTION 459.** 118.16 (2m) (e) of the statutes is amended to read:

1 118.16 **(2m)** (e) A school district administrator who makes a designation under
2 par. (a) or the individual designated under par. (a) shall immediately attempt to
3 notify, by personal contact or telephone call, the child's parent, guardian and legal
4 custodian that the designation has been made and that the child may be taken into
5 custody under s. ~~48.19~~ 938.19 (1m). The school district administrator, or the
6 designee, is not required to notify a parent, guardian or legal custodian under this
7 paragraph if the parent, guardian or legal custodian is the person who requested that
8 the child be taken into custody under s. ~~48.19~~ 938.19 (1m).

9 **SECTION 460.** 118.16 (4) (e) of the statutes, as affected by 1995 Wisconsin Act
10 27, is amended to read:

11 118.16 **(4)** (e) Except as provided under s. 119.55, a school board may establish
12 one or more youth service centers for the counseling of children who are taken into
13 custody under s. ~~48.19~~ 938.19 (1) (d) ~~9- or~~ 10. for being absent from school without
14 an acceptable excuse under s. 118.15.

15 **SECTION 461.** 118.16 (5) (intro.) of the statutes is amended to read:

16 118.16 **(5)** (intro.) ~~Prior to~~ Except as provided in sub. (5m), before any
17 proceeding being ~~may be~~ brought against a child under s. ~~48.13 (6)~~ 938.13 (6) for
18 habitual truancy or under s. 938.125 (2) or 938.17 (2) for a violation of an ordinance
19 enacted under s. 118.163 (2) or against the child's parent or guardian under s. 118.15
20 for failure to cause the child to attend school regularly, the school attendance officer
21 shall provide evidence that appropriate school personnel in the school or school
22 district in which the child is enrolled have, within the school year during which the
23 truancy occurred, done all of the following:

24 **SECTION 462.** 118.16 (5) (a) of the statutes is amended to read:

1 118.16 (5) (a) Met with the child's parent or guardian to discuss the child's
2 truancy or have attempted to meet with the child's parent or guardian and been
3 received no response or were refused.

4 **SECTION 463.** 118.16 (5) (c) of the statutes is amended to read:

5 118.16 (5) (c) Evaluated the child to determine whether learning problems may
6 be a cause of the child's truancy and, if so, have taken steps to overcome the learning
7 problems, except that the child need not be evaluated if tests administered to the
8 child within the previous year indicate that the child is performing at his or her grade
9 level.

10 **SECTION 464.** 118.16 (5m) of the statutes is created to read:

11 118.16 (5m) Subsection (5) (b), (c) and (d) does not apply if the school
12 attendance officer provides evidence that appropriate school personnel were unable
13 to carry out the activity due to the child's absences from school.

14 **SECTION 465.** 118.16 (6) of the statutes is amended to read:

15 118.16 (6) ~~Following receipt of~~ If the school attendance officer receives evidence
16 that activities under sub. (5) have been completed or were not completed due to the
17 child's absence from school as provided in sub. (5m), the school attendance officer
18 may file information on any child who continues to be truant with the court assigned
19 to exercise jurisdiction under ~~ch. chs. 48 and 938~~ in accordance with s. ~~48.24 938.24~~.
20 Filing information on a child under this subsection does not preclude concurrent
21 prosecution of the child's parent or guardian under s. 118.15 (5).

22 **SECTION 466.** 118.162 (4) (e) of the statutes is amended to read:

23 118.162 (4) (e) The types of truancy cases to be referred to the district attorney
24 for the filing of information under s. ~~48.24 938.24~~ or prosecution under s. 118.15 (5)

1 and the time periods within which the district attorney will respond to and take
2 action on the referrals.

3 **SECTION 467.** 118.163 (2) (b) of the statutes is amended to read:

4 118.163 (2) (b) An order for the child to participate in counseling, ~~community~~
5 ~~service~~ or a supervised work program as ~~provided~~ or other community service work
6 under s. ~~48.34 (9)~~ 938.34 (5g).

7 **SECTION 468.** 118.163 (2) (d) of the statutes is amended to read:

8 118.163 (2) (d) An order for the child to attend an educational program under
9 s. ~~48.34 (12)~~ 938.34 (7d).

10 **SECTION 469.** 118.163 (2) (e) of the statutes is created to read:

11 118.163 (2) (e) An order for the department of industry, labor and human
12 relations to revoke, under s. 103.72, a permit under s. 103.70 authorizing the
13 employment of the child.

14 **SECTION 470.** 118.163 (2) (f) of the statutes is created to read:

15 118.163 (2) (f) An order for the juvenile to be placed in a teen court program as
16 described in s. ~~938.342 (1) (f)~~.

17 **SECTION 471.** 120.12 (18) of the statutes is amended to read:

18 120.12 (18) CONTINUITY OF EDUCATIONAL PROGRAMMING. Coordinate and provide
19 for continuity of educational programming for pupils receiving educational services
20 as the result of a court order under s. ~~48.34 (12)~~ 48.345 (12) or 938.34 (7d), including
21 but not limited to providing a ~~written~~ report to the court assigned to exercise
22 jurisdiction under ~~ch. 48~~ chs. 48 and 938 and the agency which is required to submit an
23 educational plan for a child under s. ~~48.33~~ or 938.33 (1) (e). The ~~written~~ report shall
24 describe the child's educational status and make recommendations regarding
25 educational programming for the child. The ~~written~~ report shall be in writing, except

1 that if the educational plan under s. 938.33 (1) (e) is presented orally at the
2 dispositional hearing the report may be presented orally to the court assigned to
3 exercise jurisdiction under chs. 48 and 938 and the agency at the dispositional
4 hearing. If written, the report shall be provided to the court assigned to exercise
5 jurisdiction under ch. 48 and 938 and the agency at least 3 days before the date
6 of the child's dispositional hearing.

7 **SECTION 472.** 121.78 (4) of the statutes is amended to read:

8 121.78 (4) COURT-ORDERED EDUCATIONAL SERVICES. If a pupil is receiving
9 educational services as the result of a court order under s. ~~48.34~~ 48.345 (12) or 938.34
10 (7d), the school board of the school district in which the pupil resided at the time of
11 issuance of the court order shall pay tuition for the pupil. A school board paying
12 tuition for a pupil under this subsection shall count the pupil as 1.0 pupil in
13 membership for general aid under subch. II. The school board shall pay each agency
14 specified under s. ~~48.34~~ 48.345 (12) (a) 2. to 4. or 938.34 (7d) (a) 2. to 4., for each
15 full-time equivalent pupil served by the agency, an amount equal to at least 80% of
16 the average per pupil cost for the school district. No state aid may be paid to the
17 technical college district for pupils attending the technical college under s. ~~48.34~~
18 48.345 (12) (a) 4. or 938.34 (7d) (a) 4.

19 **SECTION 473.** 125.07 (4) (bs) 1. of the statutes is amended to read:

20 125.07 (4) (bs) 1. For a first violation, a forfeiture of not less than \$250 nor more
21 than \$500, suspension of the person's operating privilege as provided under s. 343.30
22 (6) (b) 1., participation in a supervised work program or other community service
23 work under par. (cg) or any combination of these penalties.

24 **SECTION 474.** 125.07 (4) (bs) 2. of the statutes is amended to read:

1 125.07 (4) (bs) 2. For a violation committed within 12 months of a previous
2 violation, either a forfeiture of not less than \$300 nor more than \$500, suspension
3 of the person's operating privilege as provided under s. 343.30 (6) (b) 2., participation
4 in a supervised work program or other community service work under par. (cg) or any
5 combination of these penalties.

6 **SECTION 475.** 125.07 (4) (bs) 3. of the statutes is amended to read:

7 125.07 (4) (bs) 3. For a violation committed within 12 months of 2 previous
8 violations, either a forfeiture of not less than \$500 nor more than \$750, revocation
9 of the person's operating privilege under s. 343.30 (6) (b) 3., participation in a
10 supervised work program or other community service work under par. (cg) or any
11 combination of these penalties.

12 **SECTION 476.** 125.07 (4) (bs) 4. of the statutes is amended to read:

13 125.07 (4) (bs) 4. For a violation committed within 12 months of 3 or more
14 previous violations, either a forfeiture of not less than \$750 nor more than \$1,000,
15 revocation of the person's operating privilege under s. 343.30 (6) (b) 3., participation
16 in a supervised work program or other community service work under par. (cg) or any
17 combination of these penalties.

18 **SECTION 477.** 125.07 (4) (c) 1. of the statutes is amended to read:

19 125.07 (4) (c) 1. For a first violation, a forfeiture of not less than \$100 nor more
20 than \$200, suspension of the person's operating privilege as provided under s. 343.30
21 (6) (b) 1., participation in a supervised work program or other community service
22 work under par. (cg) or any combination of these penalties.

23 **SECTION 478.** 125.07 (4) (c) 2. of the statutes is amended to read:

24 125.07 (4) (c) 2. For a violation committed within 12 months of a previous
25 violation, either a forfeiture of not less than \$200 nor more than \$300, suspension

1 of the person's operating privilege as provided under s. 343.30 (6) (b) 2., participation
2 in a supervised work program or other community service work under par. (cg) or any
3 combination of these penalties.

4 **SECTION 479.** 125.07 (4) (c) 3. of the statutes is amended to read:

5 125.07 (4) (c) 3. For a violation committed within 12 months of 2 previous
6 violations, either a forfeiture of not less than \$300 nor more than \$500, revocation
7 of the person's operating privilege under s. 343.30 (6) (b) 3., participation in a
8 supervised work program or other community service work under par. (cg) or any
9 combination of these penalties.

10 **SECTION 480.** 125.07 (4) (c) 4. of the statutes is amended to read:

11 125.07 (4) (c) 4. For a violation committed within 12 months of 3 or more
12 previous violations, either a forfeiture of not less than \$500 nor more than \$1,000,
13 revocation of the person's operating privilege under s. 343.30 (6) (b) 3., participation
14 in a supervised work program or other community service work under par. (cg) or any
15 combination of these penalties.

16 **SECTION 481.** 125.07 (4) (cg) of the statutes is amended to read:

17 125.07 (4) (cg) 1. ~~If the court orders a person to participate in a A supervised~~
18 ~~work program ordered under par. (bs) or (c), the shall be administered by the county~~
19 ~~department under s. 46.215 or 46.22 or by a community agency approved by the~~
20 ~~court. The court shall set standards for the supervised work program within the~~
21 ~~budgetary limits established by the county board of supervisors. The supervised~~
22 ~~work program may provide the person with reasonable compensation reflecting the~~
23 ~~market value of the work performed, or it may consist of uncompensated community~~
24 ~~service work, and shall be administered by a the county department under s. 46.215~~
25 ~~or 46.22 or a community agency approved by the court. Community service work~~

1 ordered under par. (bs) or (c), other than community service work performed under
2 a supervised work program, shall be administered by a public agency or nonprofit
3 charitable organization approved by the court. The court may use any available
4 resources, including any community service work program, in ordering the child to
5 perform community service work under par. (bs) or (c).

6 2. The supervised work program or other community service work shall be of
7 a constructive nature designed to promote the person's rehabilitation, shall be
8 appropriate to the person's age level and physical ability and shall be combined with
9 counseling from ~~an agency staff~~ a member of the staff of the county department,
10 community agency, public agency or nonprofit charitable organization or other
11 qualified person. The supervised work program or other community service work
12 may not conflict with the person's regular attendance at school. The amount of work
13 required shall be reasonably related to the seriousness of the person's offense.

14 **SECTION 482.** 125.07 (4) (d) of the statutes is amended to read:

15 125.07 (4) (d) A person who is under 18 years of age on the date of disposition
16 is subject to s. ~~48.344~~ 938.344 unless proceedings have been instituted against the
17 person in a court of civil or criminal jurisdiction after dismissal of the citation under
18 s. ~~48.344~~ 938.344 (3).

19 **SECTION 483.** 125.07 (4) (e) 2. a. of the statutes is amended to read:

20 125.07 (4) (e) 2. a. Submit to an alcohol abuse assessment that conforms to the
21 criteria specified under s. ~~48.547~~ 938.547 (4) and that is conducted by an approved
22 treatment facility. The order shall designate an approved treatment facility to
23 conduct the alcohol abuse assessment and shall specify the date by which the
24 assessment must be completed.

25 **SECTION 484.** 125.085 (3) (bd) of the statutes is amended to read:

1 125.085 (3) (bd) Any underage person who violates par. (b) is subject to a
2 forfeiture of not less than \$100 nor more than \$500, suspension of the person's
3 operating privilege under s. 343.30 (6) (bm), participation in a supervised work
4 program or other community service work under par. (bh) or any combination of
5 these penalties.

6 **SECTION 485.** 125.085 (3) (bh) of the statutes is amended to read:

7 125.085 (3) (bh) 1. ~~If the court orders a person to participate in a~~ A supervised
8 work program ordered under par. (bd), ~~the~~ shall be administered by the county
9 department under s. 46.215 or 46.22 or by a community agency approved by the
10 court. The court shall set standards for the supervised work program within the
11 budgetary limits established by the county board of supervisors. The supervised
12 work program may provide the person with reasonable compensation reflecting the
13 market value of the work performed, or it may consist of uncompensated community
14 service work, and shall be administered by the county department under s. 46.215
15 or 46.22 or a community agency approved by the court. Community service work
16 ordered under par. (bd), other than community service work performed under a
17 supervised work program, shall be administered by a public agency or nonprofit
18 charitable organization approved by the court. The court may use any available
19 resources, including any community service work program, in ordering the child to
20 perform community service work under par. (bd).

21 2. The supervised work program or other community service work shall be of
22 a constructive nature designed to promote the person's rehabilitation, shall be
23 appropriate to the person's age level and physical ability and shall be combined with
24 counseling from ~~an agency staff~~ a member of the staff of the county department,
25 community agency, public agency or nonprofit charitable organization or other

1 qualified person. The supervised work program or other community service work
2 may not conflict with the person's regular attendance at school. The amount of work
3 required shall be reasonably related to the seriousness of the person's offense.

4 **SECTION 486.** 125.085 (3) (bt) of the statutes is amended to read:

5 125.085 (3) (bt) A person who is under 18 years of age on the date of disposition
6 is subject to s. ~~48.344~~ 938.344 unless proceedings have been instituted against the
7 person in a court of civil or criminal jurisdiction after dismissal of the citation under
8 s. ~~48.344~~ 938.344 (3).

9 **SECTION 487.** 125.09 (2) (d) of the statutes is amended to read:

10 125.09 (2) (d) A person who violates this subsection is subject to a forfeiture of
11 not more than \$200, except that ss. ~~48.344~~ and 125.07 (4) (c) and (d) and 938.344
12 provide the penalties applicable to underage persons.

13 **SECTION 488.** 146.34 (1) (e) of the statutes is amended to read:

14 146.34 (1) (e) "Legal custodian" means a person other than a parent or
15 guardian or an agency to whom the legal custody of a minor has been transferred by
16 a court under ch. 48 or 938, but does not include a person who has only physical
17 custody of a minor.

18 **SECTION 489.** 146.34 (5) (a) (intro.) of the statutes is amended to read:

19 146.34 (5) (a) (intro.) A relative of the prospective donor or the district attorney
20 or corporation counsel of the county of residence of the prospective donor may file a
21 petition with the court assigned to exercise jurisdiction under ~~ch. 48~~ chs. 48 and 938 for
22 an order to prohibit either of the following:

23 **SECTION 490.** 146.81 (4) of the statutes is amended to read:

24 146.81 (4) "Patient health care records" means all records related to the health
25 of a patient prepared by or under the supervision of a health care provider, including

1 the records required under s. 146.82 (2) (d) and (3) (c), but not those records subject
2 to s. 51.30, reports collected under s. 69.186, records of tests administered under s.
3 ~~48.296 (4)~~, 252.15 (2) (a) 7., 343.305, 938.296 (4) or 968.38 (4), fetal monitor tracings,
4 as defined under s. 146.817 (1), or a pupil's physical health records maintained by
5 a school under s. 118.125.

6 **SECTION 491.** 146.81 (5) of the statutes, as affected by 1993 Wisconsin Act 385,
7 is amended to read:

8 146.81 (5) "Person authorized by the patient" means the parent, guardian or
9 legal custodian of a minor patient, as defined in s. 48.02 (8) and (11), the person
10 vested with supervision of the child under s. ~~48.34~~ 938.183 or 938.34 (4h), (4m) or
11 (4n), the guardian of a patient adjudged incompetent, as defined in s. 880.01 (3) and
12 (4), the personal representative or spouse of a deceased patient, any person
13 authorized in writing by the patient or a health care agent designated by the patient
14 as a principal under ch. 155 if the patient has been found to be incapacitated under
15 s. 155.05 (2), except as limited by the power of attorney for health care instrument.
16 If no spouse survives a deceased patient, "person authorized by the patient" also
17 means an adult member of the deceased patient's immediate family, as defined in s.
18 632.895 (1) (d). A court may appoint a temporary guardian for a patient believed
19 incompetent to consent to the release of records under this section as the person
20 authorized by the patient to decide upon the release of records, if no guardian has
21 been appointed for the patient.

22 **SECTION 492.** 157.065 (2) (a) 4. c. of the statutes is amended to read:

23 157.065 (2) (a) 4. c. A Type 1 secured correctional facility, as defined in s. 48.02
24 ~~(15m)~~ (19).

1 **SECTION 493.** 157.065 (2) (a) 4. c. of the statutes, as affected by 1995 Wisconsin
2 Act (this act), is repealed and recreated to read:

3 157.065 (2) (a) 4. c. A Type 1 secured correctional facility, as defined in s. 938.02
4 (19).

5 **SECTION 494.** 161.573 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
6 is amended to read:

7 161.573 (2) Any person who violates this section who is under 17 years of age
8 is subject to a disposition under s. ~~48.344~~ 938.344 (2e).

9 **SECTION 495.** 161.574 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
10 is amended to read:

11 161.574 (2) Any person who violates this section who is under 17 years of age
12 is subject to a disposition under s. ~~48.344~~ 938.344 (2e).

13 **SECTION 496.** 161.575 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
14 is amended to read:

15 161.575 (2) Any person who violates this section who is under 17 years of age
16 is subject to a disposition under s. ~~48.344~~ 938.344 (2e).

17 **SECTION 497.** 165.76 (1) (a) of the statutes is amended to read:

18 165.76 (1) (a) Is in prison or a secured correctional facility, as defined in s. 48.02
19 (15m), or on probation, parole, supervision, or aftercare supervision ~~or corrective~~
20 ~~sanctions supervision~~ on or after August 12, 1993, for any violation of s. 940.225 (1)
21 or (2), 948.02 (1) or (2) or 948.025.

22 **SECTION 498.** 165.76 (1) (a) of the statutes, as affected by 1995 Wisconsin Act
23 (this act), is repealed and recreated to read:

24 165.76 (1) (a) Is in prison or a secured correctional facility, as defined in s.
25 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g) or on

1 probation, parole, supervision or aftercare supervision on or after August 12, 1993,
2 for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

3 **SECTION 499.** 165.76 (2) (b) 2. of the statutes is amended to read:

4 165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured
5 correctional facility, he or she shall provide the specimen under par. (a) at the office
6 of a county sheriff as soon as practicable after release on parole, or aftercare
7 supervision ~~or corrective sanctions supervision~~, as directed by his or her probation
8 and parole agent, or aftercare agent ~~or corrective sanctions agent~~, except that the
9 department of corrections may require the person to provide the specimen while he
10 or she is in prison and the department of health and social services may require the
11 person, if a child, to provide the specimen while he or she is placed at a secured
12 correctional facility.

13 **SECTION 500.** 165.76 (2) (b) 2. of the statutes, as affected by 1995 Wisconsin Act
14 (this act), is repealed and recreated to read:

15 165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured
16 correctional facility or a secured child caring institution, he or she shall provide the
17 specimen under par. (a) at the office of a county sheriff as soon as practicable after
18 release on parole or aftercare supervision, as directed by his or her probation and
19 parole agent or aftercare agent, except that the department of corrections may
20 require the person to provide the specimen while he or she is in prison or in a secured
21 correctional facility or a secured child caring institution.

22 **SECTION 501.** 165.76 (2) (b) 5. of the statutes is amended to read:

23 165.76 (2) (b) 5. Notwithstanding subds. 1. to 3., for persons who are subject
24 to sub. (1) and who are in prison or a secured correctional facility or on probation,
25 parole, supervision, or aftercare supervision ~~or corrective sanctions supervision~~ on

1 August 12, 1993, the departments of justice, corrections and health and social
2 services shall cooperate to have these persons provide specimens under par. (a)
3 before July 1, 1998.

4 **SECTION 483m.** 165.76 (2) (b) 5. of the statutes, as affected by 1995 Wisconsin
5 Act (this act), is repealed and recreated to read:

6 165.76 (2) (b) 5. Notwithstanding subs. 1. to 3., for persons who are subject
7 to sub. (1) and who are in prison, a secured correctional facility or a secured child
8 caring institution or on probation, parole, supervision or aftercare supervision on
9 August 12, 1993, the departments of justice, corrections and health and social
10 services shall cooperate to have these persons provide specimens under par. (a)
11 before July 1, 1998.

12 **SECTION 502.** 165.76 (3) of the statutes is amended to read:

13 165.76 (3) If a person is required to submit a biological specimen under s. 48.34
14 ~~(15)~~, 51.20 (13) (cr), 938.34 (15), 971.17 (1m) or 973.047, he or she shall comply with
15 that requirement and is not required to comply with this section.

16 **SECTION 503.** 165.765 (1) of the statutes is amended to read:

17 165.765 (1) Whoever intentionally fails to comply with a requirement to submit
18 a biological specimen under s. 48.34 ~~(15)~~, 165.76, 938.34 (15) or 973.047 may be fined
19 not more than \$10,000 or imprisoned for not more than 9 months or both.

20 **SECTION 504.** 165.765 (2) (a) of the statutes is amended to read:

21 165.765 (2) (a) Any physician, registered nurse, medical technologist,
22 physician assistant or person acting under the direction of a physician who obtains
23 a biological specimen under s. 48.34 ~~(15)~~, 165.76, 938.34 (15) or 973.047 is immune
24 from any civil or criminal liability for the act, except for civil liability for negligence
25 in the performance of the act.

1 **SECTION 505.** 165.77 (2) (b) of the statutes is amended to read:

2 165.77 (2) (b) Paragraph (a) does not apply to specimens received under s. 48.34
3 ~~(15)~~, 51.20 (13) (cr), 165.76, 938.34 (15), 971.17 (1m) or 973.047.

4 **SECTION 506.** 165.77 (3) of the statutes is amended to read:

5 165.77 (3) If the laboratories receive a human biological specimen under s.
6 48.34~~(15)~~, 51.20 (13) (cr), 165.76, 938.34 (15), 971.17 (1m) or 973.047, the
7 laboratories shall analyze the deoxyribonucleic acid in the specimen. The
8 laboratories shall maintain a data bank based on data obtained from
9 deoxyribonucleic acid analysis of those specimens. The laboratories may compare
10 the data obtained from one specimen with the data obtained from other specimens.
11 The laboratories may make data obtained from any analysis and comparison
12 available to law enforcement agencies in connection with criminal or delinquency
13 investigations and, upon request, to any prosecutor, defense attorney or subject of
14 the data. The data may be used in criminal and delinquency actions and proceedings.
15 In this state, the use is subject to s. 972.11 (5). The laboratories shall destroy
16 specimens obtained under this subsection after analysis has been completed and the
17 applicable court proceedings have concluded.

18 **SECTION 507.** 175.35 (1) (ag) of the statutes is amended to read:

19 175.35 (1) (ag) “Criminal history record” includes information reported to the
20 department under s. ~~48.396~~ 938.396 (8) that indicates a person was adjudicated
21 delinquent for an act that if committed by an adult in this state would be a felony.

22 **SECTION 508.** 175.45 (1) (b) of the statutes is amended to read:

23 175.45 (1) (b) Is in prison or, a secured correctional facility, as defined in s.
24 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or

1 on probation, parole, supervision or aftercare supervision on or after December 25,
2 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

3 **SECTION 509.** 175.45 (1) (e) of the statutes is amended to read:

4 175.45 (1) (e) Is ordered by a court under s. ~~48.34 (15)~~, 51.20 (13) (cr), 938.34
5 (15) or 973.047 to comply with the reporting requirements under this section.

6 **SECTION 510.** 175.45 (3) (a) 2. of the statutes is amended to read:

7 175.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured
8 correctional facility or a secured child caring institution, he or she is subject to this
9 subsection after he or she is discharged from parole or aftercare supervision.

10 **SECTION 511.** 175.45 (5) (b) of the statutes is amended to read:

11 175.45 (5) (b) If the person has been sentenced to prison or placed in a secured
12 correctional facility or a secured child caring institution, 15 years after discharge
13 from parole or aftercare supervision.

14 **SECTION 512.** 227.03 (4) of the statutes, as affected by 1995 Wisconsin Act 27,
15 section 6226, is amended to read:

16 227.03 (4) The provisions of this chapter relating to contested cases do not
17 apply to proceedings involving the revocation of aftercare supervision under s.
18 ~~48.357 (5) or 48.366 (5) or corrective sanctions supervision under s. 48.357 (5)~~, the
19 revocation of parole or probation, the grant of probation, prison discipline,
20 mandatory release under s. 302.11 or any other proceeding involving the care and
21 treatment of a resident or an inmate of a correctional institution.

22 **SECTION 513.** 227.03 (4) of the statutes, as affected by 1995 Wisconsin Act 27,
23 section 6226m, and 1995 Wisconsin Act (this act), is repealed and recreated to
24 read:

1 227.03 (4) The provisions of this chapter relating to contested cases do not
2 apply to proceedings involving the revocation of aftercare supervision under s.
3 48.366 (5) or 938.357 (5), the revocation of parole or probation, the grant of probation,
4 prison discipline, mandatory release under s. 302.11 or any other proceeding
5 involving the care and treatment of a resident or an inmate of a correctional
6 institution.

7 **SECTION 514.** 230.36 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
8 is amended to read:

9 230.36 (1) If a conservation warden, conservation patrol boat captain,
10 conservation patrol boat engineer, state forest ranger, conservation field employe of
11 the department of natural resources who is subject to call for fire control duty,
12 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax
13 investigator employed by the department of revenue, special criminal investigation
14 agent employed by the department of justice, special tax agent, state drivers' license
15 examiner, state fair park police officer, University of Wisconsin System police officer
16 and other state facilities police officer and patrol officer, security officer, watcher,
17 engineer, engineering aide, building construction superintendent, fire fighter
18 employed at the Wisconsin Veterans Home, or guard or institutional aide or a state
19 probation and parole officer or any other employe whose duties include supervision
20 and discipline of inmates or wards of the state at a state penal institution, including
21 a secured correctional facility, as defined in s. 48.02 938.02 (15m), or while on parole
22 supervision outside of the confines of the institutions, or supervision of persons
23 placed on probation by a court of record, or supervision and care of patients at a state
24 mental institution, and the University of Wisconsin Hospitals and Clinics suffers
25 injury while in the performance of his or her duties, as defined in subs. (2) and (3);

1 or any other state employe who is not listed in this subsection and who is ordered by
2 his or her appointing authority to accompany any employe listed in this subsection
3 while the listed employe is engaged in the duties defined in sub. (3), or any other state
4 employe who is not listed in this subsection and who is ordered by his or her
5 appointing authority to perform the duties, when permitted, in lieu of the listed
6 employe and while so engaged in the duties defined in sub. (3), suffers injury as
7 defined in sub. (2) the employe shall continue to be fully paid by the employing
8 agency upon the same basis as paid prior to the injury, with no reduction in sick leave
9 credits, compensatory time for overtime accumulations or vacation and no reduction
10 in the rate of earning sick leave credit or vacation. The full pay shall continue while
11 the employe is unable to return to work as the result of the injury or until the
12 termination of his or her employment upon recommendation of the appointing
13 authority. At any time during the employe's period of disability the appointing
14 authority may order physical or medical examinations to determine the degree of
15 disability at the expense of the employing agency.

16 **SECTION 515.** 230.36 (3) (c) (intro.) of the statutes, as affected by 1995
17 Wisconsin Act 27, is amended to read:

18 230.36 (3) (c) (intro.) A guard, institution aide, or other employe at the
19 University of Wisconsin Hospitals and Clinics or at a state penal or mental
20 institution, including a secured correctional facility, as defined in s. 48.02 938.02
21 (15m), and a state probation and parole officer, at all times while:

22 **SECTION 516.** 252.04 (6) of the statutes is amended to read:

23 252.04 (6) The school, day care center or nursery school shall notify the district
24 attorney of the county in which the student resides of any minor student who fails
25 to present written evidence of completed immunizations or a written waiver under

1 sub. (3) within 60 school days after being admitted to the school, day care center or
2 nursery school. The district attorney shall petition the court exercising jurisdiction
3 under ~~ch. chs.~~ chs. 48 and 938 for an order directing that the student be in compliance
4 with the requirements of this section. If the court grants the petition, the court may
5 specify the date by which a written waiver shall be submitted under sub. (3) or may
6 specify the terms of the immunization schedule. The court may require an adult
7 student or the parent, guardian or legal custodian of a minor student who refuses to
8 submit a written waiver by the specified date or meet the terms of the immunization
9 schedule to forfeit not more than \$25 per day of violation.

10 **SECTION 517.** 252.11 (5m) of the statutes is amended to read:

11 252.11 (5m) A health care professional, ~~as defined in s. 48.296 (1) (a), or a~~
12 ~~health care professional,~~ as defined in s. 968.38 (1) (a), acting under an order of a
13 court under s. ~~48.296~~ 938.296 (4) or 968.38 (4) may, without first obtaining informed
14 consent to the testing, subject an individual to a test or a series of tests to ascertain
15 whether that individual is infected with a sexually transmitted disease. No sample
16 used for performance of a test under this subsection may disclose the name of the test
17 subject.

18 **SECTION 518.** 252.11 (7) of the statutes is amended to read:

19 252.11 (7) Reports, examinations and inspections and all records concerning
20 sexually transmitted diseases are confidential and not open to public inspection, and
21 shall not be divulged except as may be necessary for the preservation of the public
22 health, in the course of commitment proceedings under sub. (5) or as provided under
23 s. ~~48.296~~ 938.296 (4) or 968.38 (4). If a physician has reported a case of sexually
24 transmitted disease to the department under sub. (4), information regarding the

1 presence of the disease and treatment is not privileged when the patient or physician
2 is called upon to testify to the facts before any court of record.

3 **SECTION 519.** 252.15 (1) (ab) of the statutes is amended to read:

4 252.15 (1) (ab) "Affected person" means an emergency medical technician, first
5 responder, fire fighter, peace officer, correctional officer, person who is employed at
6 a secured correctional facility, as defined in s. ~~48.02~~ 938.02 (15m), or at a secured
7 child caring institution, as defined in s. 938.02 (15g), state patrol officer, jailer or
8 keeper of a jail or person designated with custodial authority by the jailer or keeper,
9 health care provider, employe of a health care provider or staff member of a state
10 crime laboratory.

11 **SECTION 520.** 252.15 (2) (a) 6. of the statutes is amended to read:

12 252.15 (2) (a) 6. A health care professional acting under an order of the court
13 under subd. 7. or s. ~~48.296~~ 938.296 (4) or 968.38 (4) may, without first obtaining
14 consent to the testing, subject an individual to a test or a series of tests to detect the
15 presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV. No
16 sample used for laboratory test purposes under this subdivision may disclose the
17 name of the test subject, and, notwithstanding sub. (4) (c), the test results may not
18 be made part of the individual's permanent medical record.

19 **SECTION 521.** 252.15 (2) (a) 7. a. of the statutes is amended to read:

20 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an
21 emergency medical technician, first responder, fire fighter, peace officer, correctional
22 officer, person who is employed at a secured correctional facility, as defined in s. ~~48.02~~
23 938.02 (15m), or at a secured child caring institution, as defined in s. 938.02 (15g),
24 state patrol officer, jailer or keeper of a jail or person designated with custodial
25 authority by the jailer or keeper who, during the course of providing care or services

1 to an individual; or a peace officer, correctional officer, state patrol officer, jailer or
2 keeper of a jail or person designated with custodial authority by the jailer or keeper
3 who, while searching or arresting an individual or while controlling or transferring
4 an individual in custody; or a health care provider or an employe of a health care
5 provider who, during the course of providing care or treatment to an individual or
6 handling or processing specimens of body fluids or tissues of an individual; or a staff
7 member of a state crime laboratory who, during the course of handling or processing
8 specimens of body fluids or tissues of an individual; is significantly exposed to the
9 individual may subject the individual's blood to a test or a series of tests for the
10 presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV and
11 may receive disclosure of the results.

12 **SECTION 522.** 252.15 (5) (a) 17. of the statutes is amended to read:

13 252.15 (5) (a) 17. To an alleged victim or victim, to a health care professional,
14 upon request as specified in s. ~~48.296~~ 938.296 (4) (e) or 968.38 (4) (c), who provides
15 care to the alleged victim or victim and, if the alleged victim or victim is a minor, to
16 the parent or guardian of the alleged victim or victim, under s. ~~48.296~~ 938.296 (4) or
17 968.38 (4).

18 **SECTION 523.** 252.15 (5) (a) 19. of the statutes is amended to read:

19 252.15 (5) (a) 19. If the test was administered to a child for whom placement
20 in a foster home, group home or child caring institution is recommended under s.
21 48.33 (4) or 938.33 (3) or (4), to an agency directed by a court to prepare a court report
22 under s. 48.33 (1) or 938.33 (1) or a permanency plan under s. 48.38 or 938.38
23 regarding the child and, by that agency, to the child's foster parent or the operator
24 of the group home or child caring institution in which the child is placed, as provided
25 in s. 48.371 or 938.371.

1 **SECTION 524.** 301.01 (2) (b) of the statutes is amended to read:

2 301.01 (2) (b) Any resident of a secured correctional facility, as defined in s.
3 ~~48.02~~ 938.02 (15m), or of a secured child caring institution, as defined in s. 938.02
4 (15g).

5 **SECTION 525.** 301.01 (4) of the statutes, as affected by 1995 Wisconsin Act 27,
6 is amended to read:

7 301.01 (4) "State correctional institution" means a state prison under s. 302.01
8 or a secured correctional facility, as defined in s. ~~48.02~~ 938.02 (15m).

9 **SECTION 526.** 301.025 of the statutes, as created by 1995 Wisconsin Act 27, is
10 amended to read:

11 **301.025 Division of juvenile corrections.** The division of juvenile
12 corrections shall exercise the powers and perform the duties of the department that
13 relate to juvenile correctional services and institutions, juvenile offender review,
14 aftercare, corrective sanctions, the juvenile boot camp program under s. ~~48.532~~
15 938.532, the serious juvenile offender program under s. ~~48.538~~ 938.538 and youth
16 aids.

17 **SECTION 527.** 301.03 (9) of the statutes is amended to read:

18 301.03 (9) Supervise all persons placed under s. 48.366 (8) or 938.183 in a state
19 prison.

20 **SECTION 528.** 301.03 (9r) of the statutes is created to read:

21 301.03 (9r) Supervise all persons placed in the serious juvenile offender
22 program under s. 938.538.

23 **SECTION 529.** 301.03 (10) (c), (e) and (f) of the statutes, as created by 1995
24 Wisconsin Act 27, are amended to read:

1 301.03 (10) (c) Promote the enforcement of laws for the protection of delinquent
2 children. To this end, the department shall cooperate with courts assigned to
3 exercise jurisdiction under ~~ch.~~ chs. 48 and 938, county departments under s. 46.215,
4 46.22 and 46.23 and licensed child welfare agencies and institutions in providing
5 community-based programming, including in-home programming and intensive
6 supervision, for delinquent children. The department shall also establish and
7 enforce standards for the development and delivery of services provided by the
8 department under ch. 48 938 in regard to children who have been adjudicated
9 delinquent.

10 (e) Provide educational programs in all secured correctional facilities, as
11 defined in s. ~~48.02~~ 938.02 (15m).

12 (f) Provide health services and psychiatric services for residents of all secured
13 correctional facilities, as defined in s. ~~48.02~~ 938.02 (15m).

14 **SECTION 530.** 301.031 (1) (a) (intro.) of the statutes, as created by 1995
15 Wisconsin Act 27, is renumbered 301.031 (1) (a) and amended to read:

16 301.031 (1) (a) Each county department under s. 46.215, 46.22 or 46.23 shall
17 submit its final budget for services directly provided or purchased to the department
18 by December 31 annually. ~~The final budget shall be submitted on a uniform budget~~
19 ~~reporting form that the department shall develop and distribute for use and that~~
20 ~~shall include all of the following:~~

21 **SECTION 531.** 301.031 (1) (a) 1., 2. and 3. of the statutes, as created by 1995
22 Wisconsin Act 27, are repealed.

23 **SECTION 532.** 301.032 (1) (b) of the statutes, as created by 1995 Wisconsin Act
24 27, is amended to read:

1 301.032 (1) (b) All records of the department and all county records relating
2 to juvenile delinquency-related services shall be open to inspection at all reasonable
3 hours by authorized representatives of the federal government. Notwithstanding s.
4 ~~48.396~~ 938.396 (2), all county records relating to the administration of such services
5 shall be open to inspection at all reasonable hours by authorized representatives of
6 the department.

7 **SECTION 533.** 301.035 (2) of the statutes is amended to read:

8 301.035 (2) Assign hearing examiners from the division to preside over
9 hearings under ss. ~~48.357 (5)~~, 302.11 (7), 938.357 (5), 973.10 and 975.10 (2) and ch.
10 304.

11 **SECTION 534.** 301.035 (4) of the statutes is amended to read:

12 301.035 (4) Supervise employes in the conduct of the activities of the division
13 and be the administrative reviewing authority for decisions of the division under ss.
14 ~~48.357 (5)~~, 302.11 (7), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and ch. 304.

15 **SECTION 535.** 301.12 of the statutes, as created by 1995 Wisconsin Act 27, is
16 amended to read:

17 **301.12 Uniform fee schedule; collections.** The department of corrections
18 shall establish fees for juvenile correctional services provided by that department
19 which shall be included in the uniform system of fees established by the department
20 of health and social services under s. 46.03 (18). Collections and liability
21 enforcement of fee chargeable services for the department of corrections shall be
22 performed by the department of health and social services under ss. 46.03 (18), 46.10
23 and ~~48.36~~ 938.36.

24 **SECTION 536.** 301.20 of the statutes, as created by 1995 Wisconsin Act 27, is
25 amended to read:

1 **301.20 Training school for delinquent boys.** The department, with the
2 approval of the governor, may purchase or accept a gift of land for a suitable site for
3 an additional training school for delinquent boys and erect and equip such buildings
4 as it deems necessary at such time as funds may be allocated for that purpose by the
5 building commission. The training school or other additional facilities for delinquent
6 boys financed by the authorized 1965-67 building program shall be located north of
7 a line between La Crosse and Manitowoc. The department shall operate and
8 maintain the institution for the treatment of delinquent boys who are placed under
9 the supervision of the department under s. ~~48.34~~ 938.34 (4h) or (4m). All laws
10 pertaining to the care of children received under s. ~~48.34~~ 938.34 shall apply. Officers
11 and employes of the institution are subject to the same laws as apply to other
12 facilities described in s. ~~48.557~~ 938.52.

13 **SECTION 537.** 301.205 of the statutes, as created by 1995 Wisconsin Act 27, is
14 amended to read:

15 **301.205 Reimbursement to visiting families.** The department may
16 reimburse families visiting girls at a secured correctional facility, as defined in s.
17 ~~48.02~~ 938.02 (15m). If the department decides to provide the reimbursement, it shall
18 establish criteria for the level of reimbursement, which shall include family income
19 and size and other relevant factors.

20 **SECTION 538.** 301.26 (1) of the statutes, as created by 1995 Wisconsin Act 27,
21 is amended to read:

22 **301.26 (1) PROCEDURES.** The department shall develop procedures for the
23 implementation of this section and standards for the development and delivery of
24 juvenile delinquency-related services under ch. 48 938, and shall provide
25 consultation and technical assistance to aid counties in implementation and service

1 delivery. The department shall establish information systems, monitoring and
2 evaluation procedures to report periodically to the governor and legislature on the
3 state impact of this section.

4 **SECTION 539.** 301.26 (2) (c) of the statutes, as created by 1995 Wisconsin Act
5 27, is amended to read:

6 301.26 (2) (c) All funds to counties under this section shall be used to purchase
7 or provide juvenile delinquency-related services under ch. 48 938, except that no
8 funds to counties under this section may be used for purposes of land purchase,
9 building construction or maintenance of buildings under s. 46.17, 46.175 or 301.37,
10 for reimbursement of costs under s. ~~48.209~~ 938.209, for city lockups or for
11 reimbursement of care costs in temporary shelter care under s. ~~48.22~~ 938.22. Funds
12 to counties under this section may be used for reimbursement of costs of program
13 services, other than basic care and supervision costs, in juvenile secure detention
14 facilities.

15 **SECTION 540.** 301.26 (4) (a) of the statutes, as created by 1995 Wisconsin Act
16 27, is amended to read:

17 301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of
18 corrections shall bill counties or deduct from the allocations under s. 20.410 (3) (cd)
19 for the costs of care, services and supplies purchased or provided by the department
20 of corrections for each person receiving services under ~~ss. 48.34 and s. 48.366,~~
21 938.183 (2) or 938.34 or the department of health and social services for each person
22 receiving services under s. 51.35 (3). The department of corrections may not bill a
23 county for or deduct from a county's allocation the cost of care, services and supplies
24 provided to a person subject to an order under s. 48.366 or 938.183 (2) after the person
25 reaches 18 years of age. Payment shall be due within 60 days after the billing date.

1 If any payment has not been received within 60 days, the department of corrections
2 may withhold aid payments in the amount due from the appropriation under s.
3 20.410 (3) (cd).

4 **SECTION 541.** 301.26 (4) (b) of the statutes, as created by 1995 Wisconsin Act
5 27, is amended to read:

6 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
7 the basis of the per person per day cost estimate specified in par. (d) 2. to 4. Except
8 as provided in pars. (bm), (c) and (cm), liability shall apply to county departments
9 under s. 46.21, 46.22 or 46.23 in the county of the court exercising jurisdiction under
10 ~~ch. chs.~~ chs. 48 and 938 for each person receiving services from the department of
11 corrections under ~~ss. 48.34 and s. 48.366, 938.183 (2) or 938.34~~ or the department of
12 health and social services under s. 51.35 (3). Except as provided in pars. (bm), (c) and
13 (cm), in multicounty court jurisdictions, the county of residency within the
14 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
15 par. (a) shall also be made according to the general placement type or level of care
16 provided, as defined by the department, and prorated according to the ratio of the
17 amount designated under sub. (3) (c) to the total applicable estimated costs of care,
18 services and supplies provided by the department of corrections under ~~ss. 48.34 and~~
19 48.366, 938.183 (2) and 938.34 and the department of health and social services
20 under s. 51.35 (3).

21 **SECTION 542.** 301.26 (4) (c) of the statutes, as created by 1995 Wisconsin Act
22 27, is amended to read:

23 301.26 (4) (c) Notwithstanding pars. (a), (b) and (bm), the department of
24 corrections shall pay, from the appropriation under s. 20.410 (3) (hm), the costs of
25 care, services and supplies provided for each person receiving services under ~~ss.~~

1 ~~48.34, s. 48.366 and, 51.35 (3), 938.183 (2) or 938.34~~ who was under the guardianship
2 of the department of health and social services pursuant to an order under ch. 48 at
3 the time that the person was adjudicated delinquent.

4 **SECTION 543.** 301.26 (4) (cm) 1. of the statutes, as created by 1995 Wisconsin
5 Act 27, is amended to read:

6 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
7 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
8 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile
9 correctional institutions, secured child caring institutions, as defined in s. ~~48.02~~
10 938.02 (15g), alternate care providers, aftercare supervision providers and corrective
11 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
12 care of any child 14 years of age or over who has been placed in a juvenile correctional
13 facility based on a delinquent act that is a violation of s. 939.31, 939.32 (1) (a), 940.01,
14 940.02, 940.03, 940.05, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4.,
15 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30,
16 948.35 (1) (b) or 948.36.

17 **SECTION 544.** 301.26 (4) (cm) 2. of the statutes, as created by 1995 Wisconsin
18 Act 27, is amended to read:

19 301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) and (bm), the department shall
20 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
21 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile
22 correctional institutions, secured child caring institutions, as defined in s. ~~48.02~~
23 938.02 (15g), alternate care providers, aftercare supervision providers and corrective
24 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
25 care of any child 14 years of age or over and under 18 years of age who has been placed

1 in a juvenile correctional facility under s. 48.366 based on a delinquent act that is a
2 violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

3 **SECTION 545.** 301.26 (4) (d) 1. of the statutes, as created by 1995 Wisconsin Act
4 27, is amended to read:

5 301.26 (4) (d) 1. Except as provided in pars. (e) to (g), for services under s. ~~48.34~~
6 938.34, all payments and deductions made under this subsection and uniform fee
7 collections made under s. 46.03 (18) shall be deposited in the appropriation under s.
8 20.410 (3) (hm).

9 **SECTION 546.** 301.26 (4) (d) 1m. of the statutes, as created by 1995 Wisconsin
10 Act 27, is amended to read:

11 301.26 (4) (d) 1m. Except as provided in pars. (e) to (g), for services under s. ~~ss.~~
12 48.366 and 938.183 (2), all payments and deductions made under this subsection and
13 uniform fee collections made under s. 46.03 (18) shall be deposited in the
14 appropriation under s. 20.410 (3) (hm).

15 **SECTION 547.** 301.26 (4) (e) of the statutes, as created by 1995 Wisconsin Act
16 27, is amended to read:

17 301.26 (4) (e) For foster care, treatment foster care, group home care and
18 institutional child care to delinquent children under ss. ~~48.553 (3) and (8), 48.557 and~~
19 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all payments and deductions made
20 under this subsection and uniform fee collections under s. 46.03 (18) shall be
21 deposited in the appropriation under s. 20.410 (3) (ho).

22 **SECTION 548.** 301.26 (4) (ed) of the statutes, as created by 1995 Wisconsin Act
23 27, is amended to read:

24 301.26 (4) (ed) For foster care, treatment foster care, group home care and
25 institutional child care to serious juvenile offenders under ss. ~~48.533 (3) and (8),~~

1 ~~48.557 and~~ 49.19 (10) (d), ~~938.48 (4) and (14) and 938.52~~ all uniform fee collections
2 under s. 46.03 (18) shall be deposited in the appropriation under s. 20.410 (3) (ho).

3 **SECTION 549.** 301.26 (4) (eg) of the statutes, as created by 1995 Wisconsin Act
4 27, is amended to read:

5 301.26 (4) (eg) For corrective sanctions services under s. ~~48.533~~ 938.533 (2), all
6 payments and deductions made under this subsection and uniform fee collections
7 under s. 46.03 (18) shall be deposited in the appropriation under s. 20.410 (3) (hr).

8 **SECTION 550.** 301.26 (4) (g) of the statutes, as created by 1995 Wisconsin Act
9 27, is amended to read:

10 301.26 (4) (g) For juvenile field and institutional aftercare services under ch.
11 ~~48~~ 938 and for the juvenile offender review program, all payments and deductions
12 made under this subsection and uniform fee collections under s. 46.03 (18) shall be
13 deposited in the general fund and shall be treated as a nonappropriated receipt.

14 **SECTION 551.** 301.26 (7) (h) of the statutes, as created by 1995 Wisconsin Act
15 27, is amended to read:

16 301.26 (7) (h) For counties that are participating in the corrective sanctions
17 program under s. ~~48.533~~ 938.533 (2), \$1,062,400 in the last 6 months of 1996 and
18 \$1,062,400 in the first 6 months of 1997 for the provision of corrective sanctions
19 services for children from that county. In distributing funds to counties under this
20 paragraph, the department shall determine a county's distribution by dividing the
21 amount allocated under this paragraph by the number of slots authorized for the
22 program under s. ~~48.533~~ 938.533 (2) and multiplying the quotient by the number of
23 slots allocated to that county by agreement between the department and the county.
24 The department may transfer funds among counties as necessary to distribute funds
25 based on the number of slots allocated to each county.

1 **SECTION 552.** 301.263 (3) of the statutes, as created by 1995 Wisconsin Act 27,
2 is amended to read:

3 301.263 (3) The department shall distribute 33% of the amounts distributed
4 under sub. (1) based on each county's proportion of the violent Part I juvenile arrests
5 reported statewide under the uniform crime reporting system of the office of justice
6 assistance in the department of administration, during the most recent 2-year
7 period for which that information is available. The department shall distribute 33%
8 of the amounts distributed under sub. (1) based on each county's proportion of the
9 number of children statewide who are placed in a juvenile correctional institution or
10 a secured child caring institution, as defined in s. 938.02 (15g), during the most
11 recent 2-year period for which that information is available. The department shall
12 distribute 34% of the amounts distributed under sub. (1) based on each county's
13 proportion of the total Part I juvenile arrests reported statewide under the uniform
14 crime reporting system of the office of justice assistance, during the most recent
15 2-year period for which that information is available.

16 **SECTION 553.** 301.35 (2) (e) of the statutes is created to read:

17 301.35 (2) (e) A participant in the serious juvenile offender program under s.
18 938.538.

19 **SECTION 554.** 301.36 (5) of the statutes, as affected by 1995 Wisconsin Act 27,
20 is amended to read:

21 301.36 (5) ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS. Upon
22 request of the department, the attorney general or the district attorney serving the
23 proper county shall aid in any investigation, inspection, hearing or trial had under
24 this chapter or those sections of ch. 48 938 relating to powers of the department, and
25 shall institute and prosecute all necessary actions or proceedings for the enforcement

1 of those provisions and for the punishment of violations of those provisions. The
2 attorney general or district attorney so requested shall report or confer with the
3 department regarding the request, within 30 days after receipt of the request.

4 **SECTION 555.** 302.11 (10) of the statutes is amended to read:

5 302.11 (10) An inmate subject to an order under s. 48.366 or 938.34 (4h) is not
6 entitled to mandatory release and may be released or discharged only as provided
7 under s. 48.366 or 938.538.

8 **SECTION 556.** 302.18 (7) of the statutes, as affected by 1995 Wisconsin Act 27,
9 is amended to read:

10 302.18 (7) Except as provided in s. 973.013 (3m), the department shall keep all
11 prisoners under ~~16~~ 15 years of age in secured juvenile correctional facilities or
12 secured child caring institutions, but the department may transfer them to adult
13 correctional institutions after they attain ~~16~~ 15 years of age.

14 **SECTION 557.** 302.255 of the statutes is amended to read:

15 **302.255 Interstate corrections compact; additional applicability.**
16 “Inmate”, as defined under s. 302.25 (2) (a), includes persons subject to an order
17 under s. 48.366 who are confined to a state prison under s. 302.01 and persons subject
18 to an order under s. 938.34 (4h) who are 17 years of age or older.

19 **SECTION 558.** 302.31 of the statutes, as affected by 1995 Wisconsin Act 27,
20 section 6367, is amended to read:

21 **302.31 Use of jails.** The county jail may be used for the detention of persons
22 charged with crime and committed for trial; for the detention of persons committed
23 to secure their attendance as witnesses; to imprison persons committed pursuant to
24 a sentence or held in custody by the sheriff for any cause authorized by law; for the
25 detention of persons sentenced to imprisonment in state penal institutions or a

1 county house of correction, until they are removed to those institutions; for the
2 detention of persons participating in the intensive sanctions program; for the
3 temporary detention of persons in the custody of the department; and for other
4 detentions authorized by law. The county jail may be used for the temporary
5 placement of persons in the custody of the department, and persons who have
6 attained the age of 17 years but have not attained the age of 25 years who are under
7 the supervision of the department of health and social services under s. 48.355 (4)
8 or 48.366 and who have been taken into custody pending revocation of aftercare
9 supervision under s. 48.357 (5) (e) or 48.366 (5) ~~or corrective sanctions supervision~~
10 ~~under s. 48.357 (5) (e).~~

11 **SECTION 559.** 302.31 of the statutes, as affected by 1995 Wisconsin Acts 27,
12 section 6367m, and (this act), is repealed and recreated to read:

13 **302.31 Use of jails.** The county jail may be used for the detention of persons
14 charged with crime and committed for trial; for the detention of persons committed
15 to secure their attendance as witnesses; to imprison persons committed pursuant to
16 a sentence or held in custody by the sheriff for any cause authorized by law; for the
17 detention of persons sentenced to imprisonment in state penal institutions or a
18 county house of correction, until they are removed to those institutions; for the
19 detention of persons participating in the intensive sanctions program; for the
20 temporary detention of persons in the custody of the department; and for other
21 detentions authorized by law. The county jail may be used for the temporary
22 placement of persons in the custody of the department, other than persons under 17
23 years of age, and persons who have attained the age of 17 years but have not attained
24 the age of 25 years who are under the supervision of the department under s. 48.366

1 or 938.355 (4) and who have been taken into custody pending revocation of aftercare
2 supervision under s. 48.366 (5) or 938.357 (5) (e).

3 **SECTION 560.** 302.386 (1) of the statutes is amended to read:

4 302.386 (1) Except as provided in sub. (5), liability for medical and dental
5 services furnished to residents housed in prisons identified in s. 302.01 or in a
6 secured correctional facility as defined in s. ~~48.02~~ 938.02 (15m), or in a secured child
7 caring institution, as defined in s. 938.02 (15g), or to forensic patients in state
8 institutions for those services which are not provided by employes of the department
9 shall be limited to the amounts payable under ss. 49.43 to 49.47, except s. 49.468, for
10 similar services. The department may waive any such limit if it determines that
11 needed services cannot be obtained for the applicable amount. No provider of
12 services may bill the resident or patient for the cost of services exceeding the amount
13 of the liability under this subsection.

14 **SECTION 561.** 302.386 (2) (intro.) of the statutes is amended to read:

15 302.386 (2) (intro.) The liability of the state for medical and dental services
16 under sub. (1) does not extend to that part of the medical or dental services of a
17 resident housed in a prison identified in s. 302.01 ~~or in~~, a secured correctional facility
18 as defined in s. ~~48.02~~ 938.02 (15m), or a secured child caring institution, as defined
19 in s. 938.02 (15g), for which any of the following applies:

20 **SECTION 562.** 302.386 (3) (a) of the statutes, as affected by 1995 Wisconsin Act
21 27, is amended to read:

22 302.386 (3) (a) Except as provided in par. (b), the department may require a
23 resident housed in a prison identified in s. 302.01 or in a secured correctional facility
24 as defined in s. ~~48.02~~ 938.02 (15m) who earns wages during residency and who
25 receives medical or dental services to pay a deductible, coinsurance, copayment or

1 similar charge upon the medical or dental service that he or she receives. The
2 department shall collect the allowable deductible, coinsurance, copayment or similar
3 charge.

4 **SECTION 563.** 302.386 (5) (c) of the statutes is created to read:

5 302.386 (5) (c) Any participant in the corrective sanctions program under s.
6 48.533 unless he or she is placed in a Type 1 secured correctional facility, as defined
7 in s. 48.02 (19).

8 **SECTION 564.** 302.386 (5) (c) of the statutes, as created by 1995 Wisconsin Act
9 (this act), is amended to read:

10 302.386 (5) (c) Any participant in the corrective sanctions program under s.
11 ~~48.533~~ 938.533 unless he or she is placed in a Type 1 secured correctional facility, as
12 defined in s. ~~48.02~~ 938.02 (19).

13 **SECTION 565.** 302.386 (5) (d) of the statutes is created to read:

14 302.386 (5) (d) Any participant in the serious juvenile offender program under
15 s. 938.538 unless he or she is placed in a Type 1 secured correctional facility, as
16 defined in s. 938.02 (19), or in a Type 1 prison other than the institution authorized
17 under s. 301.046 (1).

18 **SECTION 566.** 302.425 (2g) of the statutes, as created by 1995 Wisconsin Act 27,
19 is amended to read:

20 302.425 (2g) (title) COUNTY DEPARTMENTS AND DEPARTMENT OF HEALTH AND SOCIAL
21 SERVICES; GENERAL AUTHORITY. Subject to the limitations under sub. (3m), a county
22 department or the department of health and social services may place in the home
23 detention program any child who is in its custody or under its supervision.

24 **SECTION 567.** 302.425 (2m) of the statutes, as affected by 1995 Wisconsin Act
25 27, is amended to read:

1 302.425 **(2m)** INTENSIVE SANCTIONS PROGRAM PARTICIPANTS. Notwithstanding the
2 agreement requirements under sub. (3), the department of corrections may place any
3 intensive sanctions program participant in a home detention program.

4 **SECTION 568.** 302.425 (3) of the statutes, as affected by 1995 Wisconsin Acts
5 26 and 27, is amended to read:

6 302.425 **(3)** PLACEMENT OF A PRISONER IN THE PROGRAM. If a prisoner described
7 under sub. (2) and the department of corrections agree, the sheriff or superintendent
8 may place the prisoner in the home detention program and provide that the prisoner
9 be detained at the prisoner's place of residence or other place designated by the
10 sheriff or superintendent and be monitored by an active electronic monitoring
11 system. The sheriff or superintendent shall establish reasonable terms of detention
12 and ensure that the prisoner is provided a written statement of those terms,
13 including a description of the detention monitoring procedures and requirements
14 and of any applicable liability issues. The terms may include a requirement that the
15 prisoner pay the county a daily fee to cover the county costs associated with
16 monitoring him or her.

17 **SECTION 569.** 302.425 (3m) of the statutes, as created by 1995 Wisconsin Act
18 27, is amended to read:

19 302.425 **(3m)** PLACEMENT OF A CHILD IN THE PROGRAM. ~~Upon~~ The department or,
20 upon the agreement of the department of corrections, the county department ~~or the~~
21 ~~department of health and social services~~ may place the child in the home detention
22 program and provide that the child be detained at the child's place of residence or
23 other place designated by the department or the county department ~~or the~~
24 ~~department of health and social services~~ and be monitored by an active electronic
25 monitoring system. The department or the county department ~~or the department of~~

1 ~~health and social services~~ shall provide reasonable terms of detention and ensure
2 that the child receives a written statement of those terms, including a description of
3 the detention monitoring procedures and requirements and of any applicable
4 liability issues. The terms may include a requirement that the child or his or her
5 parent or guardian pay the county or state a daily fee to cover the costs associated
6 with monitoring him or her.

7 **SECTION 570.** 302.425 (4) of the statutes, as affected by 1995 Wisconsin Act 27,
8 is amended to read:

9 302.425 (4) DEPARTMENTAL DUTIES. The department of ~~corrections~~ shall ensure
10 that electronic monitoring equipment units are available, pursuant to contractual
11 agreements with county sheriffs, and county departments ~~and the department of~~
12 ~~health and social services~~, throughout the state on an equitable basis. If a prisoner
13 is chosen under sub. (3) or a child is chosen under sub. (3m) to participate in the home
14 detention program, the department of ~~corrections~~ shall install and monitor
15 electronic monitoring equipment. The department of ~~corrections~~ shall charge the
16 county a daily per prisoner fee or per child fee, whichever is applicable, to cover the
17 department's costs for these services.

18 **SECTION 571.** 303.215 of the statutes, as affected by 1995 Wisconsin Act 27, is
19 amended to read:

20 **303.215 Compensation to prisoners or residents injured in prison**
21 **industries employment.** In accordance with s. 102.03 (2), for an inmate of a state
22 institution or a resident subject to s. 303.01 (1) (b) employed under s. 303.06 (2),
23 compensation under ch. 102 on being released from the applicable institution, on
24 parole, on final discharge or in accordance with ch. 48 938, whichever is applicable,
25 is the exclusive remedy against the department and any employe of the department

1 for any injury sustained by the inmate or resident while performing service growing
2 out of and incidental to that employment. The department shall make any payments
3 required under this section from the revolving appropriation for the operation of
4 prison industries or, if there is no revolving appropriation for the operation of prison
5 industries, from the general fund.

6 **SECTION 572.** 304.06 (1) (b) of the statutes, as affected by 1995 Wisconsin Act
7 27, section 6405m, is amended to read:

8 304.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2), 302.045 (3) or
9 973.0135, the parole commission may parole an inmate of the Wisconsin state
10 prisons or any felon or any person serving at least one year or more in a county house
11 of correction or a county reforestation camp organized under s. 303.07, when he or
12 she has served 25% of the sentence imposed for the offense, or 6 months, whichever
13 is greater. The parole commission may parole a participant in the serious juvenile
14 offender program under s. ~~48.538~~ 938.538 when he or she has participated in that
15 program for 2 years. Except as provided in s. 939.62 (2m) or 973.014, the parole
16 commission may parole an inmate serving a life term when he or she has served 20
17 years, as modified by the formula under s. 302.11 (1) and subject to extension using
18 the formulas under s. 302.11 (2). The person serving the life term shall be given
19 credit for time served prior to sentencing under s. 973.155, including good time under
20 s. 973.155 (4). The secretary may grant special action parole releases under s.
21 304.02. The department or the parole commission shall not provide any convicted
22 offender or other person sentenced to the department's custody any parole eligibility
23 or evaluation until the person has been confined at least 60 days following
24 sentencing.

25 **SECTION 573.** 304.06 (1z) of the statutes is created to read:

1 304.06 (1z) If a person is placed in the serious juvenile offender program under
2 s. 938.34 (4h), he or she is eligible for a release to parole supervision under this
3 section and remains in the serious juvenile offender program unless discharged by
4 the department under s. 938.537 (5) (b).

5 **SECTION 574.** 340.01 (9r) (d) of the statutes is amended to read:

6 340.01 (9r) (d) A finding by a court assigned to exercise jurisdiction under ~~ch.~~
7 chs. 48 and 938 of a violation of chs. 341 to 349 and 351 or a local ordinance enacted
8 under ch. 349.

9 **SECTION 575.** 343.06 (1) (i) of the statutes is amended to read:

10 343.06 (1) (i) To any person who has been convicted of any offense specified
11 under ss. 940.225, 948.02, 948.025 and 948.07 or adjudged delinquent under ch. 48
12 938 for a like or similar offense, when the sentencing court makes a finding that
13 issuance of a license will be inimical to the public safety and welfare. The prohibition
14 against issuance of a license to the offenders shall apply immediately upon receipt
15 of a record of the conviction and the court finding by the secretary, for a period of one
16 year or until discharge from any jail or prison sentence or any period of probation or
17 parole with respect to the offenses specified, whichever date is the later. Receipt by
18 the offender of a certificate of discharge from the department of corrections or other
19 responsible supervising agency, after one year has elapsed since the prohibition
20 began, entitles the holder to apply for an operator's license. The applicant may be
21 required to present the certificate of discharge to the secretary if the latter deems it
22 necessary.

23 **SECTION 576.** 343.30 (5) of the statutes is amended to read:

24 343.30 (5) No court may suspend or revoke an operating privilege except as
25 authorized by this chapter or ch. 48, 345 ~~or~~, 351 or 938 or s. 161.50. When a court

1 revokes, suspends or restricts a child's operating privilege under ch. 48 938, the
2 department of transportation shall not disclose information concerning or relating
3 to the revocation, suspension or restriction to any person other than a court, district
4 attorney, county corporation counsel, city, village or town attorney, law enforcement
5 agency, or the minor whose operating privilege is revoked, suspended or restricted,
6 or his or her parent or guardian. Persons entitled to receive this information shall
7 not disclose the information to other persons or agencies.

8 **SECTION 577.** 343.30 (6) (b) (intro.) of the statutes is amended to read:

9 343.30 **(6)** (b) (intro.) If a court imposes suspension or revocation of a person's
10 operating privilege under s. ~~48.344 (2), (2b) or (2d) or~~ 125.07 (4) (c) or 938.344 (2), (2b)
11 or (2d), the suspension or revocation imposed shall be one of the following:

12 **SECTION 578.** 752.31 (2) (e) of the statutes is amended to read:

13 752.31 **(2)** (e) Cases under ~~ch.~~ chs. 48 and 938.

14 **SECTION 579.** 757.69 (1) (intro.) of the statutes is amended to read:

15 757.69 **(1)** (intro.) On authority delegated by a judge, which may be by a
16 standard order, and with the approval of the chief judge of the judicial administrative
17 district, a court commissioner appointed under s. 48.065, 757.68, 757.72 ~~or~~, 767.13
18 or 938.065 may:

19 **SECTION 580.** 757.69 (1) (g) of the statutes is amended to read:

20 757.69 **(1)** (g) When assigned to the court assigned jurisdiction under ~~ch.~~ chs.
21 48 and 938, a court commissioner may, under ch. 48 or 938, issue summonses and
22 warrants, order the release or detention of children apprehended, conduct detention
23 and shelter care hearings, conduct preliminary appearances, conduct uncontested
24 proceedings under ~~ss. 48.12 and 48.13,~~ 938.12, 938.13 and 938.18, enter into consent
25 decrees and exercise the powers and perform the duties specified in par. (j) or (m),

1 whichever is applicable, in proceedings under s. 813.122 or 813.125 in which the
2 respondent is a child. ~~Waiver~~ Contested waiver hearings under s. ~~48.18~~ 938.18 and
3 dispositional hearings under ss. ~~48.33 to 48.35~~ 48.335 and 938.335 shall be
4 conducted by a judge. When acting in an official capacity and assigned to the
5 children's court center, a court commissioner shall sit at the children's court center
6 or such other facility designated by the chief judge. Any decision by the
7 commissioner shall be reviewed by the judge of the branch of court to which the case
8 has been assigned, upon motion of any party. Any determination, order or ruling by
9 the commissioner may be certified to the branch of court to which such case has been
10 assigned upon a motion of any party for a hearing de novo.

11 **SECTION 581.** 757.69 (1) (k) of the statutes is amended to read:

12 757.69 (1) (k) Exercise the power of a juvenile court commissioner appointed
13 under s. 48.065 or 938.065, a probate court commissioner appointed under s. 757.72
14 or a family court commissioner appointed under s. 767.13.

15 **SECTION 582.** 757.69 (2) (intro.) of the statutes is amended to read:

16 757.69 (2) (intro.) A judge may refer to a court commissioner appointed under
17 s. 48.065, 757.68, 757.72 ~~or~~, 767.13 or 938.065 cases in which:

18 **SECTION 583.** 757.69 (3) (intro.) of the statutes is amended to read:

19 757.69 (3) (intro.) Court commissioners appointed under s. 48.065, 757.68,
20 757.72 ~~or~~, 767.13 or 938.065 may under their own authority:

21 **SECTION 584.** 757.81 (2) of the statutes is amended to read:

22 757.81 (2) "Court commissioner" means a court commissioner under s. 757.68,
23 a family court commissioner under s. 767.13, a juvenile court commissioner under
24 s. 48.065 or 938.065 and a probate court commissioner under s. 757.72.

1 **SECTION 585.** 758.19 (6) (a) of the statutes, as affected by 1995 Wisconsin Act
2 27, is amended to read:

3 758.19 (6) (a) In this subsection, “guardian ad litem costs” means the costs of
4 guardian ad litem compensation that a county incurs under ch. 48, 55, 767 ~~or~~, 880
5 or 938, that the county has final legal responsibility to pay or that the county is
6 unable to recover from another person and that does not exceed the per hour rate
7 established for time spent in court by private attorneys under s. 977.08 (4m) (b).

8 **SECTION 586.** 758.19 (6) (d) 1. and 2. of the statutes, as affected by 1995
9 Wisconsin Act 27, are amended to read:

10 758.19 (6) (d) 1. The total cost of guardian ad litem compensation that the
11 county incurred under chs. 48, 55, 767 ~~and~~, 880 and 938 in the previous calendar
12 year.

13 2. The total guardian ad litem compensation that the county initially paid
14 under chs. 48, 55, 767 ~~and~~, 880 and 938 and that was recovered in the previous
15 calendar year by the county from another responsible person.

16 **SECTION 587.** 767.02 (1) (m) of the statutes is amended to read:

17 767.02 (1) (m) To enforce or revise an order for support entered under s. 48.355
18 (2) (b) 4., 48.357 (5m) ~~or~~, 48.363 (2), 938.183 (2), 938.355 (2) (b) 4., 938.357 (5m) or
19 938.363 (2).

20 **SECTION 588.** 767.24 (3) (e) of the statutes is amended to read:

21 767.24 (3) (e) The charges for care furnished to a child whose custody is
22 transferred under this subsection shall be pursuant to the procedure under s. 48.36
23 (1) or 938.36 (1) except as provided in s. 767.29 (3).

24 **SECTION 589.** 767.29 (3) of the statutes is amended to read:

1 767.29 (3) If maintenance payments or support money, or both, is ordered to
2 be paid for the benefit of any person, who is committed by court order to an institution
3 or is in confinement, or whose legal custody is vested by court order under ch. 48 or
4 938 in an agency, department or relative, the court or family court commissioner may
5 order such maintenance payments or support money to be paid to the relative or
6 agency, institution, welfare department or other entity having the legal or actual
7 custody of said person, and to be used for the latter's care and maintenance, without
8 the appointment of a guardian under ch. 880.

9 **SECTION 590.** 767.30 (1) of the statutes is amended to read:

10 767.30 (1) If the court orders any payment for support under s. 48.355 (2) (b)
11 4., 48.357 (5m) ~~or~~, 48.363 (2), 938.183 (2), 938.355 (2) (b) 4., 938.357 (5m) or 938.363
12 (2), support or maintenance under s. 767.08, child support, family support or
13 maintenance under s. 767.23, child support under s. 767.25, maintenance under s.
14 767.26, family support under s. 767.261, attorney fees under s. 767.262, paternity
15 obligations under s. 767.51, support arrearages under s. 767.293 or child or spousal
16 support under s. 948.22 (7), the court may provide that any payment be paid in the
17 amounts and at the times as that it considers expedient.

18 **SECTION 591.** 767.305 of the statutes is amended to read:

19 **767.305 Enforcement; contempt proceedings.** In all cases where a party
20 has incurred a financial obligation under s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2),
21 767.23, 767.25, 767.255, 767.26, 767.261, 767.262 ~~or~~, 767.293, 938.183 (2), 938.355
22 (2) (b) 4., 938.357 (5m) or 938.363 (2) and has failed within a reasonable time or as
23 ordered by the court to satisfy such obligation, and where the wage assignment
24 proceeding under s. 767.265 and the account transfer under s. 767.267 are
25 inapplicable, impractical or unfeasible, the court may on its own initiative, and shall

1 on the application of the receiving party, issue an order requiring the payer to show
2 cause at some reasonable time therein specified why he or she should not be punished
3 for such misconduct as provided in ch. 785.

4 **SECTION 592.** 767.32 (1) (a) of the statutes is amended to read:

5 767.32 (1) (a) After a judgment or order providing for child support under this
6 chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (2), 938.355 (2) (b) 4.,
7 938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or
8 family support payments under this chapter, or for the appointment of trustees
9 under s. 767.31, the court may, from time to time, on the petition, motion or order to
10 show cause of either of the parties, or upon the petition, motion or order to show cause
11 of the department of health and social services, a county department under s. 46.215,
12 46.22 or 46.23 or a child support program designee under s. 59.07 (97) if an
13 assignment has been made under s. 49.19 (4) (h) or 49.45 (19) or if either party or
14 their minor children receive aid under ch. 49, and upon notice to the family court
15 commissioner, revise and alter such judgment or order respecting the amount of such
16 maintenance or child support and the payment thereof, and also respecting the
17 appropriation and payment of the principal and income of the property so held in
18 trust, and may make any judgment or order respecting any of the matters that such
19 court might have made in the original action, except that a judgment or order that
20 waives maintenance payments for either party shall not thereafter be revised or
21 altered in that respect nor shall the provisions of a judgment or order with respect
22 to final division of property be subject to revision or modification. A revision, under
23 this section, of a judgment or order with respect to an amount of child or family
24 support may be made only upon a finding of a substantial change in circumstances.
25 In any action under this section to revise a judgment or order with respect to

1 maintenance payments, a substantial change in the cost of living by either party or
2 as measured by the federal bureau of labor statistics may be sufficient to justify a
3 revision of judgment or order with respect to the amount of maintenance, except that
4 a change in an obligor's cost of living is not in itself sufficient if payments are
5 expressed as a percentage of income.

6 **SECTION 593.** 767.32 (2r) of the statutes is amended to read:

7 767.32 (2r) If the court revises a judgment or order providing for child support
8 that was entered under s. 448.355 (2) (b) 4., 48.357 (5m) ~~or~~, 48.363 (2), 938.183 (2),
9 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2), the court shall determine child support
10 in the manner provided in s. 46.10 (14).

11 **SECTION 594.** 767.47 (10) of the statutes is amended to read:

12 767.47 (10) A record of the testimony of the child's mother relating to the child's
13 paternity, made as provided under s. 48.299 (6) or 938.299 (6), is admissible in
14 evidence on the issue of paternity.

15 **SECTION 595.** 778.25 (1) (a) 1. of the statutes is amended to read:

16 778.25 (1) (a) 1. Under s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 161.573
17 (2), 161.574 (2) or 161.575 (2) or under a local ordinance strictly conforming to one
18 of those statutes brought against an adult in circuit court or against a minor in the
19 court assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938.

20 **SECTION 596.** 778.25 (1) (a) 4. of the statutes is amended to read:

21 778.25 (1) (a) 4. Under s. 48.983 brought against a minor in the court assigned
22 to exercise jurisdiction under ~~ch.~~ chs. 48 and 938.

23 **SECTION 597.** 778.25 (1) (a) 5. of the statutes is amended to read:

1 778.25 (1) (a) 5. Under administrative rules promulgated by the board of
2 regents under s. 36.11 (1) (c) brought against an adult in circuit court or against a
3 minor in the court assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938.

4 **SECTION 598.** 778.25 (8) (a) of the statutes is amended to read:

5 778.25 (8) (a) If the defendant has not made a deposit, the court may issue a
6 summons or an arrest warrant, except if the defendant is a minor the court shall
7 proceed under s. ~~48.28~~ 938.28. Chapter 48 938 governs taking and holding a minor
8 in custody.

9 **SECTION 599.** 778.25 (8) (b) of the statutes is amended to read:

10 778.25 (8) (b) If the defendant has made a deposit, the citation may serve as
11 the initial pleading and the defendant shall be considered to have tendered a plea
12 of no contest and submitted to a forfeiture, penalty assessment and jail assessment
13 plus costs, including any applicable fees prescribed in ch. 814, not exceeding the
14 amount of the deposit. The court may either accept the plea of no contest and enter
15 judgment accordingly, or reject the plea and issue a summons or arrest warrant,
16 except if the defendant is a minor the court shall proceed under s. ~~48.28~~ 938.28.
17 Chapter 48 938 governs taking and holding a minor in custody. If the court accepts
18 the plea of no contest, the defendant may move within 90 days after the date set for
19 appearance to withdraw the plea of no contest, open the judgment and enter a plea
20 of not guilty if the defendant shows to the satisfaction of the court that failure to
21 appear was due to mistake, inadvertence, surprise or excusable neglect. If a party
22 is relieved from the plea of no contest, the court or judge may order a written
23 complaint or petition to be filed. If on reopening the defendant is found not guilty,
24 the court shall delete the record of conviction and shall order the defendant's deposit
25 returned.

1 **SECTION 600.** 778.25 (8) (c) of the statutes is amended to read:

2 778.25 (8) (c) If the defendant has made a deposit and stipulation of no contest,
3 the citation serves as the initial pleading and the defendant shall be considered to
4 have tendered a plea of no contest and submitted to a forfeiture, penalty assessment
5 and jail assessment plus costs, including any applicable fees prescribed in ch. 814,
6 not exceeding the amount of the deposit. The court may either accept the plea of no
7 contest and enter judgment accordingly, or reject the plea and issue a summons or
8 arrest warrant, except if the defendant is a minor the court shall proceed under s.
9 ~~48.28~~ 938.28. Chapter 48 938 governs taking and holding a minor in custody. After
10 signing a stipulation of no contest, the defendant may, at any time prior to or at the
11 time of the court appearance date, move the court for relief from the effect of the
12 stipulation. The court may act on the motion, with or without notice, for cause shown
13 by affidavit and upon just terms, and relieve the defendant from the stipulation and
14 the effects of the stipulation.

15 **SECTION 601.** 808.04 (3) of the statutes is amended to read:

16 808.04 (3) Except as provided in subs. (4) and (7), an appeal in a criminal case
17 or a case under ch. 48, 51 ~~or~~, 55 or 938 shall be initiated within the time period
18 specified in s. 809.30.

19 **SECTION 602.** 808.04 (4) of the statutes is amended to read:

20 808.04 (4) Except as provided in sub. (7m), an appeal by the state in either a
21 criminal case under s. 974.05 or a case under ch. 48 or 938 shall be initiated within
22 45 days of entry of the judgment or order appealed from.

23 **SECTION 603.** 808.075 (4) (fn) of the statutes is created to read:

24 808.075 (4) (fn) In a case under ch. 938:

25 2. Review of nonsecure custody orders under s. 938.207.

1 3. Review of secure detention orders under s. 938.208 and secure detention
2 status reviews under s. 938.209 (1) (e).

3 4. Hearing for child held in custody under s. 938.21.

4 5. Hearing upon involuntary removal under s. 938.305.

5 6. Revision of dispositional order under s. 938.363.

6 7. Extension of dispositional order under s. 938.365, unless s. 938.368 applies.

7 8. Review of permanency plan under s. 938.38 (5).

8 9. Release of confidential information under s. 938.396 or 938.78.

9 **SECTION 604.** 809.30 (1) (a) of the statutes is amended to read:

10 809.30 (1) (a) “Postconviction relief” means, in a felony or misdemeanor case,
11 an appeal or a motion for postconviction relief other than a motion under s. 973.19
12 or 974.06. In a ch. 48, 51 ~~or~~, 55 or 938 case, other than a termination of parental rights
13 case under s. 48.43, it means an appeal or a motion for reconsideration by the trial
14 court of its final judgment or order; in such cases a notice of intent to pursue such
15 relief or a motion for such relief need not be styled as seeking “postconviction” relief.

16 **SECTION 605.** 809.30 (1) (b) of the statutes is amended to read:

17 809.30 (1) (b) “Sentencing” means, in a felony or misdemeanor case, the
18 imposition of a sentence, fine or probation. In a ch. 48, 51 ~~or~~, 55 or 938 case, other
19 than a termination of parental rights case under s. 48.43, it means the entry of the
20 trial court’s final judgment or order.

21 **SECTION 606.** 809.30 (2) (d) of the statutes is amended to read:

22 809.30 (2) (d) Except as provided in this paragraph, whenever a defendant
23 whose trial counsel is appointed by the state public defender files a notice under par.
24 (b) requesting public defender representation for purposes of postconviction relief,
25 the district attorney may, within 5 days after the notice is served and filed, file in the

1 trial court and serve upon the state public defender a request that the defendant's
2 indigency be redetermined before counsel is appointed or transcripts are ordered.
3 This paragraph does not apply to a child who is entitled to be represented by counsel
4 under s. 48.23 or 938.23.

5 **SECTION 607.** 809.30 (2) (fm) of the statutes is amended to read:

6 809.30 (2) (fm) A child who has filed a notice of intent to pursue relief from a
7 judgment or order entered in a ch. 48 or 938 proceeding shall be furnished at no cost
8 a transcript of the proceedings or as much of it as is requested. To obtain the
9 transcript at no cost, an affidavit must be filed stating that the person who is legally
10 responsible for the child's care and support is financially unable or unwilling to
11 purchase the transcript.

12 **SECTION 608.** 809.40 (1) of the statutes is amended to read:

13 809.40 (1) An appeal to the court of appeals from a judgment or order in a
14 misdemeanor case or a ch. 48, 51 ~~or~~, 55 or 938 case, or a motion for postconviction
15 relief in a misdemeanor case must be initiated within the time periods specified in
16 s. 808.04 and is governed by the procedures specified in ss. 809.30 to 809.32.

17 **SECTION 609.** 851.72 (7) of the statutes is amended to read:

18 851.72 (7) Except in counties having a population of 500,000 or more, perform
19 the duties of clerk of the court assigned to exercise jurisdiction under ~~ch. chs.~~ chs. 48 and
20 938 unless these duties are performed by a person appointed under s. 48.04.

21 **SECTION 610.** 859.07 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
22 section 7191c, is amended to read:

23 859.07 (2) If the decedent was at the time of death or at any time prior thereto
24 a patient or inmate of any state or county hospital or institution or any person
25 responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10

1 or, ~~48.36~~ 938.36 or if the decedent or the spouse of the decedent ever received
2 medical assistance under subch. IV of ch. 49, long-term community support services
3 funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685, the personal
4 representative shall send notice in writing of the date set under s. 859.01 by
5 registered or certified mail to the department of health and social services or the
6 department of corrections, as applicable, and the county clerk of the applicable
7 county not less than 30 days before the date set under s. 859.01, upon such blanks
8 and containing such information as the applicable department or county clerk may
9 provide. The applicable county is the county of residence, as defined in s. 49.001 (6).

10 **SECTION 611.** 880.15 (1) of the statutes is amended to read:

11 880.15 (1) APPOINTMENT. If, after consideration of a petition for temporary
12 guardianship, the court finds that the welfare of a minor, spendthrift or an alleged
13 incompetent requires the immediate appointment of a guardian of the person or of
14 the estate, or of both, it may appoint a temporary guardian for a period not to exceed
15 60 days unless further extended for 60 days by order of the court. The court may
16 extend the period only once. The authority of the temporary guardian shall be
17 limited to the performance of duties respecting specific property, or to the
18 performance of particular acts, as stated in the order of appointment. All provisions
19 of the statutes concerning the powers and duties of guardians shall apply to
20 temporary guardians except as limited by the order of appointment. The temporary
21 guardian shall make the reports the court directs and shall account to the court upon
22 termination of authority. The court assigned to exercise jurisdiction under ~~ch. 48~~ chs.
23 48 and 938 has exclusive jurisdiction over the appointment of a temporary guardian
24 of a minor for medical purposes but shall proceed in accordance with this section.

25 **SECTION 612.** 885.37 (1) (a) 2. of the statutes is amended to read:

1 885.37 (1) (a) 2. The person is a child or parent subject to ch. 48 or 938.

2 **SECTION 613.** 895.035 (2m) of the statutes is created to read:

3 895.035 (2m) (a) If a child fails to pay restitution under s. 938.245, 938.32,
4 938.34 (5), 938.343 (4) or 938.345 as ordered by a court assigned to exercise
5 jurisdiction under chs. 48 and 938 or a municipal court or as agreed to in a deferred
6 prosecution agreement or if it appears likely that the child will not pay restitution
7 as ordered or agreed to, the victim, the victim's insurer, the representative of the
8 public interest under s. 938.09 or the agency, as defined in s. 938.38 (1) (a),
9 supervising the child may petition the court assigned to exercise jurisdiction under
10 chs. 48 and 938 to order that the amount of restitution unpaid by the child be entered
11 and docketed as a judgment against the child and the parent with custody of the
12 child. A petition under this paragraph may be filed after the expiration of the
13 deferred prosecution agreement, consent decree, dispositional order or sentence
14 under which the restitution is payable, but no later than one year after the expiration
15 of the deferred prosecution agreement, consent decree, dispositional order or
16 sentence or any extension of the consent decree, dispositional order or sentence.

17 (b) If a child fails to pay a forfeiture as ordered by a court assigned to exercise
18 jurisdiction under chs. 48 and 938 or a municipal court or if it appears likely that the
19 child will not pay the forfeiture as ordered, the representative of the public interest
20 under s. 938.09, the agency, as defined in s. 938.38 (1) (a), supervising the child or
21 the law enforcement agency that issued the citation to the child may petition the
22 court assigned to exercise jurisdiction under chs. 48 and 938 to order that the amount
23 of the forfeiture unpaid by the child be entered and docketed as a judgment against
24 the child and the parent with custody of the child. A petition under this paragraph
25 may be filed after the expiration of the dispositional order or sentence under which

1 the forfeiture is payable, but no later than one year after the expiration of the
2 dispositional order or sentence or any extension of the dispositional order or
3 sentence.

4 (bm) 1. Before issuing an order under par. (a) or (b), the court assigned to
5 exercise jurisdiction under chs. 48 and 938 shall give the child and the parent notice
6 of the intent to issue the order and an opportunity to be heard regarding the order.
7 The court shall give the child and the parent an opportunity to present evidence as
8 to the amount of the restitution or forfeiture unpaid, but not as to the amount of the
9 restitution or forfeiture originally ordered. The court shall also give the child and
10 the parent an opportunity to present evidence as to the reason for the failure to pay
11 the restitution or forfeiture and the ability of the child or the parent to pay the
12 restitution or forfeiture. In considering the ability of the child or the parent to pay
13 the restitution or forfeiture, the court may consider the assets, as well as the income,
14 of the child or the parent and may consider the future ability of the child or parent
15 to pay the restitution or forfeiture within the time specified in s. 893.40.

16 2. In proceedings under this subsection, the court assigned to exercise
17 jurisdiction under chs. 48 and 938 may take judicial notice of any deferred
18 prosecution agreement, consent decree, dispositional order, sentence, extension of a
19 consent decree, dispositional order or sentence or any other finding or order in the
20 records of the child maintained by that court or the municipal court.

21 3. In proceedings under this subsection, the child and the parent may retain
22 counsel of their own choosing at their own expense, but a child or a parent has no
23 right to be represented by appointed counsel in a proceeding under this subsection.

24 (c) The court assigned to exercise jurisdiction under chs. 48 and 938 may order
25 that the child perform community service work for a public agency or nonprofit

1 charitable organization that is designated by the court in lieu of making restitution
2 or paying the forfeiture. If the parent agrees to perform community service work in
3 lieu of making restitution or paying the forfeiture, the court may order that the
4 parent perform community service work for a public agency or a nonprofit charitable
5 organization that is designated by the court. Community service work may be in lieu
6 of restitution only if also agreed to by the public agency or nonprofit charitable
7 organization and by the person to whom restitution is owed. The court may utilize
8 any available resources, including any community service work program, in ordering
9 the child or parent to perform community service work. The number of hours of
10 community service work required may not exceed the number determined by
11 dividing the amount owed on the restitution or forfeiture by the minimum wage
12 established under ch. 104 for adults in nonagriculture, nontipped employment. The
13 court shall ensure that the child or parent is provided with a written statement of
14 the terms of the community service order and that the community service order is
15 monitored.

16 **SECTION 614.** 895.035 (3) of the statutes is amended to read:

17 895.035 (3) An adjudication under s. ~~48.31~~ 938.31 that the child violated a civil
18 law or ordinance, is delinquent or is in need of protection and services under s. ~~48.13~~
19 938.13 (12), based on proof that the child committed the act, subject to its
20 admissibility under s. 904.10, shall, in an action under sub. (1), stop a child's parent
21 or parents from denying that the child committed the act that resulted in the injury,
22 damage or loss.

23 **SECTION 615.** 895.035 (4) of the statutes, as affected by 1995 Wisconsin Act 24,
24 is amended to read:

1 895.035 (4) Except for recovery for graffiti damage under sub. (4m) and for
2 recovery for retail theft under s. 943.51, the maximum recovery from any parent or
3 parents may not exceed \$2,500 the amount specified in s. 799.01 (1) (d) for damages
4 resulting from any one act of a child in addition to taxable costs and disbursements
5 and reasonable attorney fees, as determined by the court. If 2 or more children in
6 the custody of the same parent or parents commit the same act the total recovery may
7 not exceed \$2,500 the amount specified in s. 799.01 (1) (d), in addition to taxable costs
8 and disbursements. The maximum recovery from any parent or parents for retail
9 theft by their minor child is established under s. 943.51.

10 **SECTION 616.** 895.035 (6) of the statutes is amended to read:

11 895.035 (6) Any recovery under this section shall be reduced by the amount
12 recovered as restitution for the same act under s. ~~48.245, 48.32, 48.34 (5) or 48.343~~
13 ~~(4) 938.245, 938.32, 938.34 (5) or 938.343 (4)~~.

14 **SECTION 617.** 901.05 (2) (intro.) of the statutes is amended to read:

15 901.05 (2) (intro.) Except as provided in sub. (3), the results of a test or tests
16 for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to
17 HIV and the fact that a person has been ordered or required to submit to such a test
18 or tests under s. ~~48.296~~ 938.296 (4) or 968.38 (4) are not admissible during the course
19 of a civil or criminal action or proceeding or an administrative proceeding, as
20 evidence of a person's character or a trait of his or her character for the purpose of
21 proving that he or she acted in conformity with that character on a particular
22 occasion unless the evidence is admissible under s. 904.04 (1) or 904.05 (2) and unless
23 the following procedures are used:

24 **SECTION 618.** 901.05 (3) of the statutes is amended to read:

1 901.05 (3) The results of a test or tests under s. ~~48.296~~ 938.296 (4) or 968.38
2 (4) and the fact that a person has been ordered to submit to such a test or tests under
3 s. ~~48.296~~ 938.296 (4) or 968.38 (4) are not admissible during the course of a civil or
4 criminal action or proceeding or an administrative proceeding.

5 **SECTION 619.** 904.13 (2) of the statutes is amended to read:

6 904.13 (2) In any action or proceeding under ch. 48 938 or chs. 967 to 979,
7 evidence of the address of an alleged crime victim or any family member of an alleged
8 crime victim or evidence of the name and address of any place of employment of an
9 alleged crime victim or any family member of an alleged crime victim is relevant only
10 if it meets the criteria under s. 904.01. District attorneys shall make appropriate
11 objections if they believe that evidence of this information, which is being elicited by
12 any party, is not relevant in the action or proceeding.

13 **SECTION 620.** 905.04 (4) (i) of the statutes is amended to read:

14 905.04 (4) (i) *Providing services to court in juvenile matters.* There is no
15 privilege regarding information obtained by an intake worker or dispositional staff
16 in the provision of services under s. 48.067 ~~or~~, 48.069, 938.067 or 938.069. An intake
17 worker or dispositional staff member may disclose information obtained while
18 providing services under s. 48.067 or 48.069 only as provided in s. 48.78 and may
19 disclose information obtained while providing services under s. 938.067 or 938.069
20 only as provided in s. 938.78.

21 **SECTION 621.** 906.08 (2) of the statutes is amended to read:

22 906.08 (2) SPECIFIC INSTANCES OF CONDUCT. Specific instances of the conduct of
23 a witness, for the purpose of attacking or supporting the witness's credibility, other
24 than a conviction of crimes a crime or an adjudication of delinquency as provided in
25 s. 906.09, may not be proved by extrinsic evidence. They may, however, subject to s.

1 972.11 (2), if probative of truthfulness or untruthfulness and not remote in time, be
2 inquired into on cross-examination of the witness or on cross-examination of a
3 witness who testifies to his or her character for truthfulness or untruthfulness.

4 **SECTION 622.** 906.09 (title) of the statutes is amended to read:

5 **906.09 (title) Impeachment by evidence of conviction of crime or**
6 **adjudication of delinquency.**

7 **SECTION 623.** 906.09 (1) of the statutes is amended to read:

8 906.09 (1) GENERAL RULE. For the purpose of attacking the credibility of a
9 witness, evidence that the witness has been convicted of a crime or adjudicated
10 delinquent is admissible. The party cross-examining the witness is not concluded
11 by the witness's answer.

12 **SECTION 624.** 906.09 (2) of the statutes is amended to read:

13 906.09 (2) EXCLUSION. Evidence of a conviction of a crime or an adjudication of
14 delinquency may be excluded if its probative value is substantially outweighed by
15 the danger of unfair prejudice.

16 **SECTION 625.** 906.09 (3) of the statutes is amended to read:

17 906.09 (3) (title) ADMISSIBILITY OF CONVICTION OR ADJUDICATION. No question
18 inquiring with respect to a conviction of a crime or an adjudication of delinquency,
19 nor introduction of evidence with respect thereto, shall be permitted until the judge
20 determines pursuant to s. 901.04 whether the evidence should be excluded.

21 **SECTION 626.** 906.09 (4) of the statutes is repealed.

22 **SECTION 627.** 906.09 (5) of the statutes is amended to read:

23 906.09 (5) PENDENCY OF APPEAL. The pendency of an appeal therefrom does not
24 render evidence of a conviction or a delinquency adjudication inadmissible.
25 Evidence of the pendency of an appeal is admissible.

1 (d) To provide due process through which each juvenile offender and all other
2 interested parties are assured fair hearings, during which constitutional and other
3 legal rights are recognized and enforced.

4 (e) To divert juveniles from the juvenile justice system through early
5 intervention as warranted, when consistent with the protection of the public.

6 (f) To respond to a juvenile offender’s needs for care and treatment, consistent
7 with the prevention of delinquency, each juvenile’s best interest and protection of the
8 public, by allowing the judge to utilize the most effective dispositional option.

9 (g) To ensure that victims and witnesses of acts committed by juveniles that
10 result in proceedings under this chapter are, consistent with the provisions of this
11 chapter and the Wisconsin constitution, afforded the same rights as victims and
12 witnesses of crimes committed by adults, and are treated with dignity, respect,
13 courtesy and sensitivity throughout such proceedings.

14 **938.02 Definitions.** In this chapter:

15 (1) “Adult” means a person who is 18 years of age or older, except that for
16 purposes of prosecuting a person who is alleged to have violated any state or federal
17 criminal law or any civil law or municipal ordinance, “adult” means a person who has
18 attained 17 years of age.

19 (1m) “Alcoholism” has the meaning given in s. 51.01 (1m).

20 (1p) “Alcohol or other drug abuse impairment” means a condition of a person
21 which is exhibited by characteristics of habitual lack of self-control in the use of
22 alcohol beverages or controlled substances to the extent that the person’s health is
23 substantially affected or endangered or the person’s social or economic functioning
24 is substantially disrupted.

25 (1s) “Approved treatment facility” has the meaning given in s. 51.01 (2).

1 **(2c)** “Child caring institution” means a facility operated by a child welfare
2 agency licensed under s. 48.60 for the care and maintenance of persons residing in
3 that facility.

4 **(2d)** “Controlled substance” has the meaning given in s. 161.01 (4).

5 **(2g)** “County department” means a county department under s. 46.215, 46.22
6 or 46.23, unless the context requires otherwise.

7 **(2m)** “Court”, when used without further qualification, means the court
8 assigned to exercise jurisdiction under this chapter and ch. 48 or, when used with
9 reference to a juvenile who is subject to s. 938.183 (2), a court of criminal jurisdiction
10 or, when used with reference to a juvenile who is subject to s. 938.17 (2), a municipal
11 court.

12 **(3)** “Court intake worker” means any person designated to provide intake
13 services under s. 938.067.

14 **(3m)** “Delinquent” means a juvenile who is 10 years of age or older who has
15 violated any state or federal criminal law, except as provided in ss. 938.17, 938.18
16 and 938.183, or who has committed a contempt of court, as defined in s. 785.01 (1),
17 as specified in s. 938.355 (6g).

18 **(4)** “Department” means the department of corrections.

19 **(5)** “Developmentally disabled” means having a developmental disability, as
20 defined in s. 51.01 (5).

21 **(5g)** “Drug dependent” has the meaning given in s. 51.01 (8).

22 **(6)** “Foster home” means any facility that is operated by a person required to
23 be licensed by s. 48.62 (1) (a) and that provides care and maintenance for no more
24 than 4 juveniles unless all of the juveniles are siblings.

1 **(7)** “Group home” means any facility operated by a person required to be
2 licensed by the department under s. 48.625 for the care and maintenance of 5 to 8
3 juveniles.

4 **(8)** “Guardian” means the person named by the court having the duty and
5 authority of guardianship.

6 **(9m)** “Habitual truant” has the meaning given in s. 118.16 (1) (a).

7 **(9s)** “Integrated service plan” has the meaning given in s. 46.56 (1) (g).

8 **(10)** “Judge”, if used without further qualification, means the judge of the court
9 assigned to exercise jurisdiction under this chapter and ch. 48 or, if used with
10 reference to a juvenile who is subject to s. 938.183 (2), the judge of the court of
11 criminal jurisdiction or, when used with reference to a juvenile who is subject to s.
12 938.17 (2), the judge of the municipal court.

13 **(10m)** “Juvenile” means a person who is less than 18 years of age, except that
14 for purposes of prosecuting a person who is alleged to have violated a state or federal
15 criminal law or any civil law or municipal ordinance, “juvenile” does not include a
16 person who has attained 17 years of age.

17 **(11)** “Legal custodian” means a person, other than a parent or guardian, or an
18 agency to whom legal custody of a juvenile has been transferred by a court, but does
19 not include a person who has only physical custody of the juvenile.

20 **(12)** “Legal custody” means a legal status created by the order of a court, which
21 confers the right and duty to protect, train and discipline a juvenile, and to provide
22 food, shelter, legal services, education and ordinary medical and dental care, subject
23 to the rights, duties and responsibilities of the guardian of the juvenile and subject
24 to any residual parental rights and responsibilities and the provisions of any court
25 order.

1 **(13)** “Parent” means either a biological parent, a husband who has consented
2 to the artificial insemination of his wife under s. 891.40, or a parent by adoption. If
3 the juvenile is a nonmarital child who is not adopted or whose parents do not
4 subsequently intermarry under s. 767.60, “parent” includes a person adjudged in a
5 judicial proceeding to be the biological father. “Parent” does not include any person
6 whose parental rights have been terminated.

7 **(14)** “Physical custody” means actual custody of the person in the absence of
8 a court order granting legal custody to the physical custodian.

9 **(14m)** “Pupil assistance program” means a program provided by a school board
10 under s. 115.362 (4) (b) 2. to intervene in the abuse of alcohol and other drugs by
11 pupils.

12 **(15)** “Relative” means a parent, grandparent, stepparent, brother, sister, first
13 cousin, nephew, niece, uncle or aunt. This relationship may be by consanguinity or
14 direct affinity.

15 **(15g)** “Secured child caring institution” means a child caring institution
16 operated by a child welfare agency that is licensed under s. 48.66 (1) to hold in secure
17 custody persons adjudged delinquent.

18 **(15m)** “Secured correctional facility” means a correctional institution operated
19 or contracted for by the department for holding in secure custody persons adjudged
20 delinquent. “Secured correctional facility” includes the facility at which the juvenile
21 boot camp program under s. 938.532 is operated, a facility authorized under s.
22 938.533 (3) (b) and a facility authorized under s. 938.538 (4) (b).

23 **(16)** “Secure detention facility” means a locked facility approved by the
24 department under s. 301.36 for the secure, temporary holding in custody of juveniles.

1 **(17)** “Shelter care facility” means a nonsecure place of temporary care and
2 physical custody for juveniles, including a holdover room, licensed by the department
3 under s. 48.66 (1).

4 **(17m)** “Special treatment or care” means professional services which need to
5 be provided to a juvenile or his or her family to protect the well-being of the juvenile,
6 prevent placement of the juvenile outside the home or meet the special needs of the
7 juvenile. This term includes medical, psychological or psychiatric treatment, alcohol
8 or other drug abuse treatment or other services which the court finds to be necessary
9 and appropriate.

10 **(17q)** “Treatment foster home” means any facility that is operated by a person
11 required to be licensed under s. 48.62 (1) (b), that is operated under the supervision
12 of the department, a county department or a licensed child welfare agency, and that
13 provides to no more than 4 juveniles care, maintenance and structured, professional
14 treatment by trained individuals, including the treatment foster parents.

15 **(18)** “Trial” means a fact-finding hearing to determine jurisdiction.

16 **(18m)** “Truancy” has the meaning given in s. 118.16 (1) (c).

17 **(19)** “Type 1 secured correctional facility” means a secured correctional facility,
18 but excludes any correctional institution that meets the criteria under sub. (15m)
19 solely because of its status under s. 938.533 (3) (b) or 938.538 (4) (b).

20 **(20)** “Type 2 secured correctional facility” means a secured correctional facility
21 that meets the criteria under sub. (15m) solely because of its status under s. 938.533
22 (3) (b) or 938.538 (4) (b).

23 **(21)** “Victim-witness coordinator” means a person employed or contracted by
24 the county board of supervisors under s. 950.06 to enforce the rights of victims and
25 witnesses of crimes and to provide services for those victims and witnesses or a

1 person employed or contracted by the department of justice to provide the services
2 specified in s. 950.08.

3 SUBCHAPTER II

4 ORGANIZATION OF COURT

5 **938.03 Time and place of court; absence or disability of judge; court of**
6 **record. (1)** The judge shall set apart a time and place to hold court on juvenile
7 matters.

8 **(2)** In the case of the absence or disability of the judge of a court assigned to
9 exercise jurisdiction under this chapter and ch. 48, another judge shall be assigned
10 under s. 751.03 to act temporarily in the judge's place. If the judge assigned
11 temporarily is from a circuit other than the one for which elected, the judge shall
12 receive expenses as provided under s. 753.073.

13 **938.06 Services for court. (1)** COUNTIES WITH A POPULATION OF 500,000 OR
14 MORE. (a) 1. In counties with a population of 500,000 or more, the county board of
15 supervisors shall provide the court with the services necessary for investigating and
16 supervising cases by operating a children's court center under the supervision of a
17 director who is appointed as provided in s. 46.21 (1m) (a). The director is the chief
18 administrative officer of the center and of the intake and probation sections and
19 secure detention facilities of the center except as otherwise provided in this
20 subsection. The director is charged with administration of the personnel and
21 services of the sections and of the secure detention facilities, and is responsible for
22 supervising both the operation of the physical plant and the maintenance and
23 improvement of the buildings and grounds of the center. The center shall include
24 investigative services for all juveniles alleged to be in need of protection or services
25 to be provided by the county department, and the services of an assistant district

1 attorney or assistant corporation counsel or both, who shall be assigned to the center
2 to provide investigative as well as legal work in the cases.

3 2. The chief judge of the judicial administrative district shall formulate written
4 judicial policy governing intake and court services for juvenile matters and the
5 director shall be charged with executing the judicial policy. The chief judge shall
6 direct and supervise the work of all personnel of the court, except the work of the
7 district attorney or corporation counsel assigned to the court. The chief judge may
8 delegate his or her supervisory functions under s. 938.065 (1).

9 3. The county board of supervisors shall develop policies and establish
10 necessary rules for the management and administration of the nonjudicial
11 operations of the children's court center. The director of the center shall report and
12 is responsible to the director of the county department for the execution of all
13 nonjudicial operational policies and rules governing the center, including activities
14 of probation officers whenever they are not performing services for the court. The
15 director of the center is also responsible for the preparation and submission to the
16 county board of supervisors of the annual budget for the center except for the judicial
17 functions or responsibilities which are delegated by law to the judge or judges and
18 clerk of circuit court. The county board of supervisors shall make provision in the
19 organization of the office of director for the devolution of the director's authority in
20 the case of temporary absence, illness, disability to act or a vacancy in position and
21 shall establish the general qualifications for the position. The county board of
22 supervisors also has the authority to investigate, arbitrate and resolve any conflict
23 in the administration of the center as between judicial and nonjudicial operational
24 policy and rules. The county board of supervisors does not have authority and may
25 not assert jurisdiction over the disposition of any case or juvenile after a written

1 order is made under s. 938.21 or if a petition is filed under s. 938.25. All personnel
2 of the intake and probation sections and of the secure detention facilities shall be
3 appointed under civil service by the director except that existing court service
4 personnel having permanent civil service status may be reassigned to any of the
5 respective sections within the center specified in this paragraph.

6 (am) 1. All intake workers beginning employment after May 15, 1980, shall
7 have the qualifications required to perform entry level social work in a county
8 department and shall have successfully completed 30 hours of intake training
9 approved or provided by the department prior to the completion of the first 6 months
10 of employment in the position. The department shall monitor compliance with this
11 subdivision according to rules promulgated by the department.

12 2. The department shall make training programs available annually that
13 permit intake workers to satisfy the requirements specified under subd. 1.

14 (b) Notwithstanding par. (a), the county board of supervisors may institute
15 changes in the administration of services to the children's court center in order to
16 qualify for the maximum amount of federal and state aid as provided in sub. (4) and
17 s. 46.495.

18 **(2) COUNTIES WITH A POPULATION UNDER 500,000.** (a) In counties having less than
19 500,000 population, the county board of supervisors shall authorize the county
20 department or court or both to provide intake services required by s. 938.067 and the
21 staff needed to carry out the objectives and provisions of this chapter under s.
22 938.069. Intake services shall be provided by employes of the court or county
23 department and may not be subcontracted to other individuals or agencies, except
24 as provided in par. (am). Intake workers shall be governed in their intake work,
25 including their responsibilities for recommending the filing of a petition and entering

1 into a deferred prosecution agreement, by general written policies which shall be
2 formulated by the circuit judges for the county, subject to the approval of the chief
3 judge of the judicial administrative district.

4 (am) 1. Notwithstanding par. (a), any county which had intake services
5 subcontracted from the county sheriff's department on April 1, 1980, may continue
6 to subcontract intake services from the county sheriff's department.

7 2. Notwithstanding par. (a), any county in which the county sheriff's
8 department operates a secure detention facility may subcontract intake services
9 from the county sheriff's department as provided in this subdivision. If a county
10 subcontracts intake services from the county sheriff's department, employes of the
11 county sheriff's department who staff the secure detention facility may make secure
12 custody determinations under s. 938.208 between the hours of 6 p.m. and 6 a.m. and
13 any determination under s. 938.208 made by an employe of the county sheriff's
14 department shall be reviewed by an intake worker employed by the court or county
15 department within 24 hours after that determination is made.

16 (b) 1. All intake workers beginning employment after May 15, 1980, excluding
17 county sheriff's department employes who provide intake services under par. (am)
18 2., shall have the qualifications required to perform entry level social work in a
19 county department. All intake workers beginning employment after May 15, 1980,
20 including county sheriff's department employes who provide intake services under
21 par. (am) 2., shall have successfully completed 30 hours of intake training approved
22 or provided by the department prior to the completion of the first 6 months of
23 employment in the position. The department shall monitor compliance with this
24 subdivision according to rules promulgated by the department.

1 2. The department shall make training programs available annually that
2 permit intake workers to satisfy the requirements specified under subd. 1.

3 **(3) INTAKE SERVICES.** The court or county department responsible for providing
4 intake services under s. 938.067 shall specify one or more persons to provide intake
5 services. If there is more than one such worker, one of the workers shall be
6 designated as chief worker and shall supervise other workers.

7 **(4) STATE AID.** State aid to any county for juvenile delinquency-related court
8 services under this section shall be at the same net effective rate that each county
9 is reimbursed for county administration under s. 46.495, except as provided in s.
10 301.26. Counties having a population of less than 500,000 may use funds received
11 under ss. 46.495 (1) (d) and 301.26, including county or federal revenue sharing
12 funds allocated to match funds received under s. 46.495 (1) (d), for the cost of
13 providing court attached intake services in amounts not to exceed 50% of the cost of
14 providing court attached intake services or \$30,000 per county per calendar year,
15 whichever is less.

16 **(5) SHORT-TERM DETENTION AS A DISPOSITION.** The county board of supervisors
17 of any county may, by resolution, authorize the court to use placement in a secure
18 detention facility or juvenile portion of the county jail as a disposition under s. 938.34
19 (3) (f) or to use commitment to a county department under s. 51.42 or 51.437 for
20 special treatment or care in an inpatient facility, as defined in s. 51.01 (10), as a
21 disposition under s. 938.34 (6) (am). The use by the court of those dispositions is
22 subject to any resolution adopted under this subsection.

23 **938.065 Juvenile court commissioners.** **(1)** The board of supervisors of any
24 county may authorize the chief judge of the judicial administrative district to appoint
25 one or more part-time or full-time juvenile court commissioners who shall serve at

1 the discretion of the chief judge. A juvenile court commissioner shall be licensed to
2 practice law in this state and shall have been so licensed for at least 2 years
3 immediately prior to appointment and shall have a demonstrated interest in the
4 welfare of juveniles. The chief judge may assign law clerks, bailiffs and deputies to
5 the court commissioner. The chief judge shall supervise juvenile court
6 commissioners, law clerks, bailiffs and deputies, except that the chief judge may
7 delegate any of those duties.

8 **(2)** Under this chapter a juvenile court commissioner, if authorized to do so by
9 a judge, may do any of the following:

10 (a) Issue summonses.

11 (b) Conduct hearings under s. 938.21 and thereafter order a juvenile held in or
12 released from custody.

13 (d) Conduct plea hearings.

14 (dm) Issue orders requiring compliance with deferred prosecution agreements.

15 (e) Enter into consent decrees.

16 (f) Conduct prehearing conferences.

17 (g) Conduct all proceedings on petitions or citations under s. 938.125.

18 (gm) Conduct uncontested proceedings under s. 938.12, 938.13 or 938.18.

19 (h) Perform such other duties, not in conflict with this chapter, as the judge may
20 direct.

21 **(3)** The juvenile court commissioner may not do any of the following:

22 (a) Conduct waiver hearings under s. 938.18 except as provided in sub. (2) (gm).

23 (b) Conduct fact-finding or dispositional hearings except petitions or citations
24 under s. 938.125 and except as provided in sub. (2) (gm).

1 (c) Make dispositions other than ordering compliance with deferred
2 prosecution agreements and approving consent decrees and other than dispositions
3 in uncontested proceedings under s. 938.12 or 938.13.

4 (e) Make changes in placements of juveniles, or revisions or extensions of
5 dispositional orders, except pursuant to petitions or citations under s. 938.125 and
6 except in uncontested proceedings under s. 938.12 or 938.13.

7 (f) Make any dispositional order under s. 938.34 (4h) or (4m).

8 (4) When acting officially, the juvenile court commissioner shall sit at the
9 courthouse or the usual court facility for juvenile delinquency matters. Any decision
10 of the juvenile court commissioner shall be reviewed by the judge upon the request
11 of any interested party.

12 **938.067 Powers and duties of intake workers.** To carry out the objectives
13 and provisions of this chapter but subject to its limitations, intake workers shall do
14 all of the following:

15 (1) Provide intake services 24 hours a day, 7 days a week, for the purpose of
16 screening juveniles taken into custody and not released under s. 938.20 (2).

17 (2) Interview, unless impossible, any juvenile who is taken into physical
18 custody and not released, and where appropriate interview other available
19 concerned parties. If the juvenile cannot be interviewed, the intake worker shall
20 consult with the juvenile's parent or a responsible adult. No juvenile may be placed
21 in a secure detention facility unless the juvenile has been interviewed in person by
22 an intake worker, except that if the intake worker is in a place which is distant from
23 the place where the juvenile is or the hour is unreasonable, as defined by written
24 court intake rules, and if the juvenile meets the criteria under s. 938.208, the intake
25 worker, after consulting by telephone with the law enforcement officer who took the

1 juvenile into custody, may authorize the secure holding of the juvenile while the
2 intake worker is en route to the in-person interview or until 8 a.m. of the morning
3 after the night on which the juvenile was taken into custody.

4 (3) Determine whether the juvenile shall be held under s. 938.205 and such
5 policies as the judge shall promulgate under s. 938.06 (1) or (2).

6 (4) If the juvenile is not released, determine where the juvenile shall be held.

7 (5) Provide crisis counseling during the intake process when such counseling
8 appears to be necessary.

9 (6) Receive referral information, conduct intake inquiries, make
10 recommendations as to whether a petition should be filed, and enter into deferred
11 prosecution agreements under policies promulgated under s. 938.06 (1) or (2).

12 (6m) Conduct the multidisciplinary screen in counties that have a pilot
13 program under s. 938.547.

14 (7) Make referrals of cases to other agencies if their assistance appears to be
15 needed or desirable.

16 (8) Make interim recommendations to the court concerning juveniles awaiting
17 final disposition under s. 938.355.

18 (9) Perform any other functions ordered by the court, and assist the court or
19 chief judge of the judicial administrative district in developing written policies or
20 carrying out its other duties when the court or chief judge so requests.

21 **938.069 Powers and duties of disposition staff.** (1) The staff of the
22 department, the court, a county department or a licensed child welfare agency
23 designated by the court to carry out the objectives and provisions of this chapter
24 shall:

1 (a) Supervise and assist a juvenile under a deferred prosecution agreement, a
2 consent decree or an order of the court.

3 (b) Offer individual and family counseling.

4 (c) Make an affirmative effort to obtain necessary or desired services for the
5 juvenile and the juvenile's family and investigate and develop resources toward that
6 end.

7 (d) Prepare reports for the court recommending a plan of rehabilitation,
8 treatment and care.

9 (dj) Provide aftercare services for a juvenile who has been released from a
10 secured correctional facility or a secured child caring institution.

11 (e) Perform any other functions consistent with this chapter which are ordered
12 by the court.

13 **(2)** Licensed child welfare agencies and the department shall provide services
14 under this section only upon the approval of the agency from whom services are
15 requested.

16 **(3)** A court or county department responsible for disposition staff may agree
17 with the court or county department responsible for providing intake services that
18 the disposition staff may be designated to provide some or all of the intake services.

19 **(4)** Disposition staff employed to perform the duties specified in sub. (1) after
20 November 18, 1978, shall have the qualifications required under the county merit
21 system.

22 **938.07 Additional sources of court services.** If the county board of
23 supervisors has complied with s. 938.06, the court may obtain supplementary
24 services for investigating cases and providing supervision of cases from one or more
25 of the following sources:

1 **(2) LICENSED CHILD WELFARE AGENCY.** The court may request the services of a
2 child welfare agency licensed under s. 48.60 in accordance with procedures
3 established by that agency. The child welfare agency shall receive no compensation
4 for these services but may be reimbursed out of funds made available to the court for
5 the actual and necessary expenses incurred in the performance of duties for the
6 court.

7 **(3) COUNTY DEPARTMENT IN POPULOUS COUNTIES.** In counties having a population
8 of 500,000 or more, the director of the county department may be ordered by the court
9 to provide services for furnishing emergency shelter care to any juvenile whose need
10 therefor, either by reason of need of protection and services or delinquency, is
11 determined by the intake worker under s. 938.205. The court may authorize the
12 director to appoint members of the county department to furnish emergency shelter
13 care services for the juvenile. The emergency shelter care may be provided as
14 specified in s. 938.207.

15 **(4) COUNTY DEPARTMENTS THAT PROVIDE DEVELOPMENTAL DISABILITIES, MENTAL**
16 **HEALTH OR ALCOHOL AND OTHER DRUG ABUSE SERVICES.** Within the limits of available
17 state and federal funds and of county funds appropriated to match state funds, the
18 court may order county departments established under s. 51.42 or 51.437 to provide
19 special treatment or care to a juvenile if special treatment or care has been ordered
20 under s. 938.34 (6) and if s. 938.362 (4) applies.

21 **938.08 Duties of person furnishing services to court.** **(1)** It is the duty
22 of each person appointed to furnish services to the court as provided in ss. 938.06 and
23 938.07 to make such investigations and exercise such discretionary powers as the
24 judge may direct, to keep a written record of such investigations and to submit a
25 report to the judge. The person shall keep informed concerning the conduct and

1 condition of the juvenile under the person's supervision and shall report thereon as
2 the judge directs.

3 (2) Except as provided in sub. (3), any person authorized to provide or providing
4 intake or dispositional services for the court under ss. 938.067 and 938.069 has the
5 power of police officers and deputy sheriffs only for the purpose of taking a juvenile
6 into physical custody when the juvenile comes voluntarily or is suffering from illness
7 or injury or is in immediate danger from his or her surroundings and removal from
8 the surroundings is necessary.

9 (3) (a) In addition to the law enforcement authority specified in sub. (2),
10 department personnel designated by the department have the power of law
11 enforcement authorities to take a juvenile into physical custody under the following
12 conditions:

13 1. If they are in prompt pursuit of a juvenile who has run away from a secured
14 correctional facility or secured child caring institution.

15 2. If the juvenile has failed to return to a secured correctional facility or secured
16 child caring institution after any authorized absence.

17 (b) A juvenile taken into custody under par. (a) may be returned directly to the
18 secured correctional facility or secured child caring institution and shall have a
19 hearing regarding placement in a disciplinary cottage or in disciplinary status in
20 accordance with ch. 227.

21 **938.09 Representation of the interests of the public.** The interests of the
22 public shall be represented in proceedings under this chapter as follows:

23 (1) By the district attorney, in any matter arising under s. 938.12.

24 (2) By the district attorney or, if designated by the county board of supervisors,
25 by the corporation counsel, in any matter concerning a civil law violation arising

1 under s. 938.125. If the county board transfers this authority to or from the district
2 attorney on or after May 11, 1990, the board may do so only if the action is effective
3 on September 1 of an odd-numbered year and the board notifies the department of
4 administration of that change by January 1 of that odd-numbered year.

5 (3) By the city, village or town attorney, in any matter concerning a city, village
6 or town ordinance violation, respectively, arising under s. 938.125.

7 (4) By any appropriate person designated by the county board of supervisors
8 in any matter concerning a noncity ordinance violation arising under s. 938.125.

9 (5) By the district attorney or, if designated by the county board of supervisors,
10 by the corporation counsel, in any matter arising under s. 938.13. If the county board
11 transfers this authority to or from the district attorney on or after May 11, 1990, the
12 board may do so only if the action is effective on September 1 of an odd-numbered
13 year and the board notifies the department of administration of that change by
14 January 1 of that odd-numbered year.

15 (6) By any appropriate person designated by the county board of supervisors
16 in any matter arising under s. 938.14.

17 **938.10 Power of the judge to act as intake worker.** The duties of the intake
18 worker may be carried out from time to time by the judge at his or her discretion, but
19 if a recommendation to file a petition is made, a citation is issued or a deferred
20 prosecution agreement is entered into, the judge shall be disqualified from
21 participating further in the proceedings.

22 SUBCHAPTER III

23 JURISDICTION

1 **938.12 Jurisdiction over juveniles alleged to be delinquent.** (1) The
2 court has exclusive jurisdiction, except as provided in ss. 938.17, 938.18 and 938.183,
3 over any juvenile 10 years of age or over who is alleged to be delinquent.

4 (2) If a court proceeding has been commenced under this section before a
5 juvenile is 17 years of age, but the juvenile becomes 17 years of age before admitting
6 the facts of the petition at the plea hearing or if the juvenile denies the facts, before
7 an adjudication, the court retains jurisdiction over the case.

8 **938.125 Jurisdiction over juveniles alleged to have violated civil laws**
9 **or ordinances.** The court has exclusive jurisdiction over any juvenile alleged to
10 have violated a law punishable by forfeiture or a county, town or other municipal
11 ordinance, except as follows:

12 (1) As provided under s. 938.17.

13 (2) That the court has exclusive jurisdiction over any juvenile alleged to have
14 violated an ordinance enacted under s. 118.163 (2) only if evidence is provided by the
15 school attendance officer that the activities under s. 118.16 (5) have been completed
16 or were not completed due to the child's absence from school as provided in s. 118.16
17 (5m).

18 **938.13 Jurisdiction over juveniles alleged to be in need of protection**
19 **or services.** The court has exclusive original jurisdiction over a juvenile alleged to
20 be in need of protection or services which can be ordered by the court, and:

21 (4) Whose parent or guardian signs the petition requesting jurisdiction and
22 states that he or she is unable to control the juvenile.

23 (6) Who is habitually truant from school, if evidence is provided by the school
24 attendance officer that the activities under s. 118.16 (5) have been completed or were

1 not completed due to the child’s absence from school as provided in s. 118.16 (5m),
2 except as provided under s. 938.17 (2).

3 (6m) Who is a school dropout, as defined in s. 118.153 (1) (b).

4 (7) Who is habitually truant from home and either the juvenile or a parent,
5 guardian or a relative in whose home the juvenile resides signs the petition
6 requesting jurisdiction and attests in court that reconciliation efforts have been
7 attempted and have failed.

8 (12) Who, being under 10 years of age, has committed a delinquent act as
9 defined in s. 938.12.

10 (14) Who has been determined, under s. 938.30 (5) (c), to be not responsible for
11 a delinquent act by reason of mental disease or defect or who has been determined,
12 under s. 938.30 (5) (d), to be not competent to proceed.

13 **938.135 Referral of juveniles to proceedings under ch. 51 or 55.** (1) If
14 a juvenile alleged to be delinquent or in need of protection or services is before the
15 court and it appears that the juvenile is developmentally disabled, mentally ill or
16 drug dependent or suffers from alcoholism, the court may proceed under ch. 51 or 55.

17 (2) Any voluntary or involuntary admissions, placements or commitments of
18 a juvenile made in or to an inpatient facility, as defined in s. 51.01 (10), other than
19 a commitment under s. 938.34 (6) (am) shall be governed by ch. 51 or 55.

20 **938.14 Jurisdiction over interstate compact proceedings.** The court has
21 exclusive jurisdiction over proceedings under the interstate compact for juveniles
22 under s. 938.991.

23 **938.15 Jurisdiction of other courts to determine legal custody.** Nothing
24 contained in s. 938.12, 938.13 or 938.14 deprives other courts of the right to
25 determine the legal custody of juveniles by habeas corpus or to determine the legal

1 custody or guardianship of juveniles if the legal custody or guardianship is incidental
2 to the determination of causes pending in the other courts. But the jurisdiction of
3 the court assigned to exercise jurisdiction under this chapter and ch. 48 is paramount
4 in all cases involving juveniles alleged to come within the provisions of ss. 938.12 to
5 938.14.

6 **938.17 Jurisdiction over traffic, boating, snowmobile and all-terrain**
7 **vehicle violations and over civil law and ordinance violations. (1) TRAFFIC,**
8 **BOATING, SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS. Except for ss. 342.06 (2)**
9 **and 344.48 (1), and ss. 30.67 (1) and 346.67 when death or injury occurs, courts of**
10 **criminal and civil jurisdiction shall have exclusive jurisdiction in proceedings**
11 **against juveniles 16 or older for violations of s. 23.33, of ss. 30.50 to 30.80, of chs. 341**
12 **to 351, and of traffic regulations as defined in s. 345.20 and nonmoving traffic**
13 **violations as defined in s. 345.28 (1). A juvenile charged with a traffic, boating,**
14 **snowmobile or all-terrain vehicle offense in a court of criminal or civil jurisdiction**
15 **shall be treated as an adult before the trial of the proceeding except that the juvenile**
16 **may be held in secure custody only in a secure detention facility. A juvenile convicted**
17 **of a traffic, boating, snowmobile or all-terrain vehicle offense in a court of criminal**
18 **or civil jurisdiction shall be treated as an adult for sentencing purposes except as**
19 **follows:**

20 (a) The court may disregard any minimum period of incarceration specified for
21 the offense.

22 (b) If the court orders the juvenile to serve a period of incarceration of less than
23 6 months, the juvenile may serve that period of incarceration only in a secure
24 detention facility.

1 (c) If the court of civil or criminal jurisdiction orders the juvenile to serve a
2 period of incarceration of 6 months or more, that court shall petition the court
3 assigned to exercise jurisdiction under this chapter and ch. 48 to order one or more
4 of the dispositions provided in s. 938.34, including placement of the juvenile in a
5 secured correctional facility under s. 938.34 (4m), if appropriate.

6 **(2) CIVIL LAW AND ORDINANCE VIOLATIONS.** (a) 1. Except as provided in sub. (1),
7 municipal courts have concurrent jurisdiction with the court assigned to exercise
8 jurisdiction under this chapter and ch. 48 in proceedings against juveniles aged 12
9 or older for violations of county, town or other municipal ordinances. If evidence is
10 provided by the school attendance officer that the activities under s. 118.16 (5) have
11 been completed or were not completed due to the juvenile’s absence from school as
12 provided in s. 118.16 (5m), the municipal court specified in subd. 2. may exercise
13 jurisdiction in proceedings against a juvenile for a violation of an ordinance enacted
14 under s. 118.163 (2) regardless of the juvenile’s age and regardless of whether the
15 court assigned to exercise jurisdiction under this chapter and ch. 48 has jurisdiction
16 under s. 938.13 (6).

17 2. a. In this subdivision, “administrative center” means the main
18 administrative offices of a school district.

19 b. The municipal court that may exercise jurisdiction under subd. 1. is the
20 municipal court that is located in the same municipality as the administrative center
21 of the school district in which the juvenile is enrolled, if that municipality has
22 adopted an ordinance under s. 118.163.

23 c. If the municipality specified under subd. 2. b. has not adopted an ordinance
24 under s. 118.163, the municipal court that may exercise jurisdiction under subd. 1.
25 is the municipal court that is located in the municipality where the school in which

1 the juvenile is enrolled is located, if that municipality has adopted an ordinance
2 under s. 118.163.

3 d. If the municipality specified under subd. 2. c. has not adopted an ordinance
4 under s. 118.163, the municipal court that may exercise jurisdiction under subd. 1.
5 is the municipal court that is located in the municipality where the juvenile resides,
6 if that municipality has adopted an ordinance under s. 118.163.

7 3. When a juvenile is alleged to have violated a municipal ordinance, the
8 juvenile may be:

9 a. Issued a citation directing the juvenile to appear in municipal court or make
10 a deposit or stipulation and deposit in lieu of appearance;

11 b. Issued a citation directing the juvenile to appear in the court assigned to
12 exercise jurisdiction under this chapter and ch. 48 or make a deposit or stipulation
13 and deposit in lieu of appearance as provided in s. 938.237; or

14 c. Referred to intake for a determination whether a petition should be filed in
15 the court assigned to exercise jurisdiction under this chapter and ch. 48 pursuant to
16 s. 938.125.

17 (b) When a juvenile 12 years of age or older is alleged to have violated a civil
18 law punishable by a forfeiture or where a juvenile is alleged to have violated a
19 municipal ordinance but there is no municipal court in the municipality, the juvenile
20 may be:

21 1. Issued a citation directing the juvenile to appear in the court assigned to
22 exercise jurisdiction under this chapter and ch. 48 or make a deposit or stipulation
23 and deposit in lieu of appearance as provided in s. 938.237; or

1 2. Referred to intake for a determination whether a petition should be filed in
2 the court assigned to exercise jurisdiction under this chapter and ch. 48 pursuant to
3 s. 938.125.

4 (c) The citation procedures described in ch. 800 shall govern proceedings
5 involving juveniles in municipal court, except that this chapter shall govern the
6 taking and holding of a juvenile in custody and par. (cg) shall govern the issuing of
7 a summons to the juvenile’s parent, guardian or legal custodian. When a juvenile is
8 before the court assigned to exercise jurisdiction under this chapter and ch. 48 upon
9 a citation alleging the juvenile to have violated a civil law or municipal ordinance,
10 the procedures specified in s. 938.237 shall apply. If a citation is issued to a juvenile,
11 the issuing agency shall notify the juvenile’s parent, guardian and legal custodian
12 within 7 days. The agency issuing a citation to a juvenile who is 12 to 15 years of age
13 for a violation of s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 161.573 (2), 161.574
14 (2) or 161.575 (2) or an ordinance conforming to one of those statutes shall send a copy
15 to an intake worker under s. 938.24 for informational purposes only.

16 (cg) After a citation is issued, unless the juvenile and his or her parent,
17 guardian and legal custodian voluntarily appear, the municipal court may issue a
18 summons requiring the parent, guardian and legal custodian of the juvenile to
19 appear personally at any hearing involving the juvenile and, if the court so orders,
20 to bring the juvenile before the court at a time and place stated. Section 938.273 shall
21 govern the service of a summons under this paragraph, except that the expense of
22 service or publication of a summons and of the travelling expenses and fees as
23 allowed in ch. 885 of a person summoned shall be a charge on the municipality of the
24 court issuing the summons when approved by the court. If any person summoned
25 under this paragraph fails without reasonable cause to appear, he or she may be

1 proceeded against for contempt of court under s. 785.06. If a summons cannot be
2 served or if the person served fails to obey the summons or if it appears to the court
3 that the service will be ineffectual, a *capias* may be issued for the juvenile and for the
4 parent, guardian and legal custodian.

5 (cm) A city, village or town may adopt an ordinance or bylaw specifying which
6 of the dispositions under ss. 938.343 and 938.344 and sanctions under s. 938.355 (6)
7 (d) 2. or 4. the municipal court of that city, village or town is authorized to impose.
8 The use by the court of those dispositions and sanctions is subject to any ordinance
9 or bylaw adopted under this paragraph.

10 (d) If a municipal court finds that the juvenile violated a municipal ordinance
11 other than an ordinance enacted under s. 118.163 or an ordinance that conforms to
12 s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 161.573 (2), 161.574 (2) or 161.575
13 (2), the court shall enter any of the dispositional orders permitted under s. 938.343
14 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture imposed
15 by the municipal court, the court may not impose a jail sentence but may suspend
16 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or
17 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less
18 than 30 days nor more than 5 years. If a court suspends a license or privilege under
19 this section, the court shall immediately take possession of the applicable license and
20 forward it to the department that issued the license, together with the notice of
21 suspension clearly stating that the suspension is for failure to pay a forfeiture
22 imposed by the court. If the forfeiture is paid during the period of suspension, the
23 court shall immediately notify the department, which shall thereupon return the
24 license to the person.

1 (e) If a municipal court finds that a juvenile violated a municipal ordinance that
2 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 161.573 (2), 161.574 (2)
3 or 161.575 (2), the court shall enter a dispositional order under s. 938.344 that is
4 authorized under par. (cm).

5 (f) If the act the juvenile committed resulted in personal injury or damage to
6 or loss of the property of another, the municipal court shall, to the extent possible,
7 provide each known victim of the act with the information contained in the notice
8 required under s. 938.346.

9 (g) If a municipal court finds that a juvenile violated a municipal ordinance
10 enacted under s. 118.163 (2), it shall enter a dispositional order under s. 938.342 (1)
11 that is consistent with the municipal ordinance.

12 (h) 1. If a juvenile who has violated a municipal ordinance violates a condition
13 of his or her dispositional order, the municipal court may impose on the juvenile any
14 of the sanctions specified in s. 938.355 (6) (d) 2. or 4. that are authorized under par.
15 (cm) or may petition the court assigned to exercise jurisdiction under this chapter
16 and ch. 48 to impose on the juvenile the sanctions specified in s. 938.355 (6) (d) 1. or
17 3. that are authorized under par. (cm) if at the time of judgment the court explained
18 the conditions to the juvenile and informed the juvenile of the possible sanctions
19 under s. 938.355 (6) (d) that are authorized under par. (cm) for a violation or if before
20 the violation the juvenile has acknowledged in writing that he or she has read, or has
21 had read to him or her, those conditions and possible sanctions and that he or she
22 understands those conditions and possible sanctions.

23 2. A motion requesting the municipal court to impose or petition for a sanction
24 may be brought by the person or agency primarily responsible for the provision of
25 dispositional services, the municipal attorney or the court that entered the

1 dispositional order. Notice of the motion shall be given to the juvenile and the
2 juvenile's parent, guardian or legal custodian.

3 3. Before imposing any sanction, the court shall hold a hearing, at which the
4 juvenile may present evidence.

5 **(3) SAFETY AT SPORTING EVENTS.** Notwithstanding sub. (2), courts of criminal or
6 civil jurisdiction have exclusive jurisdiction in proceedings against juveniles under
7 s. 167.32 or under a local ordinance strictly conforming to s. 167.32. A juvenile
8 convicted of a violation under s. 167.32 or under a local ordinance strictly conforming
9 to s. 167.32 shall be treated as an adult for sentencing purposes.

10 **938.18 Jurisdiction for criminal proceedings for juveniles 14 or older;**
11 **waiver hearing. (1)** (a) Subject to s. 938.183, a juvenile or district attorney may
12 apply to the court to waive its jurisdiction under this chapter in any of the following
13 situations:

14 1. If the juvenile is alleged to have violated s. 161.41 (1), 940.03, 940.06, 940.225
15 (1) or (2), 940.305, 940.31, 943.10 (2) or 943.32 (2) on or after the juvenile's 14th
16 birthday.

17 2. If the juvenile is alleged to have committed, on or after the juvenile's 14th
18 birthday, a violation, at the request of or for the benefit of a criminal gang, as defined
19 in s. 939.22 (9), that would constitute a felony under ch. 161 or under chs. 939 to 948
20 if committed by an adult.

21 3. If the juvenile is alleged to have violated any state criminal law on or after
22 the juvenile's 15th birthday.

23 (b) The judge may also initiate a petition for waiver in any of the situations
24 described in par. (a) if the judge disqualifies himself or herself from any future
25 proceedings on the case.

1 **(2)** The waiver hearing shall be brought on by filing a petition alleging
2 delinquency drafted under s. 938.255 and a petition for waiver of jurisdiction which
3 shall contain a brief statement of the facts supporting the request for waiver. The
4 petition for waiver of jurisdiction shall be filed prior to the plea hearing, except that
5 if the juvenile denies the facts of the petition and becomes 17 years of age before an
6 adjudication, the petition for waiver of jurisdiction may be filed at any time prior to
7 the adjudication.

8 **(2r)** If it appears that the juvenile may be suitable for participation in the
9 serious juvenile offender program under s. 938.538 or the adult intensive sanctions
10 program under s. 301.048, the judge shall order the department to submit a written
11 report analyzing the juvenile's suitability for participation in those programs and
12 recommending whether the juvenile should be placed in either of those programs.

13 **(3)** (a) The juvenile shall be represented by counsel at the waiver hearing.
14 Written notice of the time, place and purpose of the hearing shall be given to the
15 juvenile, any parent, guardian or legal custodian, and counsel at least 3 days prior
16 to the hearing. The notice shall contain a statement of the requirements of s. 938.29
17 (2) with regard to substitution of the judge. Where parents entitled to notice have
18 the same address, notice to one constitutes notice to the other. Counsel for the
19 juvenile shall have access to the social records and other reports consistent with s.
20 938.293.

21 (b) The juvenile has the right to present testimony on his or her own behalf
22 including expert testimony and has the right to cross-examine witnesses at the
23 hearing.

24 (c) The juvenile does not have the right to a jury at a hearing under this section.

1 **(4)** (a) The court shall determine whether the matter has prosecutive merit
2 before proceeding to determine if it should waive jurisdiction.

3 (b) If a petition for waiver of jurisdiction is contested, the court, after taking
4 relevant testimony which the district attorney shall present and considering other
5 relevant evidence, shall base its decision whether to waive jurisdiction on the criteria
6 specified in sub. (5).

7 (c) If a petition for waiver of jurisdiction is uncontested, the court shall inquire
8 into the capacity of the juvenile to knowingly, intelligently and voluntarily decide not
9 to contest the waiver of jurisdiction. If the court is satisfied that the decision not to
10 contest the waiver of jurisdiction is knowingly, intelligently and voluntarily made,
11 no testimony need be taken and the court, after considering the petition for waiver
12 of jurisdiction and other relevant evidence in the record before the court, shall base
13 its decision whether to waive jurisdiction on the criteria specified in sub. (5).

14 **(5)** If prosecutive merit is found, the court shall base its decision whether to
15 waive jurisdiction on the following criteria:

16 (a) The personality and prior record of the juvenile, including whether the
17 juvenile is mentally ill or developmentally disabled, whether the court has
18 previously waived its jurisdiction over the juvenile, whether the juvenile has been
19 previously convicted following a waiver of the court's jurisdiction or has been
20 previously found delinquent, whether such conviction or delinquency involved the
21 infliction of serious bodily injury, the juvenile's motives and attitudes, the juvenile's
22 physical and mental maturity, the juvenile's pattern of living, prior offenses, prior
23 treatment history and apparent potential for responding to future treatment.

1 (b) The type and seriousness of the offense, including whether it was against
2 persons or property, the extent to which it was committed in a violent, aggressive,
3 premeditated or wilful manner, and its prosecutive merit.

4 (c) The adequacy and suitability of facilities, services and procedures available
5 for treatment of the juvenile and protection of the public within the juvenile justice
6 system, and, where applicable, the mental health system and the suitability of the
7 juvenile for placement in the serious juvenile offender program under s. 938.538 or
8 the adult intensive sanctions program under s. 301.048.

9 (d) The desirability of trial and disposition of the entire offense in one court if
10 the juvenile was allegedly associated in the offense with persons who will be charged
11 with a crime in circuit court.

12 **(6)** After considering the criteria under sub. (5), the court shall state its finding
13 with respect to the criteria on the record, and, if the court determines on the record
14 that it is established by clear and convincing evidence that it would be contrary to
15 the best interests of the juvenile or of the public to hear the case, the court shall enter
16 an order waiving jurisdiction and referring the matter to the district attorney for
17 appropriate proceedings in the court of criminal jurisdiction, and the court of
18 criminal jurisdiction thereafter has exclusive jurisdiction.

19 **(7)** If the juvenile absconds and does not appear at the waiver hearing, the court
20 may proceed with the waiver hearing as provided in subs. (4) to (6) in the juvenile's
21 absence. If the waiver is granted, the juvenile may contest that waiver when the
22 juvenile is apprehended.

23 **(8)** When waiver is granted, the juvenile, if held in secure custody, shall be
24 transferred to an appropriate officer or adult facility and shall be eligible for bail in
25 accordance with chs. 968 and 969.

1 **(9)** If waiver is granted, sub. (1) does not restrict the authority of the district
2 attorney to charge the offense he or she deems is appropriate and does not restrict
3 the authority of any court or jury to convict the juvenile in regard to any offense.

4 **938.183 Original adult court jurisdiction for criminal proceedings. (1)**
5 Notwithstanding ss. 938.12 (1) and 938.18, courts of criminal jurisdiction have
6 exclusive original jurisdiction over all of the following:

7 (a) A juvenile who has been adjudicated delinquent and who is alleged to have
8 violated s. 940.20 (1) or 946.43 while placed in a secured correctional facility, a secure
9 detention facility, a secured child caring institution or a secured adolescent
10 treatment unit under s. 46.043 or who has been adjudicated delinquent and has
11 committed a violation of s. 940.20 (2m).

12 (am) A juvenile who is alleged to have attempted or committed a violation of
13 s. 940.01 or to have committed a violation of s. 940.02 or 940.05 on or after the
14 juvenile's 10th birthday, but before the juvenile's 12th birthday.

15 (b) A juvenile who is alleged to have violated any state criminal law if the
16 juvenile has been convicted of a previous violation following waiver of jurisdiction
17 under s. 938.18 by the court assigned to exercise jurisdiction under this chapter and
18 ch. 48 or if the court assigned to exercise jurisdiction under this chapter and ch. 48
19 has waived its jurisdiction over the juvenile for a previous violation and criminal
20 proceedings on that previous violation are still pending.

21 (c) A juvenile who is alleged to have violated any state criminal law if the
22 juvenile has been convicted of a previous violation over which the court of criminal
23 jurisdiction had original jurisdiction under this section or if proceedings on a
24 previous violation over which the court of criminal jurisdiction has original
25 jurisdiction under this section are still pending.

1 **(1m)** Notwithstanding subchs. IV to VI, a juvenile described in sub. (1) is
2 subject to the procedures specified in chs. 967 to 979 and the criminal penalties
3 provided for the crime that the juvenile is alleged to have committed, unless a court
4 of criminal jurisdiction transfers jurisdiction under s. 970.032 to a court assigned to
5 exercise jurisdiction under this chapter and ch. 48.

6 **(2)** (a) Notwithstanding ss. 938.12 (1) and 938.18, courts of criminal
7 jurisdiction have exclusive original jurisdiction over a juvenile who is alleged to have
8 attempted or committed a violation of s. 940.01 or to have committed a violation of
9 s. 940.02 or 940.05 on or after the juvenile's 12th birthday. Notwithstanding subchs.
10 IV to VI, a juvenile who is alleged to have attempted or committed a violation of s.
11 940.01 or to have committed a violation of s. 940.02 or 940.05 on or after the juvenile's
12 12th birthday is subject to the procedures specified in chs. 967 to 979 and the
13 criminal penalties provided for the crime that the juvenile is alleged to have
14 committed, except that the court of criminal jurisdiction shall impose a disposition
15 specified in s. 938.34 if any of the following conditions applies:

16 1. The court of criminal jurisdiction convicts the juvenile of a lesser offense that
17 is not an offense for which the court assigned to exercise jurisdiction under this
18 chapter and ch. 48 may waive its jurisdiction over the juvenile under s. 938.18.

19 2. The court of criminal jurisdiction convicts the juvenile of a lesser offense that
20 is an offense for which the court assigned to exercise jurisdiction under this chapter
21 and ch. 48 may waive its jurisdiction over the juvenile under s. 938.18 and the court
22 of criminal jurisdiction, after considering the criteria specified in s. 938.18 (5),
23 determines by clear and convincing evidence that it would be in the best interests of
24 the juvenile and of the public to impose a disposition specified in s. 938.34.

1 (b) When a juvenile who is subject to a criminal penalty under par. (a) attains
2 the age of 17 years, the department may place the juvenile in a state prison named
3 in s. 302.01. A juvenile who is subject to a criminal penalty under par. (a) is eligible
4 for parole under s. 304.06.

5 (c) If the juvenile is placed outside the juvenile's home under this subsection,
6 the order shall contain, a designation of the amount of support, if any, to be paid by
7 the juvenile's parent, guardian or trustee, specifying that the support obligation
8 begins on the date of the placement, or a referral to the county designee under s. 59.07
9 (97) for establishment of child support.

10 **938.185 Venue. (1)** Subject to sub. (3), venue for any proceeding under ss.
11 938.12, 938.125, 93 8.13, 938.135 and 938.18 may be in any of the following:

12 (a) The county where the juvenile resides.

13 (b) The county where the juvenile is present.

14 (c) In the case of a violation of a state law, the county where the violation
15 occurred, except that in that case the court of the county where the violation occurred
16 may, after the juvenile is adjudged delinquent, transfer the proceeding to the county
17 where the juvenile resides for disposition, if the court of the county of residence
18 agrees to that transfer and the transferring court agrees to that disposition.

19 **(2)** Venue for any proceeding under s. 938.363 or 938.365 shall be in the county
20 where the dispositional order was issued, unless the juvenile's county of residence
21 has changed, or the parent of the juvenile has resided in a different county of this
22 state for 6 months. In either case, the court may, upon a motion and for good cause
23 shown, transfer the case, along with all appropriate records, to the county of
24 residence of the juvenile or parent.

1 5. The juvenile is suffering from illness or injury or is in immediate danger from
2 his or her surroundings and removal from those surroundings is necessary.

3 6. The juvenile has violated the terms of court-ordered supervision or aftercare
4 supervision administered by the department or a county department.

5 7. The juvenile has violated the conditions of an order under s. 938.21 (4) or the
6 conditions of an order for temporary physical custody by an intake worker.

7 8. The juvenile has violated a civil law or a local ordinance punishable by a
8 forfeiture, except that in that case the juvenile shall be released immediately under
9 s. 938.20 (2) (ag) or as soon as reasonably possible under s. 938.20 (2) (b) to (g).

10 10. The juvenile is absent from school without an acceptable excuse under s.
11 118.15.

12 **(1m)** A juvenile who is absent from school without an acceptable excuse under
13 s. 118.15 may be taken into custody by an individual designated under s. 118.16 (2m)
14 (a) if the school attendance officer of the school district in which the juvenile resides
15 or the juvenile's parent, guardian or legal custodian requests that the juvenile be
16 taken into custody. The request shall specifically identify the juvenile.

17 **(2)** When a juvenile is taken into physical custody as provided in this section,
18 the person taking the juvenile into custody shall immediately attempt to notify the
19 parent, guardian and legal custodian of the juvenile by the most practical means.
20 The person taking the juvenile into custody shall continue such attempt until the
21 parent, guardian and legal custodian of the juvenile are notified, or the juvenile is
22 delivered to an intake worker under s. 938.20 (3), whichever occurs first. If the
23 juvenile is delivered to the intake worker before the parent, guardian and legal
24 custodian are notified, the intake worker, or another person at his or her direction,

1 shall continue the attempt to notify until the parent, guardian and legal custodian
2 of the juvenile are notified.

3 (3) Taking into custody is not an arrest except for the purpose of determining
4 whether the taking into custody or the obtaining of any evidence is lawful.

5 **938.20 Release or delivery from custody.** (2) (ag) Except as provided in
6 pars. (b) to (g), a person taking a juvenile into custody shall make every effort to
7 release the juvenile immediately to the juvenile's parent, guardian or legal
8 custodian.

9 (b) If the juvenile's parent, guardian or legal custodian is unavailable,
10 unwilling or unable to provide supervision for the juvenile, the person who took the
11 juvenile into custody may release the juvenile to a responsible adult after counseling
12 or warning the juvenile as may be appropriate.

13 (c) If the juvenile is 15 years of age or older, the person who took the juvenile
14 into custody may release the juvenile without immediate adult supervision after
15 counseling or warning the juvenile as may be appropriate.

16 (cm) If the juvenile has violated the terms of aftercare supervision
17 administered by the department or a county department, the person who took the
18 juvenile into custody may release the juvenile to the department or county
19 department, whichever has aftercare supervision over the juvenile.

20 (d) If the child is a runaway, the person who took the child into custody may
21 release the child to a home authorized under s. 48.227.

22 (e) If a juvenile is taken into custody under s. 938.19 (1) (d) 10., the law
23 enforcement officer who took the juvenile into custody may release the juvenile
24 under par. (ag) or (b) or, if the school board of the school district in which the juvenile
25 resides has established a youth service center under s. 118.16 (4) (e), may deliver that

1 juvenile to that youth service center. If the juvenile is delivered to a youth service
2 center, personnel of the youth service center may release the juvenile to the juvenile's
3 parent, guardian or legal custodian, or release the juvenile to the juvenile's school,
4 after counseling the juvenile as may be appropriate. If the juvenile is released to the
5 juvenile's school, personnel of the youth service center shall immediately notify the
6 juvenile's parent, guardian and legal custodian that the juvenile was taken into
7 custody under s. 938.19 (1) (d) 10. and released to the juvenile's school.

8 (f) If a juvenile is taken into custody under s. 938. 19 (1m), the person who took
9 the juvenile into custody may release the juvenile under par. (ag), (b) or (e) or to the
10 juvenile's school administrator, as defined in s. 125.09 (2) (a) 3., or a school employe
11 designated by the school administrator. If a juvenile is released to a school
12 administrator or the school administrator's designee under this paragraph, the
13 school administrator or designee shall do all of the following:

14 1. Immediately notify the juvenile's parent, guardian or legal custodian that
15 the juvenile was taken into custody under s. 938.19 (1m) and released to the school
16 administrator or his or her designee.

17 2. Make a determination of whether the juvenile is a child at risk, as defined
18 in s. 118.153 (1) (a), unless that determination has been made within the current
19 school semester. If a juvenile is determined to be a child at risk under this
20 subdivision, the school administrator shall provide a program for the juvenile
21 according to the plan developed under s. 118.153 (2) (a).

22 3. Provide the juvenile and his or her parent or guardian with an opportunity
23 for educational counseling to determine whether a change in the juvenile's program
24 or curriculum, including any of the modifications specified in s. 118.15 (1) (d), would
25 resolve the juvenile's truancy problem, unless the juvenile and his or her parent or

1 guardian have been provided with an opportunity for educational counseling within
2 the current school semester.

3 (g) If a juvenile is taken into custody under s. 938.19 (1) (d) 10. and is not
4 released under par. (ag), (b) or (e) or if a juvenile is taken into custody under s. 938.19
5 (1m) and is not released under par. (ag), (b), (e) or (f), the person who took the juvenile
6 into custody shall release the juvenile without immediate adult supervision after
7 counseling or warning the juvenile as may be appropriate.

8 (3) If the juvenile is released under sub. (2) (b) to (d) or (g), the person who took
9 the juvenile into custody shall immediately notify the juvenile's parent, guardian
10 and legal custodian of the time and circumstances of the release and the person, if
11 any, to whom the juvenile was released. If the juvenile is not released under sub. (2),
12 the person who took the juvenile into custody shall arrange in a manner determined
13 by the court and law enforcement agencies for the juvenile to be interviewed by the
14 intake worker under s. 938.067 (2), and shall make a statement in writing with
15 supporting facts of the reasons why the juvenile was taken into physical custody and
16 shall give any juvenile 10 years of age or older a copy of the statement in addition to
17 giving a copy to the intake worker. When the intake interview is not done in person,
18 the report may be read to the intake worker.

19 (4) If the juvenile is believed to be suffering from a serious physical condition
20 which requires either prompt diagnosis or prompt treatment, the person taking the
21 juvenile into physical custody, the intake worker or other appropriate person shall
22 deliver the juvenile to a hospital as defined in s. 50.33 (2) (a) and (c) or physician's
23 office.

24 (5) If the juvenile is believed to be mentally ill, drug dependent or
25 developmentally disabled, and exhibits conduct which constitutes a substantial

1 probability of physical harm to the juvenile or to others, or a very substantial
2 probability of physical impairment or injury to the juvenile exists due to the impaired
3 judgment of the juvenile, and the standards of s. 51.15 are met, the person taking the
4 juvenile into physical custody, the intake worker or other appropriate person shall
5 proceed under s. 51.15.

6 (6) If the juvenile is believed to be an intoxicated person who has threatened,
7 attempted or inflicted physical harm on himself or herself or on another and is likely
8 to inflict such physical harm unless committed, or is incapacitated by alcohol, the
9 person taking the juvenile into physical custody, the intake worker or other
10 appropriate person shall proceed under s. 51.45 (11).

11 (7) (a) When a juvenile is interviewed by an intake worker, the intake worker
12 shall inform any juvenile possibly involved in a delinquent act of his or her right to
13 counsel and the right against self-incrimination.

14 (b) The intake worker shall review the need to hold the juvenile in custody and
15 shall make every effort to release the juvenile from custody as provided in par. (c).
16 The intake worker shall base his or her decision as to whether to release the juvenile
17 or to continue to hold the juvenile in custody on the criteria specified in s. 938.205
18 and criteria established under s. 938.06 (1) or (2).

19 (c) The intake worker may release the juvenile as follows:

20 1. To a parent, guardian or legal custodian, or, if the parent, guardian or legal
21 custodian is unavailable, unwilling or unable to provide supervision for the juvenile,
22 release the juvenile to a responsible adult, counseling or warning the juvenile as may
23 be appropriate, or, if the juvenile is 15 years of age or older, release the juvenile
24 without immediate adult supervision, counseling or warning the juvenile as may be
25 appropriate.

1 1m. In the case of a juvenile who has violated the terms of aftercare supervision
2 administered by the department or a county department, to the department or
3 county department, whichever has aftercare supervision of the juvenile.

4 2. In the case of a runaway juvenile, to a home authorized under s. 48.227.

5 (d) If the juvenile is released from custody, the intake worker shall immediately
6 notify the juvenile's parent, guardian and legal custodian of the time and
7 circumstances of the release and the person, if any, to whom the juvenile was
8 released.

9 **(8)** If a juvenile is held in custody, the intake worker shall notify the juvenile's
10 parent, guardian and legal custodian of the reasons for holding the juvenile in
11 custody and of the juvenile's whereabouts unless there is reason to believe that notice
12 would present imminent danger to the juvenile. If a juvenile who has violated the
13 terms of aftercare supervision administered by the department or a county
14 department is held in custody, the intake worker shall also notify the department or
15 county department, whichever has supervision over the juvenile, of the reasons for
16 holding the juvenile in custody, of the juvenile's whereabouts and of the time and
17 place of the detention hearing required under s. 938.21. The parent, guardian and
18 legal custodian shall also be notified of the time and place of the detention hearing
19 required under s. 938.21, the nature and possible consequences of that hearing and
20 the right to present and cross-examine witnesses at the hearing. If the parent,
21 guardian or legal custodian is not immediately available, the intake worker or
22 another person designated by the court shall provide notice as soon as possible.
23 When the juvenile is alleged to have committed a delinquent act, the juvenile shall
24 receive the same notice about the detention hearing as the parent, guardian or legal

1 custodian. The intake worker shall notify both the juvenile and the juvenile's parent,
2 guardian or legal custodian.

3 **938.205 Criteria for holding a juvenile in physical custody.** (1) A
4 juvenile may be held under s. 938.207, 938.208 or 938.209 if the intake worker
5 determines that there is probable cause to believe the juvenile is within the
6 jurisdiction of the court and if probable cause exists to believe one of the following:

7 (a) That if the juvenile is not held he or she will commit injury to the person
8 or property of others.

9 (b) That the parent, guardian or legal custodian of the juvenile or other
10 responsible adult is unavailable, unwilling or unable to provide adequate
11 supervision and care and that services to ensure the juvenile's safety and well-being
12 are not available or would be inadequate.

13 (c) That the juvenile will run away or be taken away so as to be unavailable for
14 proceedings of the court or its officers or proceedings of the division of hearings and
15 appeals in the department of administration for revocation of aftercare supervision.

16 **(2)** The criteria for holding a juvenile in custody specified in this section shall
17 govern the decision of all persons responsible for determining whether the action is
18 appropriate.

19 **938.207 Places where a juvenile may be held in nonsecure custody.**

20 **(1)** A juvenile held in physical custody under s. 938.205 may be held in any of the
21 following places:

22 (a) The home of a parent or guardian.

23 (b) The home of a relative.

24 (c) A licensed foster home or a licensed treatment foster home provided the
25 placement does not violate the conditions of the license.

1 (cm) A licensed group home provided that the placement does not violate the
2 conditions of the license.

3 (d) A nonsecure facility operated by a licensed child welfare agency.

4 (e) A licensed private or public shelter care facility.

5 (f) The home of a person not a relative, if the placement does not exceed 30 days,
6 though the placement may be extended for an additional 30 days for cause by the
7 court, and if the person has not had a foster home or treatment foster home license
8 refused, revoked or suspended within the last 2 years.

9 (g) A hospital as defined in s. 50.33 (2) (a) and (c) or physician's office if the
10 juvenile is held under s. 938.20 (4).

11 (h) A place listed in s. 51.15 (2) if the juvenile is held under s. 938.20 (5).

12 (i) An approved public treatment facility for emergency treatment if the
13 juvenile is held under s. 938.20 (6).

14 (k) A facility under s. 48.58.

15 **(2)** If a facility listed in sub. (1) (b) to (k) is used to hold juveniles in custody,
16 or if supervisory services of a home detention program are provided to juveniles held
17 under sub. (1) (a), its authorized rate shall be paid by the county for the care of the
18 juvenile. If no authorized rate has been established, a reasonable sum to be fixed by
19 the court shall be paid by the county for the supervision or care of the juvenile.

20 **938.208 Criteria for holding a juvenile in a secure detention facility.**

21 A juvenile may be held in a secure detention facility if the intake worker determines
22 that one of the following conditions applies:

23 **(1)** Probable cause exists to believe that the juvenile has committed a
24 delinquent act and either presents a substantial risk of physical harm to another
25 person or a substantial risk of running away so as to be unavailable for a court

1 hearing or a revocation hearing for juveniles on aftercare supervision. For juveniles
2 on aftercare supervision, the delinquent act referred to in this section may be the act
3 for which the juvenile was adjudged delinquent. If the intake worker determines
4 that any of the following conditions applies, the juvenile is considered to present a
5 substantial risk of physical harm to another person:

6 (a) Probable cause exists to believe that the juvenile has committed a
7 delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19
8 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), (1m) or (1r),
9 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed
10 by an adult.

11 (b) Probable cause exists to believe that the juvenile possessed, used or
12 threatened to use a handgun, as defined in s. 175.35 (1) (b), short-barreled rifle, as
13 defined in s. 941.28 (1) (b), or short-barreled shotgun, as defined in s. 941.28 (1) (c),
14 while committing a delinquent act that would be a felony under ch. 940 if committed
15 by an adult.

16 (c) Probable cause exists to believe that the juvenile has possessed or gone
17 armed with a short-barreled rifle or a short-barreled shotgun in violation of s.
18 941.28, or has possessed or gone armed with a handgun in violation of s. 948.60.

19 **(2)** Probable cause exists to believe that the juvenile is a fugitive from another
20 state or has run away from a secured correctional facility and there has been no
21 reasonable opportunity to return the juvenile.

22 **(3)** The juvenile consents in writing to being held in order to protect him or her
23 from an imminent physical threat from another and such secure custody is ordered
24 by the judge in a protective order.

1 (4) Probable cause exists to believe that the juvenile, having been placed in
2 nonsecure custody by an intake worker under s. 938.207 or by the judge or juvenile
3 court commissioner under s. 938.21 (4), has run away or committed a delinquent act
4 and no other suitable alternative exists.

5 (5) Probable cause exists to believe that the juvenile has been adjudged or
6 alleged to be delinquent and has run away from another county and would run away
7 from nonsecure custody pending his or her return. A juvenile may be held in secure
8 custody under this subsection for no more than 24 hours after the end of the day that
9 the decision to hold the juvenile was made unless an extension of those 24 hours is
10 ordered by the judge for good cause shown. Only one extension may be ordered by
11 the judge.

12 **938.209 Criteria for holding a juvenile in a county jail.** Subject to the
13 provisions of s. 938.208, a county jail may be used as a secure detention facility if the
14 criteria under either sub. (1) or (2) are met:

15 (1) There is no other secure detention facility approved by the department or
16 a county which is available and all of the following conditions are met:

17 (a) The jail meets the standards for secure detention facilities established by
18 the department.

19 (b) The juvenile is held in a room separated and removed from incarcerated
20 adults.

21 (c) The juvenile is not held in a cell designed for the administrative or
22 disciplinary segregation of adults.

23 (d) Adequate supervision is provided.

24 (e) The judge reviews the status of the juvenile every 3 days.

1 (2) The juvenile presents a substantial risk of physical harm to other persons
2 in the secure detention facility, as evidenced by previous acts or attempts, which can
3 only be avoided by transfer to the jail. The provisions of sub. (1) (a) to (e) shall be met.
4 The juvenile shall be given a hearing and transferred only upon order of the judge.

5 (3) The restrictions of this section do not apply to the use of jail for a juvenile
6 who has been waived to adult court under s. 938.18 or who is under the jurisdiction
7 of an adult court under s. 938.183.

8 **938.21 Hearing for juvenile in custody.** (1) HEARING; WHEN HELD. (a) If
9 a juvenile who has been taken into custody is not released under s. 938.20, a hearing
10 to determine whether the juvenile shall continue to be held in custody under the
11 criteria of ss. 938.205 to 938.209 shall be conducted by the judge or juvenile court
12 commissioner within 24 hours after the end of the day that the decision to hold the
13 juvenile was made, excluding Saturdays, Sundays and legal holidays. By the time
14 of the hearing a petition under s. 938.25 shall be filed, except that no petition need
15 be filed where a juvenile is taken into custody under s. 938.19 (1) (b) or (d) 2., 6. or
16 7. or where the juvenile is a runaway from another state, in which case a written
17 statement of the reasons for holding a juvenile in custody shall be substituted if the
18 petition is not filed. If no hearing has been held within 24 hours or if no petition or
19 statement has been filed at the time of the hearing, the juvenile shall be released
20 except as provided in par. (b). A parent not present at the hearing shall be granted
21 a rehearing upon request.

22 (b) If no petition has been filed by the time of the hearing, a juvenile may be
23 held in custody with the approval of the judge or juvenile court commissioner for an
24 additional 48 hours from the time of the hearing only if, as a result of the facts
25 brought forth at the hearing, the judge or juvenile court commissioner determines

1 that probable cause exists to believe that the juvenile is an imminent danger to
2 himself or herself or to others, or that probable cause exists to believe that the parent,
3 guardian or legal custodian of the juvenile or other responsible adult is unwilling or
4 unavailable to provide adequate supervision and care. The extension may be
5 granted only once for any petition. In the event of failure to file a petition within the
6 48-hour extension period provided for in this paragraph, the judge or juvenile court
7 commissioner shall order the juvenile's immediate release from custody.

8 (2) PROCEEDINGS CONCERNING RUNAWAY OR DELINQUENT JUVENILES. Proceedings
9 concerning a juvenile who comes within the jurisdiction of the court under s. 938.12
10 or 938.13 (7) or (12) shall be conducted according to this subsection.

11 (a) A juvenile held in a nonsecure place of custody may waive in writing the
12 hearing under this section. After any waiver, a hearing shall be granted upon the
13 request of the juvenile or any other interested party. Any juvenile transferred to a
14 secure detention facility shall thereafter have a hearing under this section.

15 (b) A copy of the petition shall be given to the juvenile at or prior to the time
16 of the hearing. Prior notice of the hearing shall be given to the juvenile's parent,
17 guardian and legal custodian and to the juvenile in accordance with s. 938.20 (8).

18 (c) Prior to the commencement of the hearing, the juvenile shall be informed
19 by the judge or juvenile court commissioner of the allegations that have been or may
20 be made, the nature and possible consequences of this hearing as compared to
21 possible future hearings, the provisions of s. 938.18 if applicable, the right to counsel
22 under s. 938.23 regardless of ability to pay if the juvenile is not yet represented by
23 counsel, the right to remain silent, the fact that the silence may not be adversely
24 considered by the judge or juvenile court commissioner, the right to confront and
25 cross-examine witnesses and the right to present witnesses.

1 (d) If the juvenile is not represented by counsel at the hearing and the juvenile
2 is continued in custody as a result of the hearing, the juvenile may request through
3 counsel subsequently appointed or retained or through a guardian ad litem that the
4 order to hold in custody be reheard. If the request is made, a rehearing shall take
5 place as soon as may be possible. Whether or not counsel was present, any order to
6 hold the juvenile in custody shall be subject to rehearing for good cause.

7 **(3) PROCEEDINGS CONCERNING JUVENILES IN NEED OF PROTECTION OR SERVICES.**

8 Proceedings concerning a juvenile who comes within the jurisdiction of the court
9 under s. 938.13 (4), (6), (6m) or (14) shall be conducted according to this subsection.

10 (a) The parent, guardian or legal custodian may waive the hearing under this
11 section. Agreement in writing of the juvenile is required if he or she is over 12. After
12 any waiver, a hearing shall be granted at the request of any interested party.

13 (b) If present at the hearing, a copy of the petition shall be given to the parent,
14 guardian or legal custodian, and to the juvenile if he or she is 12 years of age or older,
15 before the hearing begins. Prior notice of the hearing shall be given to the juvenile's
16 parent, guardian and legal custodian and to the juvenile if he or she is 12 years of
17 age or older in accordance with s. 938.20 (8).

18 (d) Prior to the commencement of the hearing, the parent, guardian or legal
19 custodian shall be informed by the court of the allegations that have been made or
20 may be made, the nature and possible consequences of this hearing as compared to
21 possible future hearings, the right to confront and cross-examine witnesses and the
22 right to present witnesses.

23 (e) If the parent, guardian or legal custodian or the juvenile is not represented
24 by counsel at the hearing and the juvenile is continued in custody as a result of the
25 hearing, the parent, guardian, legal custodian or juvenile may request through

1 counsel subsequently appointed or retained or through a guardian ad litem that the
2 order to hold the juvenile in custody be reheard. If the request is made, a rehearing
3 shall take place as soon as may be possible. Any order to hold the juvenile in custody
4 shall be subject to rehearing for good cause, whether or not counsel was present.

5 **(3m) PARENTAL NOTICE REQUIRED.** If the juvenile has been taken into custody
6 because he or she committed an act which resulted in personal injury or damage to
7 or loss of the property of another, the court, prior to the commencement of any
8 hearing under this section, shall attempt to notify the juvenile's parents of the
9 possibility of disclosure of the identity of the juvenile and the parents, of the
10 juvenile's police records and of the outcome of proceedings against the juvenile for
11 use in civil actions for damages against the juvenile or the parents and of the parents'
12 potential liability for acts of their juveniles. If the court is unable to provide the
13 notice before commencement of the hearing, it shall provide the juvenile's parents
14 with the specified information in writing as soon as possible after the hearing.

15 **(4) CONTINUATION OF CUSTODY.** If the judge or juvenile court commissioner finds
16 that the juvenile should be continued in custody under the criteria of s. 938.205, he
17 or she shall enter one of the following orders:

18 (a) Place the juvenile with a parent, guardian, legal custodian or other
19 responsible person and may impose reasonable restrictions on the juvenile's travel,
20 association with other persons or places of abode during the period of placement,
21 including a condition requiring the juvenile to return to other custody as requested;
22 or subject the juvenile to the supervision of an agency agreeing to supervise the
23 juvenile. Reasonable restrictions may be placed upon the conduct of the parent,
24 guardian, legal custodian or other responsible person which may be necessary to
25 ensure the safety of the juvenile.

1 (b) Order the juvenile held in an appropriate manner under s. 938.207, 938.208
2 or 938.209.

3 **(4m) ELECTRONIC MONITORING.** The judge or juvenile court commissioner may
4 include in an order under sub. (4) (a) or (b) a condition that the juvenile be monitored
5 by an electronic monitoring system.

6 **(5) ORDERS IN WRITING.** (a) All orders to hold in custody shall be in writing,
7 listing the reasons and criteria forming the basis for the decision.

8 (b) An order relating to a juvenile held in custody outside of his or her home
9 shall also describe any efforts that were made to permit the juvenile to remain at
10 home and the services that are needed to ensure the juvenile's well-being, to enable
11 the juvenile to return to his or her home and to involve the parents in planning for
12 the juvenile.

13 **(6) AMENDMENT OF ORDER.** An order placing a juvenile under sub. (4) (a) on
14 conditions specified in this section may at any time be amended, with notice, so as
15 to return the juvenile to another form of custody for failure to conform to the
16 conditions originally imposed. A juvenile may be transferred to secure custody if he
17 or she meets the criteria of s. 938.208.

18 **(7) DEFERRED PROSECUTION.** If the judge or juvenile court commissioner
19 determines that the best interests of the juvenile and the public are served, he or she
20 may enter a consent decree under s. 938.32 or order the petition dismissed and refer
21 the matter to the intake worker for deferred prosecution in accordance with s.
22 938.245.

23 **938.22 Establishment of secure detention facilities and shelter care**
24 **facilities.** (1) (a) The county board of supervisors may establish a secure detention
25 facility or a shelter care facility or both or the county boards of supervisors for 2 or

1 more counties may jointly establish a secure detention facility or a shelter care
2 facility or both in accordance with ss. 46.16, 46.20 and 301.36.

3 (b) Subject to sub. (3) (ar), in counties having a population of less than 500,000,
4 the policies of the secure detention facility or shelter care facility shall be determined
5 by the judge of the court assigned to exercise jurisdiction under this chapter and ch.
6 48 with the approval of the chief judge of the judicial administrative district or, in the
7 case of a secure detention facility or shelter care facility established by 2 or more
8 counties, by a committee of the judges of the courts in the participating counties
9 assigned to exercise jurisdiction under this chapter and ch. 48 with the approval of
10 the chief judge of the judicial administrative district.

11 (c) In counties having a population of 500,000 or more, the nonjudicial
12 operational policies of the secure detention facility and the detention section of the
13 juvenile delinquency court center shall be established by the county board of
14 supervisors, and the execution thereof shall be the responsibility of the director of
15 the children's court center.

16 **(2)** (a) Counties shall submit plans for the secure detention facility or juvenile
17 portion of the county jail to the department of corrections and submit plans for the
18 shelter care facility to the department of health and social services. The applicable
19 department shall review the submitted plans. The counties may not implement any
20 such plan unless the applicable department has approved the plan. The department
21 of corrections shall promulgate rules establishing minimum requirements for the
22 approval of the operation of secure detention facilities and the juvenile portion of
23 county jails. The plans and rules shall be designed to protect the health, safety and
24 welfare of the juveniles in these facilities.

1 (b) If the department approves, a secure detention facility or a holdover room
2 may be a part of a public building in which there is a jail or other facility for the
3 detention of adults if the secure detention facility or holdover room is so physically
4 segregated from the jail or other facility that the secure detention facility or holdover
5 room may be entered without passing through areas where adults are confined and
6 that juveniles detained in the secure detention facility or holdover room cannot
7 communicate with or view adults confined therein.

8 (c) A shelter care facility shall be used for the temporary care of juveniles. A
9 shelter care facility, other than a holdover room, may not be in the same building as
10 a facility for the detention of adults.

11 **(3)** (a) In counties having a population of less than 500,000, public secure
12 detention facilities and public shelter care facilities shall be in the charge of a
13 superintendent. The judge of the court assigned to exercise jurisdiction under this
14 chapter and ch. 48 with the approval of the chief judge of the judicial administrative
15 district or, where 2 or more counties operate joint public secure detention facilities
16 or public shelter care facilities, the committee of judges of the courts assigned to
17 exercise jurisdiction under this chapter and ch. 48 with the approval of the chief
18 judge of the judicial administrative district shall appoint the superintendent and
19 other necessary personnel for the care and education of the juveniles in secure
20 detention or shelter care facilities, subject to par. (am) and to civil service regulations
21 in counties having civil service.

22 (am) If a secure detention facility or holdover room is part of a public building
23 in which there is a jail or other facility for the detention of adults, the sheriff or other
24 keeper of the jail or other facility for the detention of adults may nominate persons
25 to be considered under par. (a) for the position of superintendent of the secure

1 detention facility or holdover room. Nominees under this paragraph shall have
2 demonstrated administrative abilities and a demonstrated interest in the problems
3 of juvenile justice and the welfare of juveniles.

4 (ar) Notwithstanding sub. (1) (b), if a secure detention facility or holdover room
5 is part of a public building in which there is a jail or other facility for the detention
6 of adults, the sheriff or other keeper of the jail or other facility for the detention of
7 adults shall determine the policies of that secure detention facility or holdover room
8 relating to security and emergency response and shall determine the procedures for
9 implementing those policies.

10 (b) In counties having a population of 500,000 or more, the director of the
11 children's court center shall be in charge of and responsible for public secure
12 detention facilities, the secure detention section of the center and the personnel
13 assigned to this section, including a detention supervisor or superintendent. The
14 director of the children's court center may also serve as superintendent of detention
15 if the county board of supervisors so determines.

16 (c) All superintendents appointed under par. (a) or (b) after May 1, 1992, shall,
17 within one year after that appointment, successfully complete an administrative
18 training program approved or provided by the department of justice.

19 (5) A county board of supervisors, or 2 or more county boards of supervisors
20 jointly, may contract with privately operated shelter care facilities or home detention
21 programs for purchase of services. A county board of supervisors may delegate this
22 authority to its county department.

23 (7) (a) No person may establish a shelter care facility without first obtaining
24 a license under s. 48.66 (1). To obtain a license under s. 48.66 (1) to operate a shelter
25 care facility, a person must meet the minimum requirements for a license established

1 by the department of health and social services under s. 48.67 and pay the license
2 fee under par. (b). A license issued under s. 48.66 (1) to operate a shelter care facility
3 is valid for 2 years after the date of issuance, unless sooner revoked or suspended.

4 (b) Before the department of health and social services may issue a license
5 under s. 48.66 (1) to operate a shelter care facility, the shelter care facility must pay
6 to that department a biennial fee of \$50, plus a biennial fee of \$15 per juvenile, based
7 on the number of juveniles that the shelter care facility is licensed to serve. A shelter
8 care facility that wishes to renew a license issued under s. 48.66 (1) shall pay the fee
9 under this paragraph by the renewal date of the license. A new shelter care facility
10 shall pay the fee under this paragraph by no later than 30 days before the opening
11 of the shelter care facility.

12 (c) A shelter care facility that wishes to renew a license issued under s. 48.66
13 (1) and that fails to pay the fee under par. (b) by the renewal date of the license or
14 a new shelter care facility that fails to pay the fee under par. (b) by 30 days before
15 the opening of the shelter care facility shall pay an additional fee of \$5 per day for
16 every day after the deadline that the facility fails to pay the fee.

17 **938.225 Statewide plan for secure detention facilities.** The department
18 shall assist counties in establishing secure detention facilities under s. 938.22 by
19 developing and promulgating a statewide plan for the establishment and
20 maintenance of suitable secure detention facilities reasonably accessible to each
21 court.

22 **938.23 Right to counsel. (1) RIGHT OF JUVENILES TO LEGAL REPRESENTATION.**
23 Juveniles subject to proceedings under this chapter shall be afforded legal
24 representation as follows:

1 (a) Any juvenile alleged to be delinquent under s. 938.12 or held in a secure
2 detention facility shall be represented by counsel at all stages of the proceedings, but
3 a juvenile 15 years of age or older may waive counsel if the court is satisfied that the
4 waiver is knowingly and voluntarily made and the court accepts the waiver. If the
5 waiver is accepted, the court may not place the juvenile in a secured correctional
6 facility, transfer supervision of the juvenile to the department for participation in the
7 serious juvenile offender program or transfer jurisdiction over the juvenile to adult
8 court.

9 (am) A juvenile subject to a sanction under s. 938.355 (6) (a) shall be entitled
10 to representation by counsel at the hearing under s. 938.355 (6) (c).

11 (ar) A juvenile subject to proceedings under s. 938.357 (3) or (5) shall be
12 afforded legal representation as provided in those subsections.

13 (b) 1. If a juvenile is alleged to be in need of protection or services under s.
14 938.13, the juvenile may be represented by counsel at the discretion of the court.
15 Except as provided in subd. 2., a juvenile 15 years of age or older may waive counsel
16 if the court is satisfied such waiver is knowingly and voluntarily made and the court
17 accepts the waiver.

18 2. If the petition is contested, the court may not place the juvenile outside his
19 or her home unless the juvenile is represented by counsel at the fact-finding hearing
20 and subsequent proceedings. If the petition is not contested, the court may not place
21 the juvenile outside his or her home unless the juvenile is represented by counsel at
22 the hearing at which the placement is made. For a juvenile under 12 years of age,
23 the judge may appoint a guardian ad litem instead of counsel.

24 **(3) POWER OF THE COURT TO APPOINT COUNSEL.** Except in proceedings under s.
25 938.13, at any time, upon request or on its own motion, the court may appoint counsel

1 for the juvenile or any party, unless the juvenile or the party has or wishes to retain
2 counsel of his or her own choosing. The court may not appoint counsel for any party
3 other than the juvenile in a proceeding under s. 938.13.

4 (4) PROVIDING COUNSEL. In any situation under this section in which a person
5 has a right to be represented by counsel or is provided counsel at the discretion of the
6 court and counsel is not knowingly and voluntarily waived, the court shall refer the
7 person to the state public defender and counsel shall be appointed by the state public
8 defender under s. 977.08 without a determination of indigency. In any other
9 situation under this section in which a person has a right to be represented by
10 counsel or is provided counsel at the discretion of the court, competent and
11 independent counsel shall be provided and reimbursed in any manner suitable to the
12 court regardless of the person's ability to pay, except that the court may not order a
13 person who files a petition under s. 813.122 or 813.125 to reimburse counsel for the
14 juvenile who is named as the respondent in that petition.

15 (5) COUNSEL OF OWN CHOOSING. Regardless of any provision of this section, any
16 party is entitled to retain counsel of his or her own choosing at his or her own expense
17 in any proceeding under this chapter.

18 (6) DEFINITION. For the purposes of this section, "counsel" means an attorney
19 acting as adversary counsel who shall advance and protect the legal rights of the
20 party represented, and who may not act as guardian ad litem for any party in the
21 same proceeding.

22 **938.235 Guardian ad litem. (1) APPOINTMENT.** (a) The court may appoint
23 a guardian ad litem in any appropriate matter under this chapter.

24 (e) The court shall appoint a guardian ad litem, or extend the appointment of
25 a guardian ad litem previously appointed under par. (a), for any juvenile alleged or

1 found to be in need of protection or services, if the court has ordered, or if a request
2 or recommendation has been made that the court order, the juvenile to be placed out
3 of his or her home under s. 938.345 or 938.357.

4 **(2) QUALIFICATIONS.** The guardian ad litem shall be an attorney admitted to
5 practice in this state. No person who is an interested party in a proceeding, who
6 appears as counsel in a proceeding on behalf of any party or who is a relative or
7 representative of an interested party may be appointed guardian ad litem in that
8 proceeding.

9 **(3) RESPONSIBILITIES.** The guardian ad litem shall be an advocate for the best
10 interests of the person for whom the appointment is made. The guardian ad litem
11 shall function independently, in the same manner as an attorney for a party to the
12 action, and shall consider, but shall not be bound by, the wishes of such person or the
13 positions of others as to the best interests of such person. If the guardian ad litem
14 determines that the best interests of the person are substantially inconsistent with
15 the wishes of such person, the guardian ad litem shall so inform the court and the
16 court may appoint counsel to represent that person. The guardian ad litem has none
17 of the rights or duties of a general guardian.

18 **(4) MATTERS INVOLVING JUVENILE IN NEED OF PROTECTION OR SERVICES.** (a) In any
19 matter involving a juvenile found to be in need of protection or services, the guardian
20 ad litem may, if reappointed or if the appointment is continued under sub. (7), do any
21 of the following:

- 22 1. Participate in permanency planning under ss. 48.43 (5) and 938.38.
- 23 2. Petition for a change in placement under s. 938.357.
- 24 3. Petition for termination of parental rights or any other matter specified
25 under s. 48.14 or 938.14.

- 1 4. Petition for revision of dispositional orders under s. 938.363.
- 2 5. Petition for extension of dispositional orders under s. 938.365.
- 3 6. Petition for a temporary restraining order and injunction under s. 813.122
- 4 or 813.125.
- 5 7. Petition for relief from a judgment terminating parental rights under s.
- 6 48.46.
- 7 8. Perform any other duties consistent with this chapter and ch. 48.
- 8 (b) The court shall order the agency identified under s. 938.355 (2) (b) 1. as
- 9 primarily responsible for the provision of services to notify the guardian ad litem, if
- 10 any, regarding actions to be taken under par. (a).
- 11 **(7) TERMINATION AND EXTENSION OF APPOINTMENT.** The appointment of a
- 12 guardian ad litem under sub. (1) terminates upon the entry of the court's final order
- 13 or upon the termination of any appeal in which the guardian ad litem participates.
- 14 The guardian ad litem may appeal, may participate in an appeal or may do neither.
- 15 If an appeal is taken by any party and the guardian ad litem chooses not to
- 16 participate in that appeal, he or she shall file with the appellate court a statement
- 17 of reasons for not participating. Irrespective of the guardian ad litem's decision not
- 18 to participate in an appeal, the appellate court may order the guardian ad litem to
- 19 participate in the appeal. At any time, the guardian ad litem, any party or the person
- 20 for whom the appointment is made may request in writing or on the record that the
- 21 court extend or terminate the appointment or reappointment. The court may extend
- 22 that appointment, or reappoint a guardian ad litem appointed under this section,
- 23 after the entry of the final order or after the termination of the appeal, but the court
- 24 shall specifically state the scope of the responsibilities of the guardian ad litem
- 25 during the period of that extension or reappointment.

1 **(8) COMPENSATION.** On order of the court, the guardian ad litem appointed
2 under this chapter shall be allowed reasonable compensation to be paid by the county
3 of venue. If the court orders a county to pay the compensation of the guardian ad
4 litem, the amount ordered may not exceed the compensation paid to private
5 attorneys under s. 977.08 (4m) (b).

6 **938.237 Civil law and ordinance proceedings initiated by citation in**
7 **the court assigned to exercise jurisdiction under this chapter and ch. 48.**

8 **(1)** The citation forms under s. 23.54, 66.119, 778.25, 778.26 or 800.02 may be used
9 to commence an action for a violation of civil laws and ordinances in the court.

10 **(2)** The procedures for issuance and filing of a citation, and for forfeitures,
11 stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), 66.119, 778.25,
12 778.26 and 800.01 to 800.04 except s. 800.04 (2) (b), when the citation is issued by
13 a law enforcement officer, shall be used as appropriate, except that this chapter shall
14 govern taking and holding a juvenile in custody, s. 938.37 shall govern costs, penalty
15 assessments and jail assessments, and a *capias* shall be substituted for an arrest
16 warrant. Sections 66.119 (3) (c) and (d), 66.12 (1) and 778.10 as they relate to
17 collection of forfeitures do not apply.

18 **(3)** If a juvenile to whom a citation has been issued does not submit a deposit
19 or a stipulation and deposit, the juvenile shall appear in the court for a plea hearing
20 under s. 938.30 at the date, time and place for the court appearance specified on the
21 citation. If the juvenile does not submit a stipulation and deposit or if the court
22 refuses to accept a deposit unaccompanied by a stipulation, the juvenile may be
23 summoned to appear and the procedures that govern petitions for civil law or
24 ordinance violations under s. 938.125 shall govern all proceedings initiated by a
25 citation, except that the citation shall not be referred to the court intake worker for

1 an intake inquiry. If the court finds that a juvenile violated a municipal ordinance
2 or a civil law punishable by a forfeiture under this section, the court shall enter a
3 dispositional order under s. 938.344, if applicable, or if s. 938.344 does not apply, the
4 court may enter any of the dispositional orders under s. 938.343.

5 SUBCHAPTER V

6 PROCEDURE

7 **938.24 Receipt of jurisdictional information; intake inquiry.** (1) Except
8 when a citation has been issued under s. 938.17 (2), information indicating that a
9 juvenile should be referred to the court as delinquent, in need of protection or
10 services or in violation of a civil law or a county, town or municipal ordinance shall
11 be referred to the intake worker, who shall conduct an intake inquiry on behalf of the
12 court to determine whether the available facts establish prima facie jurisdiction and
13 to determine the best interests of the juvenile and of the public with regard to any
14 action to be taken.

15 (1m) As part of the intake inquiry, the intake worker shall inform the juvenile
16 and the juvenile's parent, guardian and legal custodian that they may request
17 counseling from a person designated by the court to provide dispositional services
18 under s. 938.069.

19 (2) (a) As part of the intake inquiry the intake worker may conduct
20 multidisciplinary screens and intake conferences with notice to the juvenile, parent,
21 guardian and legal custodian. If sub. (2m) applies, the intake worker shall conduct
22 a multidisciplinary screen under s. 938.547 if the juvenile has not refused to
23 participate under par. (b).

1 (b) No juvenile or other person may be compelled to appear at any conference,
2 participate in a multidisciplinary screen, produce any papers or visit any place by an
3 intake worker.

4 **(2m)** (a) In counties that have a pilot program under s. 938.547, a
5 multidisciplinary screen shall be conducted for:

6 1. Any juvenile alleged to have committed a violation specified under ch. 161.

7 2. Any juvenile alleged to be delinquent or in need of protection and services
8 who has at least 2 prior adjudications for a violation of s. 125.07 (4) (a) or (b), 125.085
9 (3) (b) or 125.09 (2) or a local ordinance that strictly conforms to any of those sections.

10 3. Any juvenile alleged to have committed any offense which appears to the
11 intake worker to be directly motivated by the juvenile's need to purchase or otherwise
12 obtain alcohol beverages or controlled substances.

13 4. Any juvenile 12 years of age or older who requests and consents to a
14 multidisciplinary screen.

15 5. Any juvenile who consents to a multidisciplinary screen requested by his or
16 her parents.

17 (b) The multidisciplinary screen may be conducted by an intake worker for any
18 reason other than those specified in the criteria under par. (a).

19 **(3)** If the intake worker determines as a result of the intake inquiry that the
20 juvenile should be referred to the court, the intake worker shall request that the
21 district attorney, corporation counsel or other official specified in s. 938.09 file a
22 petition.

23 **(4)** If the intake worker determines as a result of the intake inquiry that the
24 case should be subject to a deferred prosecution agreement, or should be closed, the
25 intake worker shall so proceed. If a petition has been filed, a deferred prosecution

1 agreement may not be entered into or a case may not be closed unless the petition
2 is withdrawn by the district attorney, corporation counsel or other official specified
3 in s. 938.09, or is dismissed by the judge.

4 (5) The intake worker shall recommend that a petition be filed, enter into a
5 deferred prosecution agreement or close the case within 40 days or sooner of receipt
6 of referral information. If the case is closed or a deferred prosecution agreement is
7 entered into, the district attorney, corporation counsel or other official under s.
8 938.09 shall receive written notice of such action. In addition, if a deferred
9 prosecution agreement is entered into placing a juvenile in a youth village program
10 as described in s. 118.42, the judge or juvenile court commissioner shall receive
11 written notice of such action and, on receipt of that notice, shall enter an order
12 requiring compliance with that agreement. A notice of deferred prosecution of an
13 alleged delinquency case shall include a summary of the facts surrounding the
14 allegation and a list of prior intake referrals and dispositions. If a law enforcement
15 officer has made a recommendation concerning the juvenile, the intake worker shall
16 forward this recommendation to the district attorney under s. 938.09.
17 Notwithstanding the requirements of this section, the district attorney may initiate
18 a delinquency petition under s. 938.25 within 20 days after notice that the case has
19 been closed or that a deferred prosecution agreement has been entered into. The
20 judge shall grant appropriate relief as provided in s. 938.315 (3) with respect to any
21 such petition which is not referred or filed within the time limits specified within this
22 subsection.

23 (6) The intake worker shall perform his or her responsibilities under this
24 section under general written policies which the judge shall promulgate under s.
25 938.06 (1) or (2).

1 (7) If a citation is issued to a juvenile, the citation shall not be the subject of
2 an intake inquiry or a review by an intake worker for the purpose of recommending
3 deferred prosecution.

4 **938.243 Basic rights: duty of intake worker.** (1) Before conferring with
5 the parent or juvenile during the intake inquiry, the intake worker shall personally
6 inform a juvenile alleged to have committed a delinquent act, and parents and
7 juveniles 10 years of age or over who are the focus of an inquiry regarding the need
8 for protection or services under s. 938.13 (4), (6), (6m) or (7), of all of the following:

9 (ag) That the referral may result in a petition to the court.

10 (am) What allegations could be in the petition to the court.

11 (b) The nature and possible consequences of the proceedings including the
12 provisions of ss. 938.17 and 938.18 if applicable.

13 (c) The right to remain silent and the fact that in a delinquency proceeding the
14 silence of the juvenile shall not be adversely considered by the court although the
15 silence of any party may be relevant in any nondelinquency proceeding.

16 (d) The right to confront and cross-examine those appearing against them.

17 (e) The right of the juvenile to counsel under s. 938.23.

18 (f) The right to present and subpoena witnesses.

19 (h) The right to have the allegations of the petition proved by clear and
20 convincing evidence unless the juvenile comes within the court's jurisdiction under
21 s. 938.12 or 938.13 (12), in which case the standard of proof shall be beyond a
22 reasonable doubt.

23 **(1m)** If the juvenile who is the subject of the intake inquiry is alleged to have
24 committed an act which resulted in personal injury or damage to or loss of the
25 property of another, the intake worker shall inform the juvenile's parents in writing

1 of the possibility of disclosure of the identity of the juvenile and the parents, of the
2 juvenile's police records and of the outcome of proceedings against the juvenile for
3 use in civil actions for damages against the juvenile or the parents and of the parents'
4 potential liability for acts of their juveniles.

5 (2) This section does not apply if the juvenile was present at a hearing under
6 s. 938.21.

7 (3) If the juvenile has not had a hearing under s. 938.21 and was not present
8 at an intake conference under s. 938.24, the intake worker shall inform the juvenile,
9 parent, guardian and legal custodian as appropriate of their basic rights under this
10 section. This notice shall be given verbally, either in person or by telephone, and in
11 writing. This notice shall be given so as to allow the juvenile, parent, guardian or
12 legal custodian sufficient time to prepare for the plea hearing. This subsection does
13 not apply to cases of deferred prosecution under s. 938.245.

14 **938.245 Deferred prosecution.** (1) The intake worker may enter into a
15 written deferred prosecution agreement with all parties as provided in this section
16 if the intake worker has determined that neither the interests of the juvenile nor of
17 the public require filing of a petition for circumstances relating to s. 938.12, 938.125,
18 938.13 or 938.14. Deferred prosecution shall be available only if the facts persuade
19 the intake worker that the jurisdiction of the court, if sought, would exist and upon
20 consent of the juvenile, parent, guardian and legal custodian.

21 (2) (a) A deferred prosecution agreement may provide for any one or more of
22 the following:

23 1. That the juvenile and the juvenile's parent, guardian or legal custodian
24 participate in individual, family or group counseling and that the parent, guardian
25 or legal custodian participate in parenting skills training.

1 2. That the juvenile and a parent, guardian and legal custodian abide by such
2 obligations, including supervision, curfews and school attendance requirements, as
3 will tend to ensure the juvenile's rehabilitation, protection or care.

4 3. That the juvenile submit to an alcohol and other drug abuse assessment that
5 conforms to the criteria specified under s. 938.547 (4) and that is conducted by an
6 approved treatment facility for an examination of the juvenile's use of alcohol
7 beverages or controlled substances and any medical, personal, family or social effects
8 caused by its use, if the multidisciplinary screen conducted under s. 938.24 (2) shows
9 that the juvenile is at risk of having needs and problems related to the use of alcohol
10 beverages or controlled substances and its medical, personal, family or social effects.

11 4. That the juvenile participate in an alcohol and other drug abuse outpatient
12 treatment program, a court-approved pupil assistance program provided by the
13 juvenile's school board or a court-approved alcohol or other drug abuse education
14 program, if an alcohol and other drug abuse assessment conducted under subd. 3.
15 recommends outpatient treatment, intervention or education. The juvenile's
16 participation in a court-approved pupil assistance program under this subdivision
17 is subject to the approval of the juvenile's school board.

18 5. a. That the juvenile participate in a restitution project if the act for which
19 the deferred prosecution agreement is being entered into has resulted in damage to
20 the property of another, or in actual physical injury to another excluding pain and
21 suffering. Subject to subd. 5. c., the deferred prosecution agreement may require the
22 juvenile to repair the damage to property or to make reasonable restitution for the
23 damage or injury if the intake worker, after taking into consideration the well-being
24 and needs of the victim, considers it beneficial to the well-being and behavior of the
25 juvenile. Any such deferred prosecution agreement shall include a determination

1 that the juvenile alone is financially able to pay and may allow up to the date of the
2 expiration of the deferred prosecution agreement for the payment.

3 b. In addition to any other employment or duties permitted under ch. 103 or
4 any rule or order under ch. 103, a juvenile who is under 14 years of age who is
5 participating in a restitution project provided by the county may, for the purpose of
6 making restitution, be employed or perform any duties under any circumstances in
7 which a juvenile 14 or 15 years of age is permitted to be employed or to perform duties
8 under ch. 103 or any rule or order under ch. 103.

9 c. Under this subdivision, a deferred prosecution agreement may not require
10 a juvenile who is under 14 years of age to make more than \$250 in restitution.

11 6. That the juvenile participate in a supervised work program or other
12 community service work in accordance with s. 938.34 (5g).

13 7. That the juvenile be placed with a volunteers in probation program under
14 such conditions as the intake worker determines are reasonable and appropriate, if
15 the juvenile is alleged to have committed an act that would constitute a misdemeanor
16 if committed by an adult, if the chief judge of the judicial administrative district has
17 approved under s. 973.11 (2) a volunteers in probation program established in the
18 juvenile's county of residence and if the intake worker determines that volunteer
19 supervision under that volunteers in probation program will likely benefit the
20 juvenile and the community. The conditions that the intake worker may establish
21 under this subdivision may include, but need not be limited to, a request to a
22 volunteer to provide for the juvenile a role model, informal counseling, general
23 monitoring and monitoring of the conditions established by the intake worker, or any
24 combination of these functions, and any other deferred prosecution condition that
25 the intake worker may establish under this paragraph.

1 8. That the juvenile be placed in a teen court program if all of the following
2 conditions apply:

3 a. The chief judge of the judicial administrative district has approved a teen
4 court program established in the juvenile's county of residence and the intake worker
5 determines that participation in the teen court program will likely benefit the
6 juvenile and the community.

7 b. The juvenile is alleged to have committed a delinquent act that would be a
8 misdemeanor if committed by an adult or a civil law or ordinance violation.

9 c. The juvenile admits to the intake worker, with the juvenile's parent,
10 guardian or legal custodian present, that the juvenile committed the alleged
11 delinquent act or civil law or ordinance violation.

12 d. The juvenile has not successfully completed participation in a teen court
13 program during the 2 years before the date of the alleged delinquent act or civil law
14 or ordinance violation.

15 9. That the juvenile be placed in a youth village program as described in s.
16 118.42. Upon the motion of the court or the application of the juvenile, parent,
17 guardian, legal custodian, intake worker or any agency supervising the juvenile
18 under a deferred prosecution agreement under this subdivision, the court may, after
19 giving notice to the parties to the deferred prosecution agreement and their counsel,
20 if any, extend the agreement for up to an additional one year in the absence of an
21 objection to extension by the parties to the initial deferred prosecution agreement.
22 If the juvenile or the parent, guardian or legal custodian object to the extension, the
23 court shall schedule a hearing and make a determination on the issue of extension.
24 A deferred prosecution agreement under this subdivision may be extended no more
25 than twice.

1 (b) A deferred prosecution agreement, other than an agreement under par. (a)
2 9., may not include any form of out-of-home placement and may not exceed one year.

3 (c) If the deferred prosecution agreement provides for alcohol and other drug
4 abuse outpatient treatment under par. (a) 4., the juvenile and the juvenile's parent,
5 guardian or legal custodian shall execute an informed consent form that indicates
6 that they are voluntarily and knowingly entering into a deferred prosecution
7 agreement for the provision of alcohol and other drug abuse outpatient treatment.

8 **(2g)** If the informal disposition is based on an allegation that the juvenile
9 violated s. 943.017 and the juvenile has attained the minimum age at which a
10 juvenile may be adjudicated delinquent, the informal disposition may require that
11 the juvenile participate for not less than 10 hours nor more than 100 hours in a
12 supervised work program under s. 938.34 (5g) or perform not less than 10 hours nor
13 more than 100 hours of other community service work, except that if the juvenile has
14 not attained 14 years of age the maximum number of hours is 40.

15 **(3)** The obligations imposed under a deferred prosecution agreement and its
16 effective date shall be set forth in writing. If the deferred prosecution agreement
17 places the juvenile in a youth village program under sub. (2) (a) 9., the judge or
18 juvenile court commissioner shall receive written notice that a deferred prosecution
19 agreement has been entered into and, on receipt of that notice, shall enter an order
20 requiring compliance with that agreement. The juvenile and a parent, guardian and
21 legal custodian shall receive a copy of the agreement and order, as shall any agency
22 providing services under the agreement.

23 **(4)** The intake worker shall inform the juvenile and the juvenile's parent,
24 guardian and legal custodian in writing of their right to request the court to
25 terminate the deferred prosecution agreement at any time or object at any time to

1 the fact or terms of the deferred prosecution agreement. If an objection arises the
2 intake worker may alter the terms of the agreement or recommend to the district
3 attorney or corporation counsel that a petition be filed. If the deferred prosecution
4 agreement is terminated the intake worker may recommend to the district attorney
5 or corporation counsel that a petition be filed.

6 (5) A deferred prosecution agreement may be terminated by the court upon the
7 request of the juvenile, parent, guardian or legal custodian.

8 (6) A deferred prosecution agreement arising out of an alleged delinquent act
9 is terminated if the district attorney files a delinquency petition within 20 days after
10 receipt of notice of the deferred prosecution agreement under s. 938.24 (5). In such
11 case statements made to the intake worker during the intake inquiry are
12 inadmissible.

13 (7) (a) If at any time during the period of a deferred prosecution agreement the
14 intake worker determines that the obligations imposed under it are not being met,
15 the intake worker may cancel the deferred prosecution agreement. Within 10 days
16 after the cancellation of the deferred prosecution agreement, the intake worker shall
17 notify the district attorney, corporation counsel or other official under s. 938.09 of the
18 cancellation and recommend whether or not a petition should be filed. In
19 delinquency cases, the district attorney may initiate a petition within 20 days after
20 the date of the notice regardless of whether the intake worker has recommended that
21 a petition be filed. The judge shall grant appropriate relief as provided in s. 938.315
22 (3) with respect to any petition which is not filed within the time limit specified in
23 this subsection.

24 (b) In addition to the action taken under par. (a), if the intake worker cancels
25 a deferred prosecution agreement based on a determination that the juvenile's

1 parent, guardian or legal custodian is not meeting the obligations imposed under the
2 agreement, the intake worker shall recommend to the district attorney, corporation
3 counsel or other official under s. 938.09 whether or not a petition should be filed
4 requesting the court to order the juvenile's parent, guardian or legal custodian to
5 show good cause for not meeting the obligations imposed under the agreement. If the
6 district attorney, corporation counsel or other official under s. 938.09 files a petition
7 under this paragraph and if the court finds prosecutive merit for the petition, the
8 court shall grant an order directing the parent, guardian or legal custodian to show
9 good cause, at a time and place fixed by the court, for not meeting the obligations
10 imposed under the agreement. If the parent, guardian or legal custodian does not
11 show good cause for not meeting the obligations imposed under the agreement, the
12 court may impose a forfeiture not to exceed \$1,000.

13 (8) If the obligations imposed under the deferred prosecution agreement are
14 met, the intake worker shall so inform the juvenile and a parent, guardian and legal
15 custodian in writing, and no petition may be filed or citation issued on the charges
16 that brought about the deferred prosecution agreement nor may the charges be the
17 sole basis for a petition under s. 48.13, 48.14, 938.13 or 938.14.

18 (9) The intake worker shall perform his or her responsibilities under this
19 section under general written policies which the judge shall promulgate under s.
20 938.06 (1) or (2).

21 **938.25 Petition: authorization to file.** (1) A petition initiating proceedings
22 under this chapter shall be signed by a person who has knowledge of the facts alleged
23 or is informed of them and believes them to be true. If a petition under s. 938.12 is
24 to be filed, it shall be prepared, signed and filed by the district attorney. The district
25 attorney, corporation counsel or other appropriate official specified under s. 938.09

1 may file the petition if the proceeding is under s. 938.125 or 938.13. The counsel or
2 guardian ad litem for a parent, relative, guardian or juvenile may file a petition
3 under s. 938.13 or 938.14. The district attorney, corporation counsel or other
4 appropriate person designated by the court may initiate proceedings under s. 938.14
5 in a manner specified by the court.

6 (2) (a) The district attorney, corporation counsel or other appropriate official
7 shall file the petition, close the case, or refer the case back to intake within 20 days
8 after the date that the intake worker's recommendation was filed. A referral back
9 to intake may be made only when the district attorney, corporation counsel or other
10 appropriate official decides not to file a petition or determines that further
11 investigation is necessary. If the case is referred back to intake upon a decision not
12 to file a petition, the intake worker shall close the case or enter into a deferred
13 prosecution agreement within 20 days. If the case is referred back to intake for
14 further investigation, the appropriate agency or person shall complete the
15 investigation within 20 days. If another referral is made to the district attorney,
16 corporation counsel or other appropriate official, it shall be considered a new referral
17 to which the time limits of this subsection shall apply. The time limits in this
18 subsection may only be extended by a judge upon a showing of good cause under s.
19 938.315. If a petition is not filed within the time limitations set forth in this
20 subsection and the court has not granted an extension, the petition shall be
21 accompanied by a statement of reasons for the delay. The court shall grant
22 appropriate relief as provided in s. 938.315 (3) with respect to a petition which is not
23 filed within the time limits specified in this paragraph.

24 (b) In delinquency cases where there has been a case closure or deferred
25 prosecution agreement, the petition shall be filed within 20 days of receipt of the

1 notice of closure or deferred prosecution. Failure to file within 20 days invalidates
2 the petition and affirms the case closure or deferred prosecution agreement, except
3 that the court shall grant appropriate relief as provided in s. 938.315 (3) with respect
4 to a petition that is not filed within the time limit specified in this paragraph. If a
5 petition is filed within 20 days or the time permitted by the court under s. 938.315
6 (3), whichever is later, the district attorney shall notify the parties to the agreement
7 and the intake worker as soon as possible.

8 **(3)** If the district attorney, corporation counsel or other appropriate official
9 under s. 938.09 refuses to file a petition, any person may request the judge to order
10 that the petition be filed and a hearing shall be held on the request. The judge may
11 order the filing of the petition on his or her own motion. The matter may not be heard
12 by the judge who orders the filing of a petition.

13 **(4)** Section 939.74 applies to delinquency petitions filed under this subchapter.

14 **(5)** A citation issued under s. 938.17 (2) may serve as the initial pleading and
15 is sufficient to confer the court with jurisdiction over the juvenile when the citation
16 is filed with the court.

17 **(6)** If a proceeding is brought under s. 938.13, any party to or any governmental
18 or social agency involved in the proceeding may petition the court to issue a
19 temporary restraining order and injunction as provided in s. 813.122 or 813.125. The
20 court shall follow the procedure under s. 813.122 or 813.125 except that the court
21 may combine hearings authorized under s. 813.122 or 813.125 and this chapter, the
22 petitioner for the temporary restraining order and injunction is not subject to the
23 limitations under s. 813.122 (2) or 813.125 (2) and no fee is required regarding the
24 filing of the petition under s. 813.122 or 813.125.

1 **938.255 Petition; form and content.** (1) A petition initiating proceedings
2 under this chapter, other than a petition initiating proceedings under s. 938.12,
3 938.125 or 938.13 (12), shall be entitled, “In the interest of (juvenile’s name), a person
4 under the age of 18”. A petition initiating proceedings under s. 938.12, 938.125 or
5 938.13 (12) shall be entitled, “In the interest of (juvenile’s name), a person under the
6 age of 17”. A petition initiating proceedings under this chapter shall set forth with
7 specificity all of the following:

8 (a) The name, birth date and address of the juvenile.

9 (b) The names and addresses of the juvenile’s parent, guardian, legal custodian
10 or spouse, if any; or if no such person can be identified, the name and address of the
11 nearest relative.

12 (c) Whether the juvenile is in custody, and, if so, the place where the juvenile
13 is being held and the time he or she was taken into custody unless there is reasonable
14 cause to believe that such disclosure would result in imminent danger to the juvenile
15 or physical custodian.

16 (d) If violation of a criminal statute, an ordinance or another law is alleged, the
17 citation to the appropriate law or ordinance as well as facts sufficient to establish
18 probable cause that an offense has been committed and that the juvenile named in
19 the petition committed the offense.

20 (e) If the juvenile is alleged to come within the provisions of s. 938. 13 (4), (6),
21 (6m), (7) or (14) or 938.14, reliable and credible information which forms the basis
22 of the allegations necessary to invoke the jurisdiction of the court and to provide
23 reasonable notice of the conduct or circumstances to be considered by the court
24 together with a statement that the juvenile is in need of supervision, services, care
25 or rehabilitation.

1 (2) If any of the facts in sub. (1) (a), (b) or (c) are not known or cannot be
2 ascertained by the petitioner, the petition shall so state.

3 (3) If the information required under sub. (1) (d) or (e) is not stated the petition
4 shall be dismissed or amended under s. 938.263 (2).

5 (4) A copy of the petition shall be given to the juvenile and to the parents,
6 guardian, legal custodian and physical custodian.

7 **938.263 Amendment of petition.** (1) Except as provided in s. 938.255 (3),
8 no petition, process or other proceeding may be dismissed or reversed for any error
9 or mistake if the case and the identity of the juvenile named in the petition may be
10 readily understood by the court; and the court may order an amendment curing the
11 defects.

12 (2) With reasonable notification to the interested parties and prior to the
13 taking of a plea under s. 938.30, the petition may be amended at the discretion of the
14 court or person who filed the petition. After the taking of a plea, the court may allow
15 amendment of the petition to conform to the proof if the amendment is not prejudicial
16 to the juvenile.

17 **938.27 Notice; summons.** (1) After a citation is issued or a petition has been
18 filed relating to facts concerning a situation specified under s. 938.12, 938.125 or
19 938.13, unless the parties under sub. (3) voluntarily appear, the court may issue a
20 summons requiring the parent, guardian and legal custodian of the juvenile to
21 appear personally at any hearing involving the juvenile, and, if the court so orders,
22 to bring the juvenile before the court at a time and place stated.

23 (2) Summons may be issued requiring the appearance of any other person
24 whose presence, in the opinion of the court, is necessary.

1 **(3)** (a) The court shall also notify, under s. 938.273, the juvenile and any parent,
2 guardian and legal custodian of the juvenile of all hearings involving the juvenile
3 under this subchapter, except hearings on motions for which notice need only be
4 provided to the juvenile and his or her counsel. Where parents entitled to notice have
5 the same place of residence, notice to one shall constitute notice to the other. The first
6 notice to any interested party shall be written and have a copy of the petition
7 attached to it. Thereafter, notice of hearings may be given by telephone at least 72
8 hours before the time of the hearing. The person giving telephone notice shall place
9 in the case file a signed statement of the time notice was given and the person to
10 whom he or she spoke.

11 (b) 1. Except as provided in subd. 2., if the petition that was filed relates to facts
12 concerning a situation under s. 938.13 and if the juvenile is a nonmarital child who
13 is not adopted or whose parents do not subsequently intermarry as provided under
14 s. 767.60 and if paternity has not been established, the court shall notify, under s.
15 938.273, all of the following persons:

16 a. A person who has filed a declaration of interest under s. 48.025.

17 b. A person alleged to the court to be the father of the juvenile or who may, based
18 on the statements of the mother or other information presented to the court, be the
19 father of the juvenile.

20 2. A court is not required to provide notice, under subd. 1., to any person who
21 may be the father of a juvenile conceived as a result of a sexual assault if a physician
22 attests to his or her belief that there was a sexual assault of the juvenile's mother that
23 may have resulted in the juvenile's conception.

24 **(4)** The notice shall:

1 (a) Contain the name of the juvenile, and the nature, location, date and time
2 of the hearing.

3 (b) Advise the juvenile of his or her right to legal counsel regardless of ability
4 to pay.

5 **(4m)** The district attorney or corporation counsel shall attempt to contact any
6 known victim or alleged victim of a juvenile's act or alleged act and any known family
7 member of a homicide victim or alleged homicide victim to inform them of the right
8 to receive notice of any hearing under this chapter involving the juvenile. If a victim,
9 alleged victim or family member of a homicide victim or of an alleged homicide victim
10 indicates that he or she wishes to receive notice of any hearing under this chapter
11 involving the juvenile, the district attorney or corporation counsel shall notify, under
12 s. 938.273, that victim, alleged victim or family member of any hearing under this
13 chapter involving the juvenile. Any failure to comply with this subsection is not a
14 ground for an appeal of a judgment or dispositional order or for any court to reverse
15 or modify a judgment or dispositional order.

16 **(5)** The court shall make every reasonable effort to identify and notify any
17 person who has filed a declaration of interest under s. 48.025 and any person who has
18 been adjudged to be the biological father of the juvenile in a judicial proceeding
19 unless the biological father's rights have been terminated.

20 **(6)** When a proceeding is initiated under s. 938.14, all interested parties shall
21 receive notice and appropriate summons shall be issued in a manner specified by the
22 court, consistent with applicable governing statutes.

23 **(7)** When a citation has been issued under s. 938.17 (2) and the juvenile's
24 parent, guardian and legal custodian have been notified of the citation, subs. (3) and
25 (4) do not apply.

1 (8) When a petition is filed under s. 938.12 or 938.13, the court shall notify, in
2 writing, the juvenile's parents or guardian that they may be ordered to reimburse
3 this state or the county for the costs of legal counsel provided for the juvenile, as
4 provided under s. 938.275 (2).

5 **938.273 Service of summons or notice; expense.** (1) Service of summons
6 or notice required by s. 938.27 may be made by mailing a copy thereof to the persons
7 summoned or notified. If the persons, other than a person specified in s. 938.27 (4m),
8 fail to appear at the hearing or otherwise to acknowledge service, a continuance shall
9 be granted, except where the court determines otherwise because the juvenile is in
10 secure custody, and service shall be made personally by delivering to the persons a
11 copy of the summons or notice; except that if the court is satisfied that it is
12 impracticable to serve the summons or notice personally, it may make an order
13 providing for the service of the summons or notice by certified mail addressed to the
14 last-known addresses of the persons. The court may refuse to grant a continuance
15 when the juvenile is being held in secure custody, but in such a case the court shall
16 order that service of notice of the next hearing be made personally or by certified mail
17 to the last-known address of the person who failed to appear at the hearing.
18 Personal service shall be made at least 72 hours before the time of the hearing. Mail
19 shall be sent at least 7 days before the time of the hearing, except where the petition
20 is filed under s. 938.13 and the person to be notified lives outside the state, in which
21 case the mail shall be sent at least 14 days before the time of the hearing.

22 (2) Service of summons or notice required by this subchapter may be made by
23 any suitable person under the direction of the court. Notification of the victim or
24 alleged victim of a juvenile's act or of a family member of a homicide victim or of an

1 alleged homicide victim under s. 938.27 (4m) shall be made by the district attorney
2 or corporation counsel.

3 (3) The expenses of service of summons or notice or of the publication of
4 summons or notice and the traveling expenses and fees as allowed in ch. 885 incurred
5 by any person summoned or required to appear at the hearing of any case coming
6 within the jurisdiction of the court under s. 938.12, 938.125, 938.13 or 938.14 shall
7 be a charge on the county when approved by the court.

8 **938.275 Parents' contribution to cost of court and legal services. (1)**
9 If the court finds a juvenile to be delinquent under s. 938.12, in violation of a civil law
10 or ordinance under s. 938.125 or in need of protection or services under s. 938.13, the
11 court shall order the parents of the juvenile to contribute toward the expense of
12 post-adjudication services to the juvenile the proportion of the total amount which
13 the court finds the parents are able to pay.

14 (2) (a) If this state or a county provides legal counsel to a juvenile subject to a
15 proceeding under s. 938.12 or 938.13, the court shall order the juvenile's parent to
16 reimburse the state or county in accordance with par. (b) or (c). The court may not
17 order reimbursement if a parent is the complaining or petitioning party or if the court
18 finds that the interests of the parent and the interests of the juvenile in the
19 proceeding are substantially and directly adverse and that reimbursement would be
20 unfair to the parent. The court may not order reimbursement until the completion
21 of the proceeding or until the state or county is no longer providing the juvenile with
22 legal counsel in the proceeding.

23 (b) If this state provides the juvenile with legal counsel and the court orders
24 reimbursement under par. (a), the juvenile's parent may request the state public
25 defender to determine whether the parent is indigent as provided under s. 977.07

1 and to determine the amount of reimbursement. If the parent is found not to be
2 indigent, the amount of reimbursement shall be the maximum amount established
3 by the public defender board. If the parent is found to be indigent in part, the amount
4 of reimbursement shall be the amount of partial payment determined in accordance
5 with the rules of the public defender board under s. 977.02 (3).

6 (c) If the county provides the juvenile with legal counsel and the court orders
7 reimbursement under par. (a), the court shall either make a determination of
8 indigency or shall appoint the county department to make the determination. If the
9 court or the county department finds that the parent is not indigent or is indigent
10 in part, the court shall establish the amount of reimbursement and shall order the
11 parent to pay it.

12 (cg) The court shall, upon motion by a parent, hold a hearing to review any of
13 the following:

- 14 1. An indigency determination made under par. (b) or (c).
- 15 2. The amount of reimbursement ordered.
- 16 3. The court's finding, under par. (a), that the interests of the parent and the
17 juvenile are not substantially and directly adverse and that ordering the payment
18 of reimbursement would not be unfair to the parent.

19 (cr) Following a hearing under par. (cg), the court may affirm, rescind or modify
20 the reimbursement order.

21 (d) Reimbursement payments shall be made to the clerk of courts of the county
22 where the proceedings took place. Each payment shall be transmitted to the county
23 treasurer, who shall deposit 25% of the amount paid for state-provided counsel in the
24 county treasury and transmit the remainder to the state treasurer. Payments
25 transmitted to the state treasurer shall be deposited in the general fund and credited

1 to the appropriation account under s. 20.550 (1) (L). The county treasurer shall
2 deposit 100% of the amount paid for county-provided counsel in the county treasury.

3 (dm) Within 30 days after each calendar quarter, the clerk of court for each
4 county shall report to the state public defender all of the following:

5 1. The total amount of reimbursement determined or ordered under par. (b) or
6 (cr) for state-provided counsel during the previous calendar quarter.

7 2. The total amount collected under par. (d) for state-provided counsel during
8 the previous calendar quarter.

9 (e) A person who fails to comply with an order under par. (b) or (c) may be
10 proceeded against for contempt of court under ch. 785.

11 **938.28 Failure to obey summons; capias.** If any person summoned under
12 this subchapter fails without reasonable cause to appear, he or she may be proceeded
13 against for contempt of court. In case the summons cannot be served or the parties
14 served fail to obey the same, or in any case when it appears to the court that the
15 service will be ineffectual a capias may be issued for the parent, guardian and legal
16 custodian or for the juvenile. Subchapter IV governs the taking and holding of a
17 juvenile in custody.

18 **938.29 Substitution of judge.** (1) Except as provided in sub. (1g), the
19 juvenile, either before or during the plea hearing, may file a written request with the
20 clerk of the court or other person acting as the clerk for a substitution of the judge
21 assigned to the proceeding. Upon filing the written request, the juvenile shall
22 immediately mail or deliver a copy of the request to the judge named therein. In a
23 proceeding under s. 938.12 or 938.13 (12), only the juvenile may request a
24 substitution of the judge. Whenever the juvenile has the right to request a
25 substitution of judge, the juvenile's counsel or guardian ad litem may file the request.

1 Not more than one such written request may be filed in any one proceeding, nor may
2 any single request name more than one judge. This section shall not apply to
3 proceedings under s. 938.21.

4 **(1g)** The juvenile may not request the substitution of a judge in a proceeding
5 under s. 938.12 or 938.13 (12), and the juvenile and the juvenile's parent, guardian
6 or legal custodian may not request the substitution of a judge in a proceeding under
7 s. 938.13 (4), (6), (6m) or (7), if the judge assigned to the proceeding has entered a
8 dispositional order with respect to the juvenile in a previous proceeding under s.
9 938.12 or 938.13 (4), (6), (6m), (7) or (12) or the juvenile or the juvenile's parent,
10 guardian or legal custodian has requested the substitution of a judge in a previous
11 proceeding under s. 938.12 or 938.13 (4), (6), (6m), (7) or (12).

12 **(1m)** When the clerk receives a request for substitution, the clerk shall
13 immediately contact the judge whose substitution has been requested for a
14 determination of whether the request was made timely and in proper form. Except
15 as provided in sub. (2), if the request is found to be timely and in proper form, the
16 judge named in the request has no further jurisdiction and the clerk shall request
17 the assignment of another judge under s. 751.03. If no determination is made within
18 7 days, the clerk shall refer the matter to the chief judge of the judicial administrative
19 district for determination of whether the request was made timely and in proper form
20 and reassignment as necessary.

21 **(2)** If the request for substitution of a judge is made for the judge scheduled to
22 conduct a waiver hearing under s. 938.18, the request shall be filed before the close
23 of the working day preceding the day that the waiver hearing is scheduled. Except
24 as provided in sub. (1g), the judge may allow an authorized party to make a request
25 for substitution on the day of the waiver hearing. If the request for substitution is

1 made subsequent to the waiver hearing, the judge who conducted the waiver hearing
2 may also conduct the plea hearing.

3 **938.293 Discovery. (1)** Copies of all law enforcement officer reports,
4 including but not limited to the officer's memorandum and witnesses' statements,
5 shall be made available upon request to counsel or guardian ad litem prior to a plea
6 hearing. The reports shall be available through the representative of the public
7 designated under s. 938.09. The juvenile, through counsel or guardian ad litem, is
8 the only party who shall have access to the reports in proceedings under s. 938.12,
9 938.125 or 938.13 (12). The identity of a confidential informant may be withheld
10 pursuant to s. 905.10.

11 **(2)** All records relating to a juvenile which are relevant to the subject matter
12 of a proceeding under this subchapter shall be open to inspection by a guardian ad
13 litem or counsel for any party, upon demand and upon presentation of releases where
14 necessary, at least 48 hours before the proceeding. Persons entitled to inspect the
15 records may obtain copies of the records with the permission of the custodian of the
16 records or with the permission of the court. The court may instruct counsel not to
17 disclose specified items in the materials to the juvenile or the parent if the court
18 reasonably believes that the disclosure would be harmful to the interests of the
19 juvenile. Sections 971.23 to 971.25 and 972.11 (5) shall be applicable in all
20 delinquency proceedings under this subchapter, except that the court shall establish
21 the timetable for ss. 971.23 (3), (8) and (9) and 972.11 (5).

22 **(3)** Upon request prior to the fact-finding hearing, the district attorney shall
23 disclose to the juvenile, and to the juvenile's counsel or guardian ad litem, the
24 existence of any videotaped oral statement of a juvenile under s. 908.08 which is
25 within the possession, custody or control of the state and shall make reasonable

1 arrangements for the requesting person to view the videotaped oral statement. If,
2 subsequent to compliance with this subsection, the state obtains possession, custody
3 or control of such a videotaped statement, the district attorney shall promptly notify
4 the requesting person of that fact and make reasonable arrangements for the
5 requesting person to view the videotaped oral statement.

6 **938.295 Physical, psychological, mental or developmental**
7 **examination.** (1) After the filing of a petition and upon a finding by the court that
8 reasonable cause exists to warrant an examination or an alcohol and other drug
9 abuse assessment that conforms to the criteria specified under s. 938.547 (4), the
10 court may order any juvenile coming within its jurisdiction to be examined as an
11 outpatient by personnel in an approved treatment facility for alcohol and other drug
12 abuse, by a physician, psychiatrist or licensed psychologist, or by another expert
13 appointed by the court holding at least a master's degree in social work or another
14 related field of child development, in order that the juvenile's physical, psychological,
15 alcohol or other drug dependency, mental or developmental condition may be
16 considered. The court may also order an examination or an alcohol and other drug
17 abuse assessment that conforms to the criteria specified under s. 938.547 (4) of a
18 parent, guardian or legal custodian whose ability to care for a juvenile is at issue
19 before the court. The court shall hear any objections by the juvenile and the juvenile's
20 parents, guardian or legal custodian to the request for such an examination or
21 assessment before ordering the examination or assessment. The expenses of an
22 examination, if approved by the court, shall be paid by the county of the court
23 ordering the examination. The payment for an alcohol and other drug abuse
24 assessment shall be in accordance with s. 938.361.

1 **(1c)** Reasonable cause is considered to exist to warrant an alcohol and other
2 drug abuse assessment under sub. (1) if any of the following applies:

3 (a) The multidisciplinary screen procedure conducted under s. 938.24 (2)
4 indicates that the juvenile is at risk of having needs and problems related to alcohol
5 or other drug abuse.

6 (b) The juvenile was adjudicated delinquent on the basis of an offense specified
7 in ch. 161.

8 (c) The greater weight of the evidence at the fact-finding hearing indicates that
9 any offense which formed the basis for the adjudication was motivated by the
10 juvenile's need to purchase or otherwise obtain alcohol beverages or controlled
11 substances.

12 **(1g)** If the court orders an alcohol or other drug abuse assessment under sub.
13 (1), the approved treatment facility shall, within 14 days after the court order, report
14 the results of the assessment to the court, except that, upon request by the approved
15 treatment facility and if the juvenile is not held in secure or nonsecure custody, the
16 court may extend the period for assessment for not more than 20 additional working
17 days. The report shall include a recommendation as to whether the juvenile is in
18 need of treatment, intervention or education relating to the use or abuse of alcohol
19 beverages or controlled substances and, if so, shall recommend a service plan and
20 appropriate treatment from an approved treatment facility, intervention from a
21 court-approved pupil assistance program or education from a court-approved
22 alcohol or other drug abuse education program.

23 **(2)** (a) If there is probable cause to believe that the juvenile has committed the
24 alleged offense and if there is reason to doubt the juvenile's competency to proceed,
25 or upon entry of a plea under s. 938.30 (4) (c) the court shall order the juvenile to be

1 examined by a psychiatrist or licensed psychologist. The expenses of an
2 examination, if approved by the court, shall be paid by the county of the court
3 ordering the examination. Evaluation shall be made on an outpatient basis unless
4 the juvenile presents a substantial risk of physical harm to the juvenile or others; or
5 the juvenile, parent or guardian, and legal counsel or guardian ad litem consent to
6 an inpatient evaluation. Any inpatient evaluation shall be for a specified period that
7 is no longer than is necessary to complete the evaluation.

8 (b) The examiner shall file a report of the examination with the court by the
9 date specified in the order. The court shall cause copies to be transmitted to the
10 district attorney or corporation counsel and to the juvenile's counsel or guardian ad
11 litem. The report shall describe the nature of the examination and identify the
12 persons interviewed, the particular records reviewed and any tests administered to
13 the juvenile. If the examination is ordered following a plea under s. 938.30 (4) (c),
14 the report shall also contain an opinion regarding whether the juvenile suffered from
15 mental disease or defect at the time of the commission of the act alleged in the
16 petition and, if so, whether this caused the juvenile to lack substantial capacity to
17 appreciate the wrongfulness of his or her conduct or to conform his or her conduct to
18 the requirements of the law. If the examination is ordered following a finding that
19 there is probable cause to believe that the juvenile has committed the alleged offense
20 and that there is reason to doubt the juvenile's competency to proceed, the report
21 shall also contain an opinion regarding the juvenile's present mental capacity to
22 understand the proceedings and assist in his or her defense and, if the examiner
23 reports that the juvenile lacks competency to proceed, the examiner's opinion
24 regarding the likelihood that the juvenile, if provided treatment, may be restored to
25 competency within the time specified in s. 938.30 (5) (e) 1. The report shall also state

1 in reasonable detail the facts and reasoning upon which the examiner's opinions are
2 based.

3 (3) If the juvenile or a parent objects to a particular physician, psychiatrist,
4 licensed psychologist or other expert as required under this section, the court shall
5 appoint a different physician, psychiatrist, psychologist or other expert as required
6 under this section.

7 (4) Motions or objections under this section may be heard under s. 807.13.

8 **938.296 Testing for HIV infection and certain diseases.** (1) In this
9 section:

10 (a) "Health care professional" has the meaning given in s. 252.15 (1) (am).

11 (b) "HIV" has the meaning given in s. 252.01 (1m).

12 (c) "Sexually transmitted disease" has the meaning given in s. 252.11 (1).

13 (d) "Significantly exposed" has the meaning given in s. 252.15 (1) (em).

14 (2) In a proceeding under s. 938.12 or 938.13 (12) in which the juvenile is
15 alleged to have violated s. 940.225, 948.02, 948.025, 948.05 or 948.06, the district
16 attorney or corporation counsel shall apply to the court for an order requiring the
17 juvenile to submit to a test or a series of tests administered by a health care
18 professional to detect the presence of HIV, antigen or nonantigenic products of HIV,
19 an antibody to HIV or a sexually transmitted disease and to disclose the results of
20 that test or series of tests as specified in sub. (4) (a) to (e), if all of the following apply:

21 (a) The victim or alleged victim, if an adult, or the parent, guardian or legal
22 custodian of the victim or alleged victim, if the victim or alleged victim is a child,
23 requests the district attorney or corporation counsel to apply for that order.

24 (b) The district attorney or corporation counsel has probable cause to believe
25 that the juvenile has significantly exposed the victim or alleged victim. If the

1 juvenile is adjudicated delinquent or found to be in need of protection or services, this
2 paragraph does not apply.

3 (3) The district attorney or corporation counsel may apply for an order under
4 sub. (2) at any of the following times:

5 (a) At or after the plea hearing and before a dispositional order is entered.

6 (b) At any time after the juvenile is adjudicated delinquent or found to be in
7 need of protection or services.

8 (4) On receipt of an application for an order under sub. (2), the court shall set
9 a time for a hearing on the application. If, after hearing, the court finds probable
10 cause to believe that the juvenile has significantly exposed the victim or alleged
11 victim, the court shall order the juvenile to submit to a test or a series of tests
12 administered by a health care professional to detect the presence of HIV, antigen or
13 nonantigenic products of HIV, an antibody to HIV or a sexually transmitted disease.
14 The court shall require the health care professional who performs the test or series
15 of tests to refrain, notwithstanding s. 252.15 (4) (c), from making the test results part
16 of the juvenile's permanent medical record and to disclose the results of the test to
17 any of the following:

18 (a) The parent, guardian or legal custodian of the juvenile.

19 (b) The victim or alleged victim, if the victim or alleged victim is an adult.

20 (c) The parent, guardian or legal custodian of the victim or alleged victim, if the
21 victim or alleged victim is a child.

22 (d) The health care professional that provides care for the juvenile, upon
23 request by the parent, guardian or legal custodian of the juvenile.

24 (e) The health care professional that provides care for the victim or alleged
25 victim, upon request by the victim or alleged victim or, if the victim or alleged victim

1 is a child, upon request by the parent, guardian or legal custodian of the victim or
2 alleged victim.

3 (6) The court may order the county to pay for the cost of a test or series of tests
4 ordered under sub. (4). This subsection does not prevent recovery of reasonable
5 contribution toward the cost of that test or series of tests from the parent or guardian
6 of the juvenile as the court may order based on the ability of the parent or guardian
7 to pay. This subsection is subject to s. 46.03 (18).

8 **938.297 Motions before trial.** (1) Any motion which is capable of
9 determination without trial of the general issue may be made before trial.

10 (2) Defenses and objections based on defects in the institution of proceedings,
11 lack of probable cause on the face of the petition or citation, insufficiency of the
12 petition or citation or invalidity in whole or in part of the statute on which the
13 petition or citation is founded shall be raised not later than 10 days after the plea
14 hearing or be deemed waived. Other motions capable of determination without trial
15 may be brought any time before trial.

16 (3) Motions to suppress evidence as having been illegally seized or statements
17 illegally obtained shall be made before fact-finding on the issues. The court may
18 entertain the motion at the fact-finding hearing if it appears that a party is surprised
19 by the attempt to introduce such evidence and that party waives jeopardy. Only the
20 juvenile may waive jeopardy in cases under s. 938.12, 938.125 or 938.13 (12).

21 (4) Although the taking of a juvenile into custody is not an arrest, it shall be
22 considered an arrest for the purpose of deciding motions which require a decision
23 about the propriety of the taking into custody, including but not limited to motions
24 to suppress evidence as illegally seized, motions to suppress statements as illegally
25 obtained and motions challenging the lawfulness of the taking into custody.

1 (5) If the juvenile is in custody and the court grants a motion to dismiss based
2 upon a defect in the petition or citation or in the institution of the proceedings, the
3 court may order the juvenile continued in custody for not more than 48 hours pending
4 the filing of a new petition or citation.

5 (6) A motion required to be served on a juvenile may be served upon his or her
6 attorney of record.

7 (7) Oral argument permitted on motions under this section may be heard by
8 telephone under s. 807.13 (1).

9 **938.299 Procedures at hearings.** (1) (a) Except as provided in par. (ar), the
10 general public shall be excluded from hearings under this chapter unless a public
11 fact-finding hearing is demanded by a juvenile through his or her counsel. The court
12 shall refuse to grant the public hearing, however, if the victim of an alleged sexual
13 assault objects or, in a nondelinquency proceeding, if a parent or guardian objects.
14 If a public hearing is not held, only the parties, their counsel, witnesses, a
15 representative of the news media who wishes to attend the hearing for the purpose
16 of reporting news without revealing the identity of the child involved and other
17 persons requested by a party and approved by the court may be present. Any other
18 person the court finds to have a proper interest in the case or in the work of the court,
19 including a member of the bar, may be admitted by the court.

20 (am) Subject to s. 906.15, if a public hearing is not held, in addition to persons
21 permitted to attend under par. (a), a victim of a juvenile's act or alleged act may
22 attend any hearing under this chapter based upon the act or alleged act, except that
23 a judge may exclude a victim from any portion of a hearing which deals with sensitive
24 personal matters of the juvenile or the juvenile's family and which does not directly
25 relate to the act or alleged act committed against the victim. A member of the victim's

1 family and, at the request of the victim, a representative of an organization providing
2 support services to the victim, may attend the hearing under this subsection.

3 (ar) Notwithstanding par. (a), the general public may attend any hearing under
4 this chapter relating to a juvenile who has been alleged to be delinquent for
5 committing a violation that would be a felony if committed by an adult if the juvenile
6 has been adjudicated delinquent previously and that previous adjudication remains
7 of record and unreversed or relating to a juvenile who has been alleged to be
8 delinquent for committing a violation specified in s. 939.62 (2m) (a) 1., 2. or 3., except
9 that the court shall exclude the general public from a hearing if the victim of a sexual
10 assault objects and may, in its discretion, exclude the general public from any portion
11 of a hearing which deals with sensitive personal matters of the juvenile or the
12 juvenile's family and which does not relate to the act or alleged act committed by the
13 juvenile or from any other hearing described in this paragraph. If the court excludes
14 the general public from a hearing described in this paragraph, only those persons
15 who are permitted under par. (a) or (am) to attend a hearing from which the general
16 public is excluded may attend.

17 (b) Except as provided in s. 938.396, any person who divulges any information
18 which would identify the juvenile or the family involved in any proceeding under this
19 subchapter is subject to ch. 785. This paragraph does not preclude a victim of the
20 juvenile's act from commencing a civil action based upon the juvenile's act.

21 (4) (a) Chapters 901 to 911 govern the presentation of evidence at the
22 fact-finding hearing under s. 938.31. Section 972.11 (5) applies at fact-finding
23 proceedings in all delinquency proceedings under this chapter.

24 (b) Except as provided in s. 901.05, neither common law nor statutory rules of
25 evidence are binding at a waiver hearing under s. 938.18, a hearing for a juvenile

1 held in custody under s. 938.21, a hearing under s. 938.296 (4) for a juvenile who is
2 alleged to have violated s. 940.225, 948.02, 948.025, 948.05 or 948.06, a dispositional
3 hearing, or a hearing about changes in placement, revision of dispositional orders or
4 extension of dispositional orders. At those hearings, the court shall admit all
5 testimony having reasonable probative value, but shall exclude immaterial,
6 irrelevant or unduly repetitious testimony or evidence that is inadmissible under s.
7 901.05. Hearsay evidence may be admitted if it has demonstrable circumstantial
8 guarantees of trustworthiness. The court shall give effect to the rules of privilege
9 recognized by law. The court shall apply the basic principles of relevancy, materiality
10 and probative value to proof of all questions of fact. Objections to evidentiary offers
11 and offers of proof of evidence not admitted may be made and shall be noted in the
12 record.

13 **(5)** On request of any party, unless good cause to the contrary is shown, any
14 hearing under s. 938.209 (1) (e) or 938.21 (1) may be held on the record by telephone
15 or live audio-visual means or testimony may be received by telephone or live
16 audio-visual means as prescribed in s. 807.13 (2). The request and the showing of
17 good cause for not conducting the hearing or admitting testimony by telephone or live
18 audio-visual means may be made by telephone.

19 **(6)** If a man who has been given notice under s. 938.27 (3) (b) 1. appears at any
20 hearing for which he received the notice, alleges that he is the father of the juvenile
21 and states that he wishes to establish the paternity of the juvenile, the court shall
22 refer the matter to the state or to the attorney responsible for support enforcement
23 under s. 59.458 (1) for a determination, under s. 767.45, of whether an action should
24 be brought for the purpose of determining the paternity of the juvenile. The court
25 may stay the proceedings under this chapter pending the outcome of the paternity

1 proceedings under ss. 767.45 to 767.60 if the court determines that the paternity
2 proceedings will not unduly delay the proceedings under this chapter and the
3 determination of paternity is necessary to the court's disposition of the juvenile if the
4 juvenile is found to be in need of protection or services. As part of the proceedings
5 under this chapter, the court may order that a record be made of any testimony of the
6 juvenile's mother relating to the juvenile's paternity. A record made under this
7 subsection is admissible in a proceeding to determine the juvenile's paternity under
8 ss. 767.45 to 767.60.

9 **938.30 Plea hearing. (1)** Except as provided in this subsection, the hearing
10 to determine the juvenile's plea to a citation or a petition under s. 938.12, 938.125
11 or 938.13 (12), or to determine whether any party wishes to contest an allegation that
12 the child is in need of protection or services under s. 938.13 (4), (6), (6m), (7) or (14)
13 shall take place on a date which allows reasonable time for the parties to prepare but
14 is within 30 days after the filing of a petition or issuance of a citation for a juvenile
15 who is not being held in secure custody or within 10 days after the filing of a petition
16 or issuance of a citation for a juvenile who is being held in secure custody. In a
17 municipal court operated jointly by 2 or more cities, towns or villages under s. 755.01
18 (4), the hearing to determine the juvenile's plea shall take place within 45 days after
19 the filing of a petition or issuance of a citation for a juvenile who is not being held in
20 secure custody.

21 **(2)** At or before the commencement of the hearing under this section the
22 juvenile and the parent, guardian or legal custodian shall be advised of their rights
23 as specified in s. 938.243 and shall be informed that the hearing shall be to the court
24 and that a request for a substitution of judge under s. 938.29 must be made before
25 the end of the plea hearing or be waived. Nonpetitioning parties, including the

1 juvenile, shall be granted a continuance of the plea hearing if they wish to consult
2 with an attorney on the request for a substitution of a judge.

3 (3) If a petition alleges that a juvenile is in need of protection or services under
4 s. 938.13 (4), (6), (6m), (7) or (14), the nonpetitioning parties and the juvenile, if he
5 or she is 12 years of age or older or is otherwise competent to do so, shall state
6 whether they desire to contest the petition.

7 (4) If a delinquency petition under s. 938.12, a civil law or ordinance violation
8 petition or citation under s. 938.125, or a petition alleging that the juvenile is in need
9 of protection or services under s. 938.13 (12) is filed, the juvenile may submit any of
10 the following pleas:

11 (a) Admit some or all of the facts alleged in the petition or citation, however,
12 such a plea is an admission only of the commission of the acts and does not constitute
13 an admission of delinquency.

14 (b) Deny the facts alleged in the petition or citation. If the juvenile stands mute
15 or refuses to plead, the court shall direct entry of a denial of the facts alleged in the
16 petition or citation on the juvenile's behalf.

17 (bm) Plead no contest to the allegations, but only if the court permits the
18 juvenile to enter that plea.

19 (c) Except pursuant to a petition or citation under s. 938.125, state that he or
20 she is not responsible for the acts alleged in the petition by reason of mental disease
21 or defect. This plea shall be joined with an admission under par. (a), a denial under
22 par. (b) or a plea of no contest under par. (bm).

23 (5) (a) If there is probable cause to believe that the juvenile has committed the
24 alleged offense and if there is reason to doubt the juvenile's competency to proceed,
25 or if the juvenile enters a plea of not responsible by reason of mental disease or defect,

1 the court shall order an examination under s. 938.295 and shall specify the date by
2 which the report must be filed in order to give the district attorney or corporation
3 counsel and the juvenile's counsel a reasonable opportunity to review the report. The
4 court shall set a date for hearing as follows:

5 1. If the juvenile admits or pleads no contest to the allegations in the petition,
6 the hearing to determine whether the juvenile was not responsible by reason of
7 mental disease or defect shall be held no more than 10 days from the plea hearing
8 for a juvenile held in secure custody and no more than 30 days from the plea hearing
9 for a juvenile who is not held in secure custody.

10 2. If the juvenile denies the allegations in the petition or citation, the court shall
11 hold a fact-finding hearing on the allegations in the petition or citation as provided
12 under s. 938.31. If, at the end of the fact-finding hearing, the court finds that the
13 allegations in the petition have been proven, the court shall immediately hold a
14 hearing to determine whether the juvenile was not responsible by reason of mental
15 disease or defect.

16 3. If the court has found probable cause to believe that the juvenile has
17 committed the alleged offense and reason to doubt the juvenile's competency to
18 proceed, the hearing to determine whether the juvenile is competent to proceed shall
19 be held no more than 10 days after the plea hearing for a juvenile who is held in
20 secure custody and no more than 30 days after the plea hearing for a juvenile who
21 is not held in secure custody.

22 (b) If the court, after a hearing under par. (a) 1. or 2., finds that the juvenile was
23 responsible, the court shall proceed to a dispositional hearing.

24 (bm) If the court, after a hearing under par. (a) 3., finds that the juvenile is
25 competent to proceed, the court shall resume the delinquency proceeding.

1 (c) If the court finds that the juvenile was not responsible by reason of mental
2 disease or defect, as described under s. 971.15 (1) and (2), the court shall dismiss the
3 petition with prejudice and shall also do one of the following:

4 1. If the court finds that there is probable cause to believe that the juvenile
5 meets the conditions specified under s. 51.20 (1) (a) 1. and 2., order the county
6 department under s. 46.22, 46.23 or 46.215 in the county of the juvenile’s residence
7 or the district attorney or corporation counsel who filed the petition under s. 938.12
8 or 938.13 (12) to file a petition under s. 51.20 (1).

9 2. Order the district attorney or corporation counsel who filed the petition
10 under s. 938.12 or 938.13 (12) to file a petition alleging that the juvenile is in need
11 of protection or services under s. 938.13 (14).

12 (d) If the court finds that the juvenile is not competent to proceed, as described
13 in s. 971.13 (1) and (2), the court shall suspend proceedings on the petition and shall
14 also do one of the following:

15 1. If the court finds that there is probable cause to believe that the juvenile
16 meets the conditions specified under s. 51.20 (1) (a) 1. and 2., order the county
17 department under s. 46.22, 46.23 or 46.215 in the county of the juvenile’s residence
18 or the district attorney or corporation counsel who filed the petition under s. 938.12
19 or 938.13 (12) to file a petition under s. 51.20 (1).

20 2. Order the district attorney or corporation counsel who filed the petition
21 under s. 938.12 or 938.13 (12) to file a petition alleging that the juvenile is in need
22 of protection or services under s. 938.13 (14).

23 (e) 1. A juvenile who is not competent to proceed, as described in s. 971.13 (1)
24 and (2), but who is likely to become competent to proceed within 12 months or the
25 maximum sentence that may be imposed on an adult for the most serious delinquent

1 act with which the juvenile is charged, whichever is less, and who is committed under
2 s. 51.20 following an order under par. (d) 1. or who is placed under a dispositional
3 order following an order under par. (d) 2., shall be periodically reexamined with
4 written reports of those reexaminations to be submitted to the court every 3 months
5 and within 30 days before the expiration of the juvenile's commitment or
6 dispositional order. Each report shall indicate either that the juvenile has become
7 competent, that the juvenile remains incompetent but that attainment of
8 competence is likely within the remaining period of the commitment or dispositional
9 order or that the juvenile has not made such progress that attainment of competency
10 is likely within the remaining period of the commitment or dispositional order.

11 2. The court shall cause copies of the reports under subd. 1. to be transmitted
12 to the district attorney or corporation counsel and the juvenile's counsel. If a report
13 under subd. 1. indicates that the juvenile has become competent, the court shall hold
14 a hearing within 10 days after the court receives the report to determine whether the
15 juvenile is competent. If the court determines that the juvenile is competent, the
16 court shall terminate the juvenile's commitment or dispositional order and resume
17 the delinquency proceeding.

18 3. If the juvenile is receiving psychotropic medication, the court may make
19 appropriate orders for the continued administration of the psychotropic medication
20 in order to maintain the competence of the juvenile for the duration of the proceeding.

21 **(6)** If a petition is not contested, the court shall set a date for the dispositional
22 hearing which allows reasonable time for the parties to prepare but is no more than
23 10 days from the plea hearing for a juvenile who is held in secure custody and no more
24 than 30 days from the plea hearing for a juvenile who is not held in secure custody.
25 If it appears to the court that disposition of the case may include placement of the

1 juvenile outside the juvenile's home, the court shall order the juvenile's parent to
2 provide a statement of income, assets, debts and living expenses to the court or the
3 designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the
4 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
5 provide, without charge, to any parent ordered to provide a statement of income,
6 assets, debts and living expenses a document setting forth the percentage standard
7 established by the department of health and social services under s. 46.25 (9) and
8 listing the factors that a court may consider under s. 46.10 (14) (c). If all parties
9 consent the court may proceed immediately with the dispositional hearing. If a
10 citation is not contested, the court may proceed immediately to enter a dispositional
11 order.

12 (7) If the petition or citation is contested, the court shall set a date for the
13 fact-finding hearing which allows a reasonable time for the parties to prepare but
14 is no more than 20 days from the plea hearing for a juvenile who is held in secure
15 custody and no more than 30 days from the plea hearing for a juvenile who is not held
16 in secure custody.

17 (8) Except when a juvenile fails to appear in response or stipulates to a citation
18 before accepting an admission or plea of no contest of the alleged facts in a petition
19 or citation, the court shall do all of the following:

20 (a) Address the parties present including the juvenile personally and
21 determine that the plea or admission is made voluntarily with understanding of the
22 nature of the acts alleged in the petition or citation and the potential dispositions.

23 (b) Establish whether any promises or threats were made to elicit a plea and
24 alert unrepresented parties to the possibility that a lawyer may discover defenses or
25 mitigating circumstances which would not be apparent to them.

1 (c) Make such inquiries as satisfactorily establish that there is a factual basis
2 for the juvenile's plea or the parent's and juvenile's admission.

3 (9) If a court commissioner conducts the plea hearing and accepts an admission
4 of the alleged facts in a petition brought under s. 938.12 or 938.13, the judge shall
5 review the admission at the beginning of the dispositional hearing by addressing the
6 parties and making the inquires set forth in sub. (8).

7 (10) The court may permit any party to participate in hearings under this
8 section by telephone or live audio-visual means except a juvenile who intends to
9 admit the facts of the delinquency petition.

10 **938.305 Hearing upon the involuntary removal of a juvenile.**

11 Notwithstanding other time periods for hearings under this chapter, if a juvenile is
12 removed from the physical custody of the juvenile's parent or guardian under s.
13 938.19 (1) (c) or (d) 5. without the consent of the parent or guardian, the court shall
14 schedule a plea hearing and fact-finding hearing within 30 days after a request from
15 the parent or guardian from whom custody was removed. The plea hearing and
16 fact-finding hearing may be combined. This time period may be extended only with
17 the consent of the requesting parent or guardian.

18 **938.31 Fact-finding hearing.** (1) In this section, "fact-finding hearing"
19 means a hearing to determine if the allegations of a petition under s. 938.12 or 938.13
20 (12) are supported beyond a reasonable doubt or a hearing to determine if the
21 allegations in a petition or citation under s. 938.125 or 938.13 (4), (6), (6m), (7) or (14)
22 are proved by clear and convincing evidence.

23 (2) The hearing shall be to the court. If the hearing involves a child victim or
24 witness, as defined in s. 950.02, the court may order the taking and allow the use of
25 a videotaped deposition under s. 967.04 (7) to (10) and, with the district attorney,

1 shall comply with s. 971.105. At the conclusion of the hearing, the court shall make
2 a determination of the facts. If the court finds that the juvenile is not within the
3 jurisdiction of the court or the court finds that the facts alleged in the petition or
4 citation have not been proved, the court shall dismiss the petition or citation with
5 prejudice.

6 (4) The court shall make findings of fact and conclusions of law relating to the
7 allegations of a petition under s. 938.12, 938.125 or 938.13. In cases alleging a
8 juvenile to be delinquent or in need of protection or services under s. 938.13 (12), the
9 court shall make findings relating to the proof of the violation of law and to the proof
10 that the juvenile named in the petition committed the violation alleged.

11 (7) At the close of the fact-finding hearing, the court shall set a date for the
12 dispositional hearing which allows a reasonable time for the parties to prepare but
13 is no more than 10 days after the fact-finding hearing for a juvenile in secure custody
14 and no more than 30 days after the fact-finding hearing for a juvenile not held in
15 secure custody. If it appears to the court that disposition of the case may include
16 placement of the juvenile outside the juvenile's home, the court shall order the
17 juvenile's parent to provide a statement of income, assets, debts and living expenses
18 to the court or the designated agency under s. 938.33 (1) at least 5 days before the
19 scheduled date of the dispositional hearing or as otherwise ordered by the court. The
20 clerk of court shall provide, without charge, to any parent ordered to provide a
21 statement of income, assets, debts and living expenses a document setting forth the
22 percentage standard established by the department of health and social services
23 under s. 46.25 (9) and listing the factors that a court may consider under s. 46.10 (14)
24 (c). If all parties consent, the court may immediately proceed with a dispositional
25 hearing.

1 **938.315 Delays, continuances and extensions.** (1) The following time
2 periods shall be excluded in computing time requirements within this chapter:

3 (a) Any period of delay resulting from other legal actions concerning the
4 juvenile, including an examination under s. 938.295 or a hearing related to the
5 juvenile's mental condition, prehearing motions, waiver motions and hearings on
6 other matters.

7 (b) Any period of delay resulting from a continuance granted at the request of
8 or with the consent of the juvenile and counsel.

9 (c) Any period of delay caused by the disqualification or substitution of a judge
10 or by any other transfer of the case or intake inquiry to a different judge, intake
11 worker or county.

12 (d) Any period of delay resulting from a continuance granted at the request of
13 the representative of the public under s. 938.09 if the continuance is granted because
14 of the unavailability of evidence material to the case when he or she has exercised
15 due diligence to obtain the evidence and there are reasonable grounds to believe that
16 the evidence will be available at the later date, or to allow him or her additional time
17 to prepare the case and additional time is justified because of the exceptional
18 circumstances of the case.

19 (e) Any period of delay resulting from the imposition of a consent decree.

20 (f) Any period of delay resulting from the absence or unavailability of the
21 juvenile.

22 (fm) Any period of delay resulting from the inability of the court to provide the
23 juvenile with notice of an extension hearing under s. 938.365 due to the juvenile
24 having run away or otherwise having made himself or herself unavailable to receive
25 that notice.

1 (g) A reasonable period of delay when the juvenile is joined in a hearing with
2 another juvenile as to whom the time for a hearing has not expired under this section
3 if there is good cause for not hearing the cases separately.

4 (2) A continuance may be granted by the court only upon a showing of good
5 cause in open court or during a telephone conference under s. 807.13 on the record
6 and only for so long as is necessary, taking into account the request or consent of the
7 representative of the public under s. 938.09 or the parties and the interest of the
8 public in the prompt disposition of cases.

9 (3) Failure to comply with any time limit specified in this chapter does not
10 deprive the court of personal or subject matter jurisdiction or of competency to
11 exercise that jurisdiction. If a party does not comply with a time limit specified in
12 this chapter, the court may grant a continuance under sub. (2), dismiss the petition
13 with or without prejudice, release the juvenile from secure or nonsecure custody or
14 from the terms of a custody order or grant any other relief that the court considers
15 appropriate.

16 **938.317 Jeopardy.** Jeopardy attaches when a witness is sworn.

17 **938.32 Consent decree.** (1) (a) At any time after the filing of a petition for
18 a proceeding relating to s. 938.12 or 938.13 and before the entry of judgment, the
19 judge or juvenile court commissioner may suspend the proceedings and place the
20 juvenile under supervision in the juvenile's own home or present placement or in a
21 youth village program as described in s. 118.42. The court may establish terms and
22 conditions applicable to the parent, guardian or legal custodian, and to the juvenile,
23 including any of the conditions specified in subs. (1d), (1g), (1m), (1t) and (1x). The
24 order under this section shall be known as a consent decree and must be agreed to
25 by the juvenile; the parent, guardian or legal custodian; and the person filing the

1 petition under s. 938.25. If the consent decree includes any conditions specified in
2 sub. (1g), the consent decree shall include provisions for payment of the services as
3 specified in s. 938.361. The consent decree shall be reduced to writing and given to
4 the parties.

5 (b) 1. Before entering into a consent decree in a proceeding in which a juvenile
6 is alleged to be delinquent under s. 938.12 or to be in need of protection or services
7 under s. 938.13 (12), the court shall allow a victim or a family member of a homicide
8 victim to make a statement or to submit a written statement to be read to the court.
9 The court may allow any other person to make or submit a statement under this
10 subdivision. Any statement made under this subdivision must be relevant to the
11 consent decree.

12 2. Before entering into a consent decree in a proceeding in which a juvenile is
13 alleged to be delinquent under s. 938.12 or to be in need of protection or services
14 under s. 938.13 (12), the district attorney or corporation counsel shall attempt to
15 contact any known victim or family member of a homicide victim to inform that
16 person of the right to make a statement under subd. 1. Any failure to comply with
17 this subdivision is not a ground for discharge of the juvenile, parent, guardian or
18 legal custodian from fulfilling the terms and conditions of the consent decree.

19 **(1d)** If the petition alleges that the juvenile has committed an act that would
20 constitute a misdemeanor if committed by an adult, if the chief judge of the judicial
21 administrative district has approved under s. 973.11 (2) a volunteers in probation
22 program established in the juvenile's county of residence and if the judge or juvenile
23 court commissioner determines that volunteer supervision under that volunteers in
24 probation program will likely benefit the juvenile and the community, the judge or
25 juvenile court commissioner may establish as a condition under sub. (1) that the

1 juvenile be placed with that volunteers in probation program under such conditions
2 as the judge or juvenile court commissioner determines are reasonable and
3 appropriate. These conditions may include, but need not be limited to, any of the
4 following:

5 (a) A directive to a volunteer to provide for the juvenile a role model, informal
6 counseling, general monitoring and monitoring of the conditions established by the
7 judge or juvenile court commissioner, or any combination of these functions.

8 (b) Any other conditions that the judge or juvenile court commissioner may
9 establish under this section.

10 **(1g)** If the petition alleges that the juvenile committed a violation specified
11 under ch. 161 and if the multidisciplinary screen conducted under s. 938.24 (2) shows
12 that the juvenile is at risk of having needs and problems related to the use of alcohol
13 beverages or controlled substances and its medical, personal, family and social
14 effects, the judge or juvenile court commissioner may establish as a condition under
15 sub. (1) any of the following:

16 (a) That the juvenile participate in outpatient treatment from an approved
17 treatment facility for alcohol and other drug abuse, if an alcohol and other drug abuse
18 assessment that conforms to the criteria specified under s. 938.547 (4) was completed
19 under s. 938.295 (1).

20 (b) That the juvenile participate in a court-approved pupil assistance program
21 provided by the juvenile's school board or a court-approved alcohol or other drug
22 abuse education program. The juvenile's participation in a court-approved pupil
23 assistance program under this paragraph is subject to the approval of the juvenile's
24 school board.

1 **(1m)** The judge or juvenile court commissioner may establish as a condition
2 under sub. (1) that the juvenile be placed in a teen court program if all of the following
3 conditions apply:

4 (a) The chief judge of the judicial administrative district has approved a teen
5 court program established in the juvenile's county of residence and the judge or
6 juvenile court commissioner determines that participation in the teen court program
7 will likely benefit the juvenile and the community.

8 (b) The juvenile is alleged to have committed a delinquent act that would be
9 a misdemeanor if committed by an adult.

10 (c) The juvenile admits or pleads no contest in open court, with the juvenile's
11 parent, guardian or legal custodian present, to the allegations that the juvenile
12 committed the delinquent act.

13 (d) The juvenile has not successfully completed participation in a teen court
14 program during the 2 years before the date of the alleged delinquent act.

15 **(1r)** If the conditions of the consent decree provide for an alcohol and other drug
16 abuse outpatient treatment program under sub. (1g) (a), the juvenile or, if the
17 juvenile has not attained the age of 12, the juvenile's parent, guardian or legal
18 custodian shall execute an informed consent form that indicates that they are
19 voluntarily and knowingly entering into a consent decree for the provision of alcohol
20 and other drug abuse outpatient treatment.

21 **(1t)** (a) 1. Subject to subd. 3., if the petition alleges that the juvenile committed
22 a delinquent act that has resulted in damage to the property of another, or in actual
23 physical injury to another excluding pain and suffering, the judge or juvenile court
24 commissioner may require the juvenile as a condition of the consent decree, to repair
25 the damage to property or to make reasonable restitution for the damage or injury

1 if the judge or juvenile court commissioner, after taking into consideration the
2 well-being and needs of the victim, considers it beneficial to the well-being and
3 behavior of the juvenile. Any consent decree that includes a condition of restitution
4 shall include a finding that the juvenile alone is financially able to pay and may allow
5 up to the date of the expiration of the consent decree for the payment. Objection by
6 the juvenile to the amount of damages claimed shall entitle the juvenile to a hearing
7 on the question of damages before the amount of restitution is made part of the
8 consent decree.

9 2. In addition to any other employment or duties permitted under ch. 103 or
10 any rule or order under ch. 103, a juvenile who is under 14 years of age who is
11 participating in a restitution project provided by the county may, for the purpose of
12 making restitution under the consent decree, be employed or perform any duties
13 under any circumstances in which a juvenile 14 or 15 years of age is permitted to be
14 employed or to perform duties under ch. 103 or any rule or order under ch. 103.

15 3. Under this paragraph, a judge or juvenile court commissioner may not order
16 a juvenile who is under 14 years of age to make more than \$250 in restitution.

17 (b) The judge may require the juvenile to participate in a supervised work
18 program or other community service work under s. 938.34 (5g) as a condition of the
19 consent decree.

20 **(1x)** If the petition alleges that the juvenile violated s. 943.017 and the juvenile
21 has attained the minimum age at which a juvenile may be adjudicated delinquent,
22 the judge or juvenile court commissioner may require, as a condition of the consent
23 decree, that the juvenile participate for not less than 10 hours nor more than 100
24 hours in a supervised work program under s. 938.34 (5g) or perform not less than 10

1 hours nor more than 100 hours of other community service work, except that if the
2 juvenile has not attained 14 years of age the maximum number of hours is 40.

3 (2) (a) A consent decree shall remain in effect for up to one year unless the
4 juvenile, parent, guardian or legal custodian is discharged sooner by the judge or
5 juvenile court commissioner.

6 (c) Upon the motion of the court or the application of the juvenile, parent,
7 guardian, legal custodian, intake worker or any agency supervising the juvenile
8 under the consent decree, the court may, after giving notice to the parties to the
9 consent decree and their counsel, if any, extend the decree for up to an additional 6
10 months or, if the consent decree places the juvenile in a youth village program as
11 described in s. 118.42, for up to an additional one year in the absence of objection to
12 extension by the parties to the initial consent decree. If the parent, guardian or legal
13 custodian objects to the extension, the court shall schedule a hearing and make a
14 determination on the issue of extension. A consent decree placing a juvenile in a
15 youth village program as described in s. 118.42 may be extended no more than twice.

16 (3) If, prior to discharge by the court, or the expiration of the consent decree,
17 the court finds that the juvenile or parent, legal guardian or legal custodian has
18 failed to fulfill the express terms and conditions of the consent decree or that the
19 juvenile objects to the continuation of the consent decree, the hearing under which
20 the juvenile was placed on supervision may be continued to conclusion as if the
21 consent decree had never been entered.

22 (4) No juvenile who is discharged by the court or who completes the period of
23 supervision without reinstatement of the original petition may again be proceeded
24 against in any court for the same offense alleged in the petition or an offense based
25 on the same conduct, and the original petition shall be dismissed with prejudice.

1 Nothing in this subsection precludes a civil suit against the juvenile or parent for
2 damages arising from the juvenile's conduct.

3 (5) A court which, under this section, elicits or examines information or
4 material about a juvenile which would be inadmissible in a hearing on the
5 allegations of the petition may not, over objections of one of the parties, participate
6 in any subsequent proceedings if any of the following applies:

7 (a) The court refuses to enter into a consent decree and the allegations in the
8 petition remain to be decided in a hearing where the juvenile denies the allegations
9 of delinquency.

10 (b) A consent decree is granted but the petition under s. 938.12 or 938.13 is
11 subsequently reinstated.

12 (6) The judge or juvenile court commissioner shall inform the juvenile and the
13 juvenile's parent, guardian or legal custodian, in writing, of the juvenile's right to
14 object to the continuation of the consent decree under sub. (3) and of the fact that the
15 hearing under which the juvenile was placed on supervision may be continued to
16 conclusion as if the consent decree had never been entered.

17 SUBCHAPTER VI

18 DISPOSITION

19 **938.33 Court reports. (1) REPORT REQUIRED.** Before the disposition of a
20 juvenile adjudged to be delinquent or in need of protection or services, the court shall
21 designate an agency, as defined in s. 938.38 (1) (a), to submit a report which shall
22 contain all of the following:

23 (a) The social history of the juvenile.

24 (b) A recommended plan of rehabilitation or treatment and care for the juvenile
25 which is based on the investigation conducted by the agency and any report resulting

1 from an examination or assessment under s. 938.295, which employs the most
2 effective means available to accomplish the objectives of the plan.

3 (c) A description of the specific services or continuum of services which the
4 agency is recommending that the court order for the juvenile or family, the persons
5 or agencies that would be primarily responsible for providing those services, and the
6 identity of the person or agency that would provide case management or coordination
7 of services if any or whether or not the juvenile should receive an integrated service
8 plan.

9 (d) A statement of the objectives of the plan, including any desired behavior
10 changes and the academic, social and vocational skills needed by the juvenile.

11 (e) A plan for the provision of educational services to the juvenile, prepared
12 after consultation with the staff of the school in which the juvenile is enrolled or the
13 last school in which the juvenile was enrolled.

14 (f) If the agency is recommending that the court order the juvenile's parent,
15 guardian or legal custodian to participate in mental health treatment, anger
16 management, individual or family counseling or parent training and education, a
17 statement as to the availability of those services and as to the availability of funding
18 for those services.

19 **(2) HOME PLACEMENT REPORTS.** A report recommending that the juvenile remain
20 in his or her home may be presented orally at the dispositional hearing if all parties
21 consent. A report that is presented orally shall be transcribed and made a part of the
22 court record.

23 **(3) CORRECTIONAL PLACEMENT REPORTS.** A report recommending placement of a
24 juvenile in a secured correctional facility under the supervision of the department
25 or a secured child caring institution shall be in writing, except that the report may

1 be presented orally at the dispositional hearing if the juvenile and the juvenile's
2 counsel consent. A report that is presented orally shall be transcribed and made a
3 part of the court record. In addition to the information specified under sub. (1) (a)
4 to (d), the report shall include all of the following:

5 (a) A description of any less restrictive alternatives that are available and that
6 have been considered, and why they have been determined to be inappropriate. If
7 the judge has found that any of the conditions specified in s. 938.34 (4m) (b) 1., 2. or
8 3. applies, the report shall indicate that a less restrictive alternative than placement
9 in a secured correctional facility or a secured child caring institution is not
10 appropriate.

11 (b) A recommendation for an amount of child support to be paid by either or
12 both of the juvenile's parents or for referral to the county designee under s. 59.07 (97)
13 for the establishment of child support.

14 **(3r)** SERIOUS JUVENILE OFFENDER REPORT. If a juvenile has been adjudicated
15 delinquent for committing a violation for which the juvenile maybe placed in the
16 serious juvenile offender program under s. 938.34 (4h) (a), the report shall be in
17 writing and, in addition to the information specified in sub. (1) and in sub. (3) or (4),
18 if applicable, shall include an analysis of the juvenile's suitability for placement in
19 the serious juvenile offender program under s. 938.34 (4h) or in a secured
20 correctional facility under s. 938.34 (4m), a placement specified in s. 938.34 (3) or
21 placement in the juvenile's home with supervision and community-based
22 programming and a recommendation as to the type of placement for which the
23 juvenile is best suited.

24 **(4)** OTHER OUT-OF-HOME PLACEMENTS. A report recommending placement in a
25 foster home, treatment foster home, group home or nonsecured child caring

1 institution shall be in writing, except that the report may be presented orally at the
2 dispositional hearing if all parties consent. A report that is presented orally shall be
3 transcribed and made a part of the court record. The report shall include all of the
4 following:

5 (a) A permanency plan prepared under s. 938.38.

6 (b) A recommendation for an amount of child support to be paid by either or
7 both of the juvenile's parents or for referral to the county designee under s. 59.07 (97)
8 for the establishment of child support.

9 **(4m)** SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. In making a
10 recommendation for an amount of child support under sub. (3) or (4), the agency shall
11 consider the factors that the court considers under s. 46.10 (14) (c) for deviation from
12 the percentage standard. At or before the dispositional hearing under s. 938.335, the
13 agency shall provide the juvenile's parent with all of the following:

14 (a) Its recommendation for juvenile support.

15 (b) A written explanation of how the parent may request that the court modify
16 the amount of child support under s. 46.10 (14) (c).

17 (c) A written explanation of how the parent may request a revision under s.
18 938.363 in the amount of child support ordered by the court under s. 938.335 (2) (b)
19 4.

20 **(5)** IDENTITY OF FOSTER PARENT OR TREATMENT FOSTER PARENT; CONFIDENTIALITY.

21 If the report recommends placement in a foster home or a treatment foster home, and
22 the name of the foster parent or treatment foster parent is not available at the time
23 the report is filed, the agency shall provide the court and the juvenile's parent or
24 guardian with the name and address of the foster parent or treatment foster parent
25 within 21 days after the dispositional order is entered, except that the court may

1 order the information withheld from the juvenile’s parent or guardian if the court
2 finds that disclosure would result in imminent danger to the juvenile or to the foster
3 parent or treatment foster parent. After notifying the juvenile’s parent or guardian,
4 the court shall hold a hearing prior to ordering the information withheld.

5 **938.331 Court reports; effect on victim.** If the delinquent act would
6 constitute a felony if committed by an adult, the person preparing the report under
7 s. 938.33 (1) shall attempt to determine the economic, physical and psychological
8 effect of the delinquent act on the victim. The person preparing the report may ask
9 any appropriate person for information. This section does not preclude the person
10 who prepares the report from including any information for the court concerning the
11 impact of a delinquent act on the victim. If the delinquent act would not constitute
12 a felony but a victim has suffered bodily harm or the act involved theft or damage to
13 property, the person preparing the report is encouraged to seek the information
14 described in this section.

15 **938.335 Dispositional hearings. (1)** The court shall conduct a hearing to
16 determine the disposition of a case in which a juvenile is adjudged to be delinquent
17 under s. 938.12, to have violated a civil law or ordinance under s. 938.125 or to be in
18 need of protection or services under s. 938.13, except that the court shall proceed as
19 provided in s. 938.237 (2) if a citation is issued and the juvenile fails to contest the
20 citation.

21 **(3)** At hearings under this section, any party may present evidence relevant
22 to the issue of disposition, including expert testimony, and may make alternative
23 dispositional recommendations.

24 **(3m)** (a) Before imposing a disposition in a proceeding in which a juvenile is
25 adjudged to be delinquent under s. 938.12 or is found to be in need of protection or

1 services under s. 938.13 (12), the court shall allow a victim or a family member of a
2 homicide victim to make a statement or to submit a written statement to be read to
3 the court. The court may allow any other person to make or submit a statement
4 under this paragraph. Any statement made under this paragraph must be relevant
5 to the disposition.

6 (b) After a finding that a juvenile is delinquent under s. 938.12 or is found to
7 be in need of protection or services under s. 938.13 (12), the district attorney or
8 corporation counsel shall attempt to contact any known victim or family member of
9 a homicide victim to inform that person of the right to make a statement under par.

10 (a). Any failure to comply with this paragraph is not a ground for an appeal of a
11 dispositional order or for any court to reverse or modify a dispositional order.

12 **(3r)** At hearings under this section, a parent of the juvenile may present
13 evidence relevant to the amount of child support to be paid by either or both parents.

14 **(4)** At hearings under this section, s. 938.357, 938.363 or 938.365, on the
15 request of any party, unless good cause to the contrary is shown, the court may admit
16 testimony on the record by telephone or live audio-visual means, if available, under
17 s. 807.13 (2). The request and the showing of good cause may be made by telephone.

18 **(5)** At the conclusion of the hearing, the court shall make a dispositional order
19 in accordance with s. 938.355.

20 **938.34 Disposition of juvenile adjudged delinquent.** If the court adjudges
21 a juvenile delinquent, the court shall enter an order deciding one or more of the
22 dispositions of the case as provided in this section under a care and treatment plan.
23 A disposition under sub. (4m) must be combined with a disposition under sub. (4n).
24 In deciding the dispositions for a juvenile who is adjudicated delinquent, the court
25 shall consider the seriousness of the act for which the juvenile is adjudicated

1 delinquent and may consider any other delinquent act that is read into the record
2 and dismissed at the time of the adjudication. The dispositions under this section
3 are:

4 (1) COUNSELING. Counsel the juvenile or the parent, guardian or legal
5 custodian.

6 (2) SUPERVISION. (a) Place the juvenile under the supervision of an agency, the
7 department, if the department approves, or a suitable adult, including a friend of the
8 juvenile, under conditions prescribed by the court including reasonable rules for the
9 juvenile's conduct, designed for the physical, mental and moral well-being and
10 behavior of the juvenile.

11 (b) If the juvenile is placed in the juvenile's home under the supervision of an
12 agency or the department, order the agency or department to provide specified
13 services to the juvenile and the juvenile's family, which may include but are not
14 limited to individual, family or group counseling, homemaker or parent aide
15 services, respite care, housing assistance, day care or parent skills training.

16 (c) Order the juvenile to remain at his or her home or other placement for a
17 period of not more than 30 days under rules of supervision specified in the order.

18 (2g) VOLUNTEERS IN PROBATION PROGRAM. If the juvenile is adjudicated
19 delinquent for the commission of an act that would constitute a misdemeanor if
20 committed by an adult, if the chief judge of the judicial administrative district has
21 approved under s. 973.11 (2) a volunteers in probation program established in the
22 juvenile's county of residence and if the court determines that volunteer supervision
23 under that volunteers in probation program will likely benefit the juvenile and the
24 community, placement of the juvenile with that volunteers in probation program

1 under such conditions as the court determines are reasonable and appropriate.

2 These conditions may include, but need not be limited to, any of the following:

3 (a) A directive to a volunteer to provide for the juvenile a role model, informal
4 counseling, general monitoring and monitoring of the conditions established by the
5 court, or any combination of these functions.

6 (b) Any other disposition that the court may impose under this section.

7 **(2m)** TEEN COURT PROGRAM. Order the juvenile to be placed in a teen court
8 program if all of the following conditions apply:

9 (a) The chief judge of the judicial administrative district has approved a teen
10 court program established in the juvenile's county of residence and the judge
11 determines that participation in the teen court program will likely benefit the
12 juvenile and the community.

13 (b) The juvenile is alleged to have committed a delinquent act that would be
14 a misdemeanor if committed by an adult.

15 (c) The juvenile admits or pleads no contest in open court, with the juvenile's
16 parent, guardian or legal custodian present, to the allegations that the juvenile
17 committed the delinquent act.

18 (d) The juvenile has not successfully completed participation in a teen court
19 program during the 2 years before the date of the alleged delinquent act.

20 **(2r)** INTENSIVE SUPERVISION. Order the juvenile to participate in an intensive
21 supervision program under s. 938.534.

22 **(3)** PLACEMENT. Designate one of the following as the placement for the juvenile:

23 (a) The home of a parent or other relative of the juvenile.

24 (b) A home which need not be licensed if placement is for less than 30 days.

1 (c) A foster home or treatment foster home licensed under s. 48.62 or a group
2 home licensed under s. 48.625.

3 (d) A child caring institution licensed under s. 48.60.

4 (dm) A youth village program as described in s. 118.42, if the juvenile, his or
5 her parent, guardian or legal custodian and the youth village program agree to that
6 placement.

7 (e) An independent living situation effective on or after the juvenile's 17th
8 birthday, either alone or with friends, under such supervision as the court considers
9 appropriate, but only if the juvenile is of sufficient maturity and judgment to live
10 independently and only upon proof of a reasonable plan for supervision by an
11 appropriate person or agency.

12 (f) A secure detention facility or juvenile portion of a county jail that meets the
13 standards promulgated by the department of corrections by rule, or in a place of
14 nonsecure custody designated by the court, subject to all of the following:

15 1. The placement may be for any combination of single or consecutive days
16 totalling not more than 30. The juvenile shall be given credit against the period of
17 detention or nonsecure custody imposed under this paragraph for all time spent in
18 secure detention in connection with the course of conduct for which the detention or
19 nonsecure custody was imposed.

20 2. The order may provide that the juvenile may be released from the secure
21 detention facility, juvenile portion of the jail or place of nonsecure custody during
22 specified hours to attend school, to work at the juvenile's place of employment or to
23 attend or participate in any activity which the court considers beneficial to the
24 juvenile.

1 3. The use of placement in a secure detention facility or in a juvenile portion
2 of a county jail as a disposition under this paragraph is subject to the adoption of a
3 resolution by the county board of supervisors under s. 938.06 (5) authorizing the use
4 of those placements as a disposition.

5 **(3g) ELECTRONIC MONITORING.** Monitoring by an electronic monitoring system
6 for a juvenile subject to an order under sub. (2), (2r), (3) (a) to (e), (4h) or (4n) who is
7 placed in the community.

8 **(4) TRANSFER OF LEGAL CUSTODY.** If it is shown that the rehabilitation or the
9 treatment and care of the juvenile cannot be accomplished by means of voluntary
10 consent of the parent or guardian, transfer legal custody to any of the following:

11 (a) A relative of the juvenile.

12 (b) A county department.

13 (c) A licensed child welfare agency.

14 **(4h) SERIOUS JUVENILE OFFENDER PROGRAM.** Place the juvenile in the serious
15 juvenile offender program under s. 938.538, but only if all of the following apply:

16 (a) The juvenile is 14 years of age or over and has been adjudicated delinquent
17 for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1),
18 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32
19 (2), 948.02 (1), 948.025, 948.30, 948.35 (1) (b) or 948.36 or the juvenile is 10 years of
20 age or over and has been adjudicated delinquent for attempting or committing a
21 violation of s. 940.01 or for committing a violation of 940.02 or 940.05.

22 (b) The judge finds that the only other disposition that would be appropriate
23 for the juvenile would be placement of the juvenile in a secured correctional facility
24 under sub. (4m).

1 **(4m)** CORRECTIONAL PLACEMENT. Place the juvenile in a secured correctional
2 facility under the supervision of the department if the juvenile is 12 years of age or
3 over or, if the juvenile is under 12 years of age, in a secured child caring institution
4 under the supervision of the department, unless the department, after an
5 examination under s. 938.50, determines that placement in a secured correctional
6 facility is more appropriate, but only if all of the following apply:

7 (a) The juvenile has been found to be delinquent for the commission of an act
8 which if committed by an adult would be punishable by a sentence of 6 months or
9 more.

10 (b) The juvenile has been found to be a danger to the public and to be in need
11 of restrictive custodial treatment. If the judge determines that any of the following
12 conditions applies, but that placement in the serious juvenile offender program
13 under sub. (4h) would not be appropriate, that determination shall be prima facie
14 evidence that the juvenile is a danger to the public and in need of restrictive custodial
15 treatment under this subsection:

16 1. The juvenile has committed a delinquent act that would be a felony under
17 s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20
18 (3), 943.02 (1), 943.23 (1g), (1m) or (1r), 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02
19 (1) or (2), 948.025 or 948.03 if committed by an adult.

20 2. The juvenile has possessed, used or threatened to use a handgun, as defined
21 in s. 175.35 (1) (b), short-barreled rifle, as defined in s. 941.28 (1) (b), or
22 short-barreled shotgun, as defined in s. 941.28 (1) (c), while committing a delinquent
23 act that would be a felony under ch. 940 if committed by an adult.

1 3. The juvenile has possessed or gone armed with a short-barreled rifle or a
2 short-barreled shotgun in violation of s. 941.28 or has possessed or gone armed with
3 a handgun in violation of s. 948.60.

4 **(4n) AFTERCARE SUPERVISION.** Subject to s. 938.532 (3) and to any arrangement
5 between the department and a county department regarding the provision of
6 aftercare supervision for juveniles who have been released from a secured
7 correctional facility or a secured child caring institution, designate one of the
8 following to provide aftercare supervision for the juvenile following the juvenile's
9 release from the secured correctional facility or secured child caring institution:

10 (a) The department.

11 (b) The county department of the county of the court that placed the juvenile
12 in the secured correctional facility or secured child caring institution.

13 (c) The county department of the juvenile's county of legal residence.

14 **(5) RESTITUTION.** (a) Subject to par. (c), if the juvenile is found to have
15 committed a delinquent act which has resulted in damage to the property of another,
16 or actual physical injury to another excluding pain and suffering, order the juvenile
17 to repair the damage to property or to make reasonable restitution for the damage
18 or injury if the court, after taking into consideration the well-being and needs of the
19 victim, considers it beneficial to the well-being and behavior of the juvenile. Any
20 such order shall include a finding that the juvenile alone is financially able to pay
21 and may allow up to the date of the expiration of the order for the payment. Objection
22 by the juvenile to the amount of damages claimed shall entitle the juvenile to a
23 hearing on the question of damages before the amount of restitution is ordered.

24 (am) Subject to par. (c), order a juvenile who owes restitution under par. (a) and
25 who is receiving income while placed in a secured correctional facility, residential

1 treatment center or other out-of-home placement to contribute a stated percentage
2 of that income towards that restitution.

3 (b) In addition to any other employment or duties permitted under ch. 103 or
4 any rule or order under ch. 103, a juvenile who is under 14 years of age who is
5 participating in a restitution project provided by the county may, for the purpose of
6 making restitution ordered by the court under this subsection, be employed or
7 perform any duties under any circumstances in which a juvenile 14 or 15 years of age
8 is permitted to be employed or perform duties under ch. 103 or any rule or order
9 under ch. 103.

10 (c) Under this subsection, a court may not order a juvenile who is under 14 years
11 of age to make more than \$250 in restitution.

12 **(5g) SUPERVISED WORK PROGRAM OR OTHER COMMUNITY SERVICE WORK.** (a) Order
13 the juvenile to participate in a supervised work program administered by the county
14 department or a community agency approved by the court or other community
15 service work administered by a public agency or nonprofit charitable organization
16 approved by the court.

17 (am) The court shall set standards for the supervised work program within the
18 budgetary limits established by the county board of supervisors. The supervised
19 work program may provide the juvenile reasonable compensation reflecting a
20 reasonable market value of the work performed or it may consist of uncompensated
21 community service work. Community service work may be in lieu of restitution only
22 if also agreed to by the county department, community agency, public agency or
23 nonprofit charitable organization and by the person to whom the restitution is owed.
24 The court may use any available resources, including any community service work
25 program, in ordering the juvenile to perform community service work.

1 (b) The supervised work program or other community service work shall be of
2 a constructive nature designed to promote the rehabilitation of the juvenile, shall be
3 appropriate to the age level and physical ability of the juvenile and shall be combined
4 with counseling from a member of the staff of the county department, community
5 agency, public agency or nonprofit charitable organization or other qualified person.
6 The supervised work program or other community service work may not conflict with
7 the juvenile's regular attendance at school. Subject to par. (d), the amount of work
8 required shall be reasonably related to the seriousness of the juvenile's offense.

9 (c) In addition to any other employment or duties permitted under ch. 103 or
10 any rule or order under ch. 103, a juvenile who is under 14 years of age who is
11 participating in a supervised work program or other community service work may,
12 for purposes of performing the supervised work or other community service work, be
13 employed or perform any duties under any circumstances in which a juvenile 14 or
14 15 years of age is permitted to be employed or perform duties under ch. 103 or any
15 rule or order under ch. 103.

16 (d) Under this subsection, a juvenile who is under 14 years of age may not be
17 required to perform more than 40 total hours of supervised work or other community
18 service work, except as provided in subs. (13r) and (14t).

19 **(5m)** COMMUNITY SERVICE WORK PROGRAM. Order the juvenile to participate in
20 a youth corps program, as defined in s. 106.40 (1) (dm) or another community service
21 work program, if the sponsor of the program approves the juvenile's participation in
22 the program.

23 **(5r)** VICTIM-OFFENDER MEDIATION PROGRAM. Order the juvenile to participate in
24 a victim-offender mediation program if the victim of the juvenile's delinquent act
25 agrees.

1 **(6) SPECIAL TREATMENT OR CARE.** (a) If the juvenile is in need of special treatment
2 or care, as identified in an evaluation under s. 938.295 and the report under s. 938.33
3 (1), order the juvenile’s parent to provide the special treatment or care.

4 (am) An order of special treatment or care under this subsection may include
5 an order committing the juvenile to a county department under s. 51.42 or 51.437 for
6 special treatment or care in an inpatient facility, as defined in s. 51.01 (10), if the
7 evaluation under s. 938.295 and the report under s. 938.33 (1) indicate all of the
8 following:

9 1. That the juvenile has an alcohol or other drug abuse impairment.

10 2. That the juvenile is a proper subject for treatment and is in need of inpatient
11 treatment because appropriate treatment is not available on an outpatient basis.

12 (ap) An order under par. (am) is subject to all of the following:

13 1. The commitment may total not more than 30 days.

14 2. The use of commitment to a county department under s. 51.42 or 51.437 as
15 a disposition under par. (am) is subject to the adoption of a resolution by the county
16 board of supervisors under s. 938.06 (5) authorizing the use of that disposition.

17 (ar) If the parent fails or is financially unable to provide the special treatment
18 or care ordered under par. (a) or (am), the court may order an appropriate agency to
19 provide the special treatment or care whether or not legal custody has been taken
20 from the parents. If the court orders a county department under s. 51.42 or 51.437
21 to provide special treatment or care under par. (a) or (am), the provision of that
22 special treatment or care shall be subject to conditions specified in ch. 51, except that
23 an order under par. (am) may not be extended. An order of special treatment or care
24 under this subsection may not include an order for the administration of
25 psychotropic medication.

1 (b) Payment for alcohol and other drug abuse services ordered under par. (a)
2 shall be in accordance with s. 938.361.

3 (c) Payment for services provided under ch. 51 that are ordered under par. (a),
4 other than alcohol and other drug abuse services, shall be in accordance with s.
5 938.362.

6 **(6m)** INTEGRATED SERVICE PLAN. If the report prepared under s. 938.33 (1)
7 recommends that the juvenile is in need of an integrated service plan and if an
8 integrated service program under s. 46.56 has been established in the county, order
9 that an integrated service plan be developed and implemented.

10 **(6r)** ALCOHOL OR DRUG TREATMENT OR EDUCATION. (a) If the report prepared
11 under s. 938.33 (1) recommends that the juvenile is in need of treatment for the use
12 or abuse of alcohol beverages or controlled substances and its medical, personal,
13 family or social effects, the court may order the juvenile to enter an outpatient alcohol
14 and other drug abuse treatment program at an approved treatment facility. The
15 approved treatment facility shall, under the terms of a service agreement between
16 the county and the approved treatment facility, or with the written informed consent
17 of the juvenile or the juvenile's parent if the juvenile has not attained the age of 12,
18 report to the agency primarily responsible for providing services to the juvenile as
19 to whether the juvenile is cooperating with the treatment and whether the treatment
20 appears to be effective.

21 (b) If the report prepared under s. 938.33 (1) recommends that the juvenile is
22 in need of education relating to the use of alcohol beverages or controlled substances,
23 the court may order the juvenile to participate in an alcohol or other drug abuse
24 education program approved by the court. The person or agency that provides the
25 education program shall, under the terms of a service agreement between the county

1 and the education program, or with the written informed consent of the juvenile or
2 the juvenile's parent if the juvenile has not attained the age of 12, report to the agency
3 primarily responsible for providing services to the juvenile about the juvenile's
4 attendance at the program.

5 (c) Payment for the court-ordered treatment or education under this
6 subsection in counties that have a pilot program under s. 938.547 shall be in
7 accordance with s. 938.361.

8 **(6s) DRUG TESTING.** If the report under s. 938.33 (1) indicate that the juvenile
9 is in need of treatment for the use or abuse of controlled substances, order the
10 juvenile to submit to drug testing under a drug testing program that the department
11 shall promulgate by rule.

12 **(7d) EDUCATION PROGRAM.** (a) Except as provided in par. (d), order the juvenile
13 to attend any of the following:

14 1. A nonresidential educational program, including a program for juveniles at
15 risk under s. 118.153, provided by the school district in which the juvenile resides.

16 2. Pursuant to a contractual agreement with the school district in which the
17 juvenile resides, a nonresidential educational program provided by a licensed child
18 welfare agency.

19 3. Pursuant to a contractual agreement with the school district in which the
20 juvenile resides, an educational program provided by a private, nonprofit,
21 nonsectarian agency that is located in the school district in which the juvenile resides
22 and that complies with 42 USC 2000d.

23 4. Pursuant to a contractual agreement with the school district in which the
24 juvenile resides, an educational program provided by a technical college district
25 located in the school district in which the juvenile resides.

1 (b) The court shall order the school board to disclose the juvenile's pupil records,
2 as defined under s. 118.125 (1) (d), to the county department or licensed child welfare
3 agency responsible for supervising the juvenile, as necessary to determine the
4 juvenile's compliance with the order under par. (a).

5 (c) The court shall order the county department or licensed child welfare agency
6 responsible for supervising the juvenile to disclose to the school board, technical
7 college district board or private, nonprofit, nonsectarian agency which is providing
8 an educational program under par. (a) 3. records or information about the juvenile,
9 as necessary to assure the provision of appropriate educational services under par.
10 (a).

11 (d) This subsection does not apply to a juvenile with exceptional educational
12 needs, as defined under s. 115.76 (3).

13 **(7g) EXPERIENTIAL EDUCATION.** Order the juvenile to participate in a wilderness
14 challenge program or other experiential education program.

15 **(7n) JUVENILE OFFENDER EDUCATION PROGRAM.** Order the juvenile to participate
16 in an educational program that is designed to deter future delinquent behavior by
17 focusing on such issues as decision making, assertiveness instead of aggression,
18 family and peer relationships, self-esteem, identification and expression of feelings,
19 alcohol and other drug abuse recognition and errors in thinking and judgment.

20 **(7r) VOCATIONAL TRAINING.** If the report under s. 938.33 (1) recommends that
21 the juvenile is in need of vocational assessment, counseling and training, order the
22 juvenile to participate in that assessment, counseling and training.

23 **(7w) DAY TREATMENT PROGRAM.** If the report under s. 938.33 (1) indicates that
24 the juvenile has specialized educational needs, order the juvenile to participate in
25 a day treatment program.

1 **(8) FORFEITURE.** Impose a forfeiture based upon a determination that this
2 disposition is in the best interest of the juvenile and in aid of rehabilitation. The
3 maximum forfeiture that the court may impose under this subsection for a violation
4 by a juvenile is the maximum amount of the fine that may be imposed on an adult
5 for committing that violation or, if the violation is applicable only to a juvenile, \$100.
6 Any such order shall include a finding that the juvenile alone is financially able to
7 pay the forfeiture and shall allow up to 12 months for payment. If the juvenile fails
8 to pay the forfeiture, the court may vacate the forfeiture and order other alternatives
9 under this section, in accordance with the conditions specified in this subchapter; or
10 the court may suspend any license issued under ch. 29 for not less than 30 days nor
11 more than 5 years, or suspend the juvenile's operating privilege as defined in s.
12 340.01 (40) for not less than 30 days nor more than 5 years. If the court suspends
13 any license under this subsection, the clerk of the court shall immediately take
14 possession of the suspended license and forward it to the department which issued
15 the license, together with a notice of suspension clearly stating that the suspension
16 is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during
17 the period of suspension, the suspension shall be reduced to the time period which
18 has already elapsed and the court shall immediately notify the department which
19 shall then return the license to the juvenile.

20 **(11) TRANSFER TO FOREIGN COUNTRIES UNDER TREATY.** If a treaty is in effect
21 between the United States and a foreign country, allowing a juvenile adjudged
22 delinquent who is a citizen or national of the foreign country to be transferred to the
23 foreign country and if the juvenile and the juvenile's parent, guardian and legal
24 custodian agree, request the governor to commence a transfer of the juvenile to the
25 juvenile's country.

1 **(13r)** VIOLENT VIOLATION IN A SCHOOL ZONE. (a) If the juvenile is adjudicated
2 delinquent under a violation of a violent crime law specified in s. 939.632 (1) (e) in
3 a school zone, as defined in s. 939.632 (1) (d), the court may require that the juvenile
4 participate for 100 hours in a supervised work program under sub. (5g) or perform
5 100 hours of other community service work.

6 (b) The court shall not impose the requirement under par. (a) if the court
7 determines that the person would pose a threat to public safety while completing the
8 requirement.

9 **(13t)** GRAFFITI VIOLATION. If the juvenile is adjudicated delinquent under a
10 violation of s. 943.017, the court may require that the juvenile participate for not less
11 than 10 hours nor more than 100 hours in a supervised work program under sub. (5g)
12 or perform not less than 10 hours nor more than 100 hours of other community
13 service work, except that if the juvenile has not attained 14 years of age the
14 maximum number of hours is 40.

15 **(14d)** HATE VIOLATIONS. In addition to any other disposition imposed under this
16 section, if the juvenile is found to have committed a violation under circumstances
17 in which, if committed by an adult, the adult would be subject to a penalty
18 enhancement under s. 939.645, the court shall order any one or more of the following
19 dispositions:

20 (a) That the juvenile make restitution under sub. (5).

21 (b) That the juvenile participate in a supervised work program or other
22 community service work under sub. (5g) or (5m).

23 (c) That the juvenile participate in a victim-offender mediation program under
24 sub. (5r) or otherwise apologize to the victim.

1 (d) That the juvenile participate in an educational program under sub. (7n) that
2 includes sensitivity training or training in diversity.

3 (14m) VIOLATION INVOLVING A MOTOR VEHICLE. Restrict, suspend or revoke the
4 operating privilege, as defined in s. 340.01 (40), of a juvenile who is adjudicated
5 delinquent under a violation of any law in which a motor vehicle is involved. If the
6 court suspends or revokes a juvenile's operating privilege under this subsection, the
7 court shall immediately take possession of the suspended or revoked license and
8 forward it to the department of transportation together with a notice stating the
9 reason for and duration of the suspension or revocation. If the court limits a
10 juvenile's operating privilege under this subsection, the court shall immediately
11 notify the department of transportation of that limitation.

12 (14p) COMPUTER VIOLATION. If the juvenile is found to have violated s. 943.70,
13 place restrictions on the juvenile's use of computers.

14 (14r) CONTROLLED SUBSTANCE VIOLATION. (a) In addition to any other
15 dispositions imposed under this section, if the juvenile is found to have violated ch.
16 161, the court shall suspend or revoke the juvenile's operating privilege, as defined
17 in s. 340.01 (40), for not less than 6 months nor more than 5 years. The court shall
18 immediately take possession of any suspended or revoked license and forward it to
19 the department of transportation together with the notice of suspension or
20 revocation clearly stating that the suspension or revocation is for a violation of ch.
21 161.

22 (b) This subsection does not apply to violations under s. 161.573 (2), 161.574
23 (2) or 161.575 (2) or a local ordinance that strictly conforms to one of those statutes.

24 (c) If the juvenile's license or operating privilege is currently suspended or
25 revoked or if the juvenile does not currently possess a valid operator's license issued

1 under ch. 343, the suspension or revocation under this subsection is effective on the
2 date on which the juvenile is first eligible and applies for issuance, renewal or
3 reinstatement of an operator's license under ch. 343.

4 **(14s)** CONTROLLED SUBSTANCE POSSESSION. (a) In addition to any other
5 dispositions imposed under this section, if the juvenile is found to have violated s.
6 161.41 (2r), (3), (3m), (3n), (3p) or (3r), the court shall order one of the following
7 penalties:

8 1. For a first violation, a forfeiture of not more than \$50.

9 2. For a violation committed within 12 months of a previous violation, a
10 forfeiture of not more than \$100.

11 3. For a violation committed within 12 months of 2 or more previous violations,
12 a forfeiture of not more than \$500.

13 (am) In addition to any other dispositions imposed under this section, if the
14 juvenile is found to have violated s. 161.41 (1) or (1m), the court shall order one of
15 the following penalties:

16 1. For a first violation, a forfeiture of not less than \$250 nor more than \$500.

17 2. For a violation committed within 12 months of a previous violation, a
18 forfeiture of not less than \$300.

19 3. For a violation committed within 12 months of 2 or more previous violations,
20 a forfeiture of \$500.

21 (b) After ordering a disposition under par. (a) or (am), the court, with the
22 agreement of the juvenile, may enter an additional order staying the execution of the
23 dispositional order. If the court stays a dispositional order under this paragraph, the
24 court shall enter an additional order requiring the juvenile to do any of the following:

1 1. Submit to an alcohol and other drug abuse assessment that conforms to the
2 criteria specified under s. 938.547 (4) and that is conducted by an approved
3 treatment facility. The order shall designate an approved treatment facility to
4 conduct the alcohol and other drug abuse assessment and shall specify the date by
5 which the assessment must be completed.

6 2. Participate in an outpatient alcohol or other drug abuse treatment program
7 at an approved treatment facility, if an assessment conducted under subd. 1. or s.
8 938.295 (1) recommends treatment.

9 3. Participate in a court-approved pupil assistance program provided by the
10 juvenile's school board or an alcohol or other drug abuse education program. The
11 juvenile's participation in a court-approved pupil assistance program under this
12 subdivision is subject to the approval of the juvenile's school board.

13 (c) If the approved treatment facility, with the written informed consent of the
14 juvenile or, if the juvenile has not attained the age of 12, the written informed consent
15 of the juvenile's parent, notifies the agency primarily responsible for providing
16 services to the juvenile that the juvenile has submitted to an assessment under this
17 subsection and that the juvenile does not need treatment, intervention or education,
18 the court shall notify the juvenile of whether or not the original dispositional order
19 will be reinstated.

20 (d) If the juvenile completes the alcohol or other drug abuse treatment
21 program, court-approved pupil assistance program or court-approved alcohol or
22 other drug abuse education program, the approved treatment facility,
23 court-approved pupil assistance program or court-approved alcohol or other drug
24 abuse education program shall, with the written informed consent of the juvenile or,
25 if the juvenile has not attained the age of 12, the written informed consent of the

1 juvenile's parent, notify the agency primarily responsible for providing services to
2 the juvenile that the juvenile has complied with the order and the court shall notify
3 the juvenile of whether or not the original dispositional order will be reinstated.

4 (e) If an approved treatment facility, court-approved pupil assistance program
5 or court-approved alcohol or other drug abuse education program, with the written
6 informed consent of the juvenile or, if the juvenile has not attained the age of 12, the
7 written informed consent of the juvenile's parent, notifies the agency primarily
8 responsible for providing services to the juvenile that a juvenile is not participating
9 in, or has not satisfactorily completed, a recommended alcohol or other drug abuse
10 treatment program, a court-approved pupil assistance program or a court-approved
11 alcohol or other drug abuse education program, the court shall impose the original
12 disposition under par. (a) or (am).

13 **(14t)** CONTROLLED SUBSTANCE POSSESSION ON OR NEAR CERTAIN PREMISES. If the
14 juvenile is adjudicated delinquent under a violation of s. 161.41 (2r), (3), (3m), (3n),
15 (3p) or (3r) by possessing or attempting to possess a controlled substance listed in
16 schedule I or II under ch. 161 while in or on the premises of a scattered-site public
17 housing project, as defined in s. 161.01 (20i), while in or otherwise within 1,000 feet
18 of a state, county, city, village or town park, a jail or correctional facility, as defined
19 in s. 161.01 (12m), a multiunit public housing project, as defined in s. 161.01 (14m),
20 a swimming pool open to members of the public, a youth center, as defined in s. 161.01
21 (22), or a community center, while on or otherwise within 1,000 feet of any private
22 or public school premises or while on or otherwise within 1,000 feet of a school bus,
23 as defined in s. 340.01 (56), the court shall require that the juvenile participate for
24 100 hours in a supervised work program or other community service work under sub.
25 (5g).

1 **(15) DEOXYRIBONUCLEIC ACID ANALYSIS AND REPORTING REQUIREMENTS.** (a) 1. If the
2 juvenile is adjudicated delinquent on the basis of a violation of s. 940.225, 948.02 (1)
3 or (2) or 948.025, the court shall require the juvenile to provide a biological specimen
4 to the state crime laboratories for deoxyribonucleic acid analysis. If the violation is
5 of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the court shall require the juvenile
6 to comply with the reporting requirements under s. 175.45. If the violation is of s.
7 940.225 (3) or (3m), the court may require the juvenile to comply with the reporting
8 requirements under s. 175.45 if the court determines that the underlying conduct
9 was seriously sexually assaultive in nature and that it would be in the interest of
10 public protection to have the juvenile report under s. 175.45.

11 2. Except as provided in subd. 1., if the juvenile is adjudicated delinquent on
12 the basis of any violation under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court
13 may require the juvenile to provide a biological specimen to the state crime
14 laboratories for deoxyribonucleic acid analysis. The court may require the juvenile
15 to comply with the reporting requirements under s. 175.45 if the court determines
16 that the underlying conduct was seriously sexually assaultive in nature and that it
17 would be in the interest of public protection to have the juvenile report under s.
18 175.45.

19 3. The results from deoxyribonucleic acid analysis of a specimen under subd.
20 1. or 2. may be used only as authorized under s. 165.77 (3). The state crime
21 laboratories shall destroy any such specimen in accordance with s. 165.77 (3).

22 (b) The department of justice shall promulgate rules providing procedures for
23 juveniles to provide specimens under par. (a) and for the transportation of those
24 specimens to the state crime laboratories under s. 165.77.

1 **(16) STAY OF ORDER.** After ordering a disposition under this section, enter an
2 additional order staying the execution of the dispositional order contingent on the
3 juvenile's satisfactory compliance with any conditions that are specified in the
4 dispositional order and explained to the juvenile by the court. If the juvenile violates
5 a condition of his or her dispositional order, the agency supervising the juvenile shall
6 notify the court and the court shall hold a hearing within 30 days after the filing of
7 the notice to determine whether the original disposition order should be imposed,
8 unless the juvenile signs a written waiver of any objections to imposing the original
9 dispositional order and the court approves the waiver. If a hearing is held, the court
10 shall notify the parent, juvenile, guardian and legal custodian, all parties bound by
11 the original dispositional order and the district attorney or corporation counsel in the
12 county in which the dispositional order was entered at the time and place of the
13 hearing at least 3 days before the hearing. If all parties consent, the court may
14 proceed immediately with the hearing. The court may not impose the original
15 dispositional order unless the court finds to a reasonable certainty by the greater
16 weight of the credible evidence that the juvenile has violated a condition of his or her
17 dispositional order.

18 **938.341 Delinquency adjudication; restriction on firearm possession.**

19 Whenever a court adjudicates a juvenile delinquent for an act that if committed by
20 an adult in this state would be a felony, the court shall inform the juvenile of the
21 requirements and penalties under s. 941.29.

22 **938.342 Disposition; truancy and school dropout ordinance violations.**

23 **(1)** If the court finds that the juvenile violated a municipal ordinance enacted under
24 s. 118.163 (2), the court shall enter an order making one or more of the following
25 dispositions if such a disposition is authorized by the municipal ordinance:

1 (a) Suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for
2 not less than 30 days nor more than 90 days. The court shall immediately take
3 possession of the suspended license and forward it to the department of
4 transportation together with a notice stating the reason for and duration of the
5 suspension.

6 (b) Order the juvenile to participate in counseling or a supervised work
7 program or other community service work under s. 938.34 (5g).

8 (c) Order the juvenile to remain at home except during hours in which the
9 juvenile is attending religious worship or a school program, including travel time
10 required to get to and from the school program or place of worship. The order may
11 permit a juvenile to leave his or her home if the juvenile is accompanied by a parent
12 or guardian.

13 (d) Order the juvenile to attend an educational program under s. 938.34 (7d).

14 (e) Order the department of industry, labor and human relations to revoke,
15 under s. 103.72, a permit under s. 103.70 authorizing the employment of the juvenile.

16 (f) Order the juvenile to be placed in a teen court program if all of the following
17 conditions apply:

18 1. The chief judge of the judicial administrative district has approved a teen
19 court program established in the juvenile's county of residence and the judge
20 determines that participation in the teen court program will likely benefit the
21 juvenile and the community.

22 2. The juvenile admits or pleads no contest in open court, with the juvenile's
23 parent, guardian or legal custodian present, to the allegations that the juvenile
24 violated the municipal ordinance enacted under s. 118.163 (2).

1 3. The juvenile has not successfully completed participation in a teen court
2 program during the 2 years before the date of the alleged municipal ordinance
3 violation.

4 **(1m)** (a) If the court finds that the juvenile violated a municipal ordinance
5 enacted under s. 118.163 (2), the court may, in addition to or instead of the
6 dispositions under sub. (1), order the juvenile's parent, guardian or legal custodian
7 to participate in counseling at the parent's, guardian's or legal custodian's own
8 expense.

9 (b) No order to any person under par. (a) may be entered until the person is
10 given an opportunity to be heard on the contemplated order of the court. The court
11 shall cause notice of the time, place and purpose of the hearing to be served on the
12 person personally at least 10 days before the date of the hearing. The procedure in
13 these cases shall, as far as practicable, be the same as in other cases to the court. At
14 the hearing, the person may be represented by counsel and may produce and
15 cross-examine witnesses. Any person who fails to comply with any order issued by
16 a court under par. (a) may be proceeded against for contempt of court.

17 **(2)** (a) Except as provided in par. (b), if the court finds that the juvenile is
18 subject to a municipal ordinance enacted under s. 118.163 (2m), the court shall enter
19 an order suspending the juvenile's operating privilege, as defined in s. 340.01 (40),
20 until the juvenile reaches the age of 18.

21 (b) The court may enter an order making any of the dispositions specified under
22 sub. (1) if the court finds that suspension of the juvenile's operating privilege, as
23 defined in s. 340.01 (40), until the juvenile reaches the age of 18 would cause an
24 undue hardship to the juvenile or the juvenile's family.

1 **938.343 Disposition of juvenile adjudged to have violated a civil law or**
2 **an ordinance.** Except as provided by ss. 938.342 and 938.344, if the court finds that
3 the juvenile violated a civil law or an ordinance, the court shall enter an order
4 making one or more of the following dispositions:

5 **(1)** Counsel the juvenile or the parent or guardian.

6 **(2)** Impose a forfeiture not to exceed the maximum forfeiture that may be
7 imposed on an adult for committing that violation or, if the violation is only
8 applicable to a juvenile, \$50. Any such order shall include a finding that the juvenile
9 alone is financially able to pay and shall allow up to 12 months for the payment. If
10 a juvenile fails to pay the forfeiture, the court may suspend any license issued under
11 ch. 29 or suspend the juvenile's operating privilege as defined in s. 340.01 (40), for
12 not less than 30 days nor more than 5 years. The court shall immediately take
13 possession of the suspended license and forward it to the department which issued
14 the license, together with the notice of suspension clearly stating that the suspension
15 is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during
16 the period of suspension, the court shall immediately notify the department, which
17 will thereupon return the license to the person.

18 **(2m)** Order the juvenile to be placed in a teen court program if all of the
19 following conditions apply:

20 (a) The chief judge of the judicial administrative district has approved a teen
21 court program established in the juvenile's county of residence and the judge
22 determines that participation in the teen court program will likely benefit the
23 juvenile and the community.

1 (b) The juvenile admits or pleads no contest in open court, with the juvenile's
2 parent, guardian or legal custodian present, to the allegations that the juvenile
3 violated the civil law or ordinance.

4 (c) The juvenile has not successfully completed participation in a teen court
5 program during the 2 years before the date of the alleged civil law or ordinance
6 violation.

7 **(3)** Order the juvenile to participate in a supervised work program or other
8 community service work under s. 938.34 (5g).

9 **(4)** If the violation has resulted in damage to the property of another, or in
10 actual physical injury to another excluding pain and suffering, the court may order
11 the juvenile to make repairs of the damage to property or reasonable restitution for
12 the damage or injury if the court, after taking into consideration the well-being and
13 needs of the victim, considers it beneficial to the well-being and behavior of the
14 juvenile. Any such order requiring payment for repairs or restitution shall include
15 a finding that the juvenile alone is financially able to pay and may allow up to the
16 date of the expiration of the order for the payment. Objection by the juvenile to the
17 amount of damages claimed shall entitle the juvenile to a hearing on the question of
18 damages before the amount of restitution is ordered.

19 **(5)** If the violation is related to unsafe use of a boat, order the juvenile to attend
20 a safety course under s. 30.74 (1).

21 **(6)** If the violation is of ch. 29, suspension of the license or licenses of the
22 juvenile issued under that chapter for not more than one year or until the juvenile
23 is 18 years of age, whichever occurs first.

1 (7) If the violation is related to the unsafe use of firearms, order the juvenile
2 to attend a course under the hunter education and firearm safety program under s.
3 29.225.

4 (8) If the violation is one under ch. 350 concerning the use of snowmobiles,
5 order the juvenile to attend a safety course under s. 350.055.

6 (9) If the violation is one under s. 23.33 or under an ordinance enacted in
7 conformity with s. 23.33 concerning the use of all-terrain vehicles, order the juvenile
8 to enroll and participate in an all-terrain vehicle safety course.

9 (10) If the violation is related to the use or abuse of alcohol beverages or
10 controlled substances, order the juvenile to do any of the following:

11 (a) Submit to an alcohol and other drug abuse assessment that conforms to the
12 criteria specified under s. 938.547 (4) and that is conducted by an approved
13 treatment facility. The order shall designate an approved treatment facility to
14 perform the assessment and shall specify the date by which the assessment must be
15 completed.

16 (b) Participate in an outpatient alcohol and other drug abuse treatment
17 program if an assessment conducted under par. (a) or s. 938.295 (1) recommends
18 treatment.

19 (c) Participate in a court-approved pupil assistance program provided by the
20 juvenile's school board or in a court-approved alcohol or other drug abuse education
21 program. The juvenile's participation in a court-approved pupil assistance program
22 under this paragraph is subject to the approval of the juvenile's school board.

23 **938.344 Disposition; certain intoxicating liquor, beer and drug**
24 **violations.**

1 **(2)** If a court finds a juvenile committed a violation under s. 125.07 (4) (b) or
2 125.09 (2), or a local ordinance that strictly conforms to one of those statutes, the
3 court shall order one or any combination of the following penalties:

4 (a) For a first violation, a forfeiture of not more than \$50, suspension of the
5 juvenile's operating privilege as provided under s. 343.30 (6) (b) 1. or the juvenile's
6 participation in a supervised work program or other community service work under
7 s. 938.34 (5g).

8 (b) For a violation committed within 12 months of a previous violation, a
9 forfeiture of not more than \$100, suspension of the juvenile's operating privilege as
10 provided under s. 343.30 (6) (b) 2. or the juvenile's participation in a supervised work
11 program or other community service work under s. 938.34 (5g).

12 (c) For a violation committed within 12 months of 2 or more previous violations,
13 a forfeiture of not more than \$500, revocation of the juvenile's operating privilege as
14 provided under s. 343.30 (6) (b) 3. or the juvenile's participation in a supervised work
15 program or other community service work under s. 938.34 (5g).

16 **(2b)** If a court finds a juvenile committed a violation under s. 125.07 (4) (a), or
17 a local ordinance which strictly conforms to s. 125.07 (4) (a), the court shall order one
18 or any combination of the following penalties:

19 (a) For a first violation, a forfeiture of not less than \$250 nor more than \$500,
20 suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 1.
21 or the juvenile's participation in a supervised work program or other community
22 service work under s. 938.34 (5g).

23 (b) For a violation committed within 12 months of a previous violation, a
24 forfeiture of not less than \$300 nor more than \$500, suspension of the juvenile's
25 operating privilege as provided under s. 343.30 (6) (b) 2. or the juvenile's

1 participation in a supervised work program or other community service work under
2 s. 938.34 (5g).

3 (c) For a violation committed within 12 months of 2 or more previous violations,
4 a forfeiture of \$500, revocation of the juvenile's operating privilege as provided under
5 s. 343.30 (6) (b) 3. or the juvenile's participation in a supervised work program or
6 other community service work under s. 938.34 (5g).

7 **(2d)** If a court finds a juvenile committed a violation under s. 125.085 (3) (b),
8 or a local ordinance which strictly conforms to s. 125.085 (3) (b), the court shall order
9 one or any combination of the following penalties:

10 (a) For a first violation, a forfeiture of not less than \$100 nor more than \$500,
11 suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 1.
12 or the juvenile's participation in a supervised work program or other community
13 service work under s. 938.34 (5g).

14 (b) For a violation committed within 12 months of a previous violation, a
15 forfeiture of not less than \$300 nor more than \$500, suspension of the juvenile's
16 operating privilege as provided under s. 343.30 (6) (b) 2. or the juvenile's
17 participation in a supervised work program or other community service work under
18 s. 938.34 (5g).

19 (c) For a violation committed within 12 months of 2 or more previous violations,
20 a forfeiture of \$500, revocation of the juvenile's operating privilege as provided under
21 s. 343.30 (6) (b) 3. or the juvenile's participation in a supervised work program or
22 other community service work under s. 938.34 (5g).

23 **(2e)** (a) If a court finds a juvenile committed a violation under s. 161.573 (2),
24 161.574 (2) or 161.575 (2), or a local ordinance that strictly conforms to one of those
25 statutes, the court shall suspend or revoke the juvenile's operating privilege, as

1 defined in s. 340.01 (40), for not less than 6 months nor more than 5 years and, in
2 addition, shall order one of the following penalties:

3 1. For a first violation, a forfeiture of not more than \$50 or the juvenile's
4 participation in a supervised work program or other community service work under
5 s. 938.34 (5g) or both.

6 2. For a violation committed within 12 months of a previous violation, a
7 forfeiture of not more than \$100 or the juvenile's participation in a supervised work
8 program or other community service work under s. 938.34 (5g) or both.

9 3. For a violation committed within 12 months of 2 or more previous violations,
10 a forfeiture of not more than \$500 or the juvenile's participation in a supervised work
11 program or other community service work under s. 938.34 (5g) or both.

12 (b) Whenever a court suspends or revokes a juvenile's operating privilege under
13 this subsection, the court shall immediately take possession of any suspended or
14 revoked license and forward it to the department of transportation, together with the
15 notice of suspension or revocation clearly stating that the suspension or revocation
16 is for a violation under s. 161.573 (2), 161.574 (2) or 161.575 (2), or a local ordinance
17 that strictly conforms to one of those statutes.

18 (c) If the juvenile's license or operating privilege is currently suspended or
19 revoked or the juvenile does not currently possess a valid operator's license issued
20 under ch. 343, the suspension or revocation under this subsection is effective on the
21 date on which the juvenile is first eligible and applies for issuance, renewal or
22 reinstatement of an operator's license under ch. 343.

23 **(2g)** (a) After ordering a penalty under sub. (2), (2b), (2d) or (2e), the court, with
24 the agreement of the juvenile, may enter an additional order staying the execution

1 of the penalty order and suspending or modifying the penalty imposed. The order
2 under this paragraph shall require the juvenile to do any of the following:

3 1. Submit to an alcohol and other drug abuse assessment that conforms to the
4 criteria specified under s. 938.547 (4) and that is conducted by an approved
5 treatment facility. The order shall designate an approved treatment facility to
6 conduct the alcohol and other drug abuse assessment and shall specify the date by
7 which the assessment must be completed.

8 2. Participate in an outpatient alcohol or other drug abuse treatment program
9 at an approved treatment facility, if an alcohol or other drug abuse assessment
10 conducted under subd. 1. or s. 938.295 (1) recommends treatment.

11 3. Participate in a court-approved pupil assistance program provided by the
12 juvenile's school board or in a court-approved alcohol or other drug abuse education
13 program. The juvenile's participation in a court-approved pupil assistance program
14 under this subdivision is subject to the approval of the juvenile's school board.

15 4. Participate in a teen court program if all of the following conditions apply:

16 a. The chief judge of the judicial administrative district has approved a teen
17 court program established in the juvenile's county of residence and the judge
18 determines that participation in the teen court program will likely benefit the
19 juvenile and the community.

20 b. The juvenile admits or pleads no contest in open court, with the juvenile's
21 parent, guardian or legal custodian present, to the allegations that the juvenile
22 committed the violation specified in sub. (2), (2b), (2d) or (2e).

23 c. The juvenile has not successfully completed participation in a teen court
24 program during the 2 years before the date of the alleged violation.

1 (b) If the approved treatment facility, with the written informed consent of the
2 juvenile or, if the juvenile has not attained the age of 12, the written informed consent
3 of the juvenile's parent, notifies the agency primarily responsible for providing
4 services to the juvenile that the juvenile has submitted to an assessment under par.
5 (a) and that the juvenile does not need treatment, intervention or education, the
6 court shall notify the juvenile of whether or not the penalty will be reinstated.

7 (c) If the juvenile completes the alcohol or other drug abuse treatment program,
8 court-approved pupil assistance program or court-approved alcohol or other drug
9 abuse education program, the approved treatment facility, court-approved pupil
10 assistance program or court-approved alcohol or other drug abuse education
11 program shall, with the written informed consent of the juvenile or, if the juvenile
12 has not attained the age of 12, the written informed consent of the juvenile's parent,
13 notify the agency primarily responsible for providing services to the juvenile that the
14 juvenile has complied with the order and the court shall notify the juvenile of
15 whether or not the penalty will be reinstated.

16 (d) If an approved treatment facility, court-approved pupil assistance program
17 or court-approved alcohol or other drug abuse education program, with the written
18 informed consent of the juvenile or, if the juvenile has not attained the age of 12, the
19 written informed consent of the juvenile's parent, notifies the agency primarily
20 responsible for providing services to the juvenile that a juvenile is not participating,
21 or has not satisfactorily completed, a recommended alcohol or other drug abuse
22 treatment program, a court-approved pupil assistance program or a court-approved
23 alcohol or other drug abuse education program, the court shall hold a hearing to
24 determine whether the penalties under sub. (2), (2b), (2d) or (2e) should be imposed.

1 **(2m)** For purposes of subs. (2) to (2e), all violations arising out of the same
2 incident or occurrence shall be counted as a single violation.

3 **(3)** If the juvenile alleged to have committed the violation is within 3 months
4 of his or her 17th birthday, the court assigned to exercise jurisdiction under this
5 chapter and ch. 48 may, at the request of the district attorney or on its own motion,
6 dismiss the citation without prejudice and refer the matter to the district attorney
7 for prosecution under s. 125.07 (4). The juvenile is entitled to a hearing only on the
8 issue of his or her age. This subsection does not apply to violations under s. 161.573
9 (2), 161.574 (2) or 161.575 (2) or a local ordinance that strictly conforms to one of
10 those statutes.

11 **938.345 Disposition of juvenile adjudged in need of protection or**
12 **services.** **(1)** If the court finds that the juvenile is in need of protection or services,
13 the court shall enter an order deciding one or more of the dispositions of the case as
14 provided in s. 938.34 under a care and treatment plan except that the order may not
15 do any of the following:

16 (a) Place the juvenile in the serious juvenile offender program, a secured
17 correctional facility or a secured child caring institution.

18 (c) Order payment of a forfeiture.

19 (d) Restrict, suspend or revoke the driving privileges of the juvenile, except as
20 provided under sub. (2).

21 (e) Place any juvenile not specifically found under chs. 46, 49, 51, 115 and 880
22 to be developmentally disabled, mentally ill or to have exceptional educational needs
23 in facilities which exclusively treat those categories of juveniles.

24 (g) Order the juvenile into detention or nonsecure custody under s. 938.34 (3)

25 (f).

1 **(2)** If the court finds that a juvenile is in need of protection or services based on
2 the fact that the juvenile is a school dropout, as defined in s. 118.153 (1) (b), or based
3 on habitual truancy, and the court also finds that the reason the juvenile has dropped
4 out of school or is a habitual truant is a result of the juvenile's intentional refusal to
5 attend school rather than the failure of any other person to comply with s. 118.15 (1)
6 (a), the court, instead of or in addition to any other disposition imposed under sub.
7 (1), may enter an order permitted under s. 938.342.

8 **938.346 Notice to victims of juveniles' acts.** (1) Each known victim of a
9 juvenile's act shall receive timely notice of the following information:

10 (a) The procedure under s. 938.396 (1r) for obtaining the identity of the juvenile
11 and the juvenile's parents.

12 (b) The procedure under s. 938.396 (1r) for obtaining the juvenile's police
13 records.

14 (c) The potential liability of the juvenile's parents under s. 895.035.

15 (d) Either of the following:

16 1. Information regarding any deferred prosecution agreement under s.
17 938.245, any consent decree under s. 938.32 or any dispositional order under ss.
18 938.34 to 938.345. The information may not include reports under s. 938.295 or
19 938.33 or any other information that deals with sensitive personal matters of the
20 juvenile and the juvenile's family and that does not directly relate to the act or alleged
21 act committed against the victim. This subdivision does not affect the right of a
22 victim to attend any hearing that the victim is permitted to attend under s. 938.299
23 (1) (am).

24 2. The procedure the victim may follow for obtaining the information in subd.

25 1.

1 (e) The procedure under s. 938.296 under which the victim, if an adult, or the
2 parent, guardian or legal custodian of the victim, if the victim is a child, may request
3 an order requiring a juvenile who is alleged to have violated s. 940.225, 948.02,
4 948.025, 948.05 or 948.06 to submit to a test or a series of tests to detect the presence
5 of HIV, as defined in s. 252.01 (1m), antigen or nonantigenic products of HIV, an
6 antibody to HIV or a sexually transmitted disease, as defined in s. 252.11 (1), and to
7 have the results of that test or series of tests disclosed as provided in s. 938.296 (4)
8 (a) to (e).

9 (f) The right to request and receive notice of the time and place of any hearing
10 that the victim may attend under s. 938.299 (1) (am).

11 (g) The right to make a statement to the court as provided in ss. 938.32 (1) (b)
12 and 938.335 (3m).

13 **(1m)** The intake worker shall provide notice of the information specified in sub.
14 (1) (a), (b) and (c), the information specified in sub. (1) (d) relating to a deferred
15 prosecution agreement under s. 938.245 and the information specified in sub. (3) if
16 the inquiry is terminated without a deferred prosecution agreement before the filing
17 of a petition. The district attorney or corporation counsel shall provide notice of the
18 information specified in sub. (1) (e), (f) and (g), the information specified in sub. (1)
19 (d) relating to a consent decree under s. 938.32 or a dispositional order under ss.
20 938.34 to 938.345 and the information under sub. (3) if the proceeding is terminated
21 without a consent decree or dispositional order after the filing of a petition.

22 **(2)** The notice under sub. (1) shall include an explanation of the restrictions on
23 divulging information obtained under this chapter and the penalties for violations.

24 **(3)** If an inquiry or proceeding is closed, dismissed or otherwise does not result
25 in a deferred prosecution agreement, consent decree or dispositional order, a

1 reasonable attempt shall be made to inform each known victim of the juvenile's
2 alleged act that the inquiry or proceeding has been terminated.

3 (4) If the victim is a child, the notice under this section shall be given to the
4 child's parents, guardian or legal custodian.

5 (5) Chief judges and circuit judges shall establish by policy and rule procedures
6 for the implementation of this section. The policies and rules shall specify when, how
7 and by whom the notice under this section shall be provided to victims.

8 **938.35 Effect of judgment and disposition.** (1) The court shall enter a
9 judgment setting forth the court's findings and disposition in the proceeding. A
10 judgment in a proceeding on a petition under this subchapter is not a conviction of
11 a crime, does not impose any civil disabilities ordinarily resulting from the conviction
12 of a crime and does not operate to disqualify the juvenile in any civil service
13 application or appointment. The disposition of a juvenile, and any record of evidence
14 given in a hearing in court, is not admissible as evidence against the juvenile in any
15 case or proceeding in any other court except for the following:

16 (a) In sentencing proceedings after conviction of a felony or misdemeanor and
17 then only for the purpose of a presentence study and report.

18 (b) In a proceeding in any court assigned to exercise jurisdiction under this
19 chapter and ch. 48.

20 (c) In a court of civil or criminal jurisdiction while it is exercising the
21 jurisdiction of a family court and is considering the custody of juveniles.

22 (cm) In a court of civil or criminal jurisdiction for purposes of setting bail under
23 ch. 969 or impeaching a witness under s. 906.09.

1 (d) The fact that a juvenile has been adjudged delinquent on the basis of
2 unlawfully and intentionally killing a person is admissible for the purpose of s.
3 852.01 (2m) (bg).

4 (1m) Disposition by the court assigned to exercise jurisdiction under this
5 chapter and ch. 48 of any allegation under s. 938.12 or 938.13 (12) shall bar any
6 future proceeding on the same matter in criminal court when the juvenile reaches
7 the age of 17. This paragraph does not affect proceedings in criminal court which
8 have been transferred under s. 938.18.

9 (2) Except as specifically provided in sub. (1), this section does not preclude the
10 court from disclosing information to qualified persons if the court considers the
11 disclosure to be in the best interests of the juvenile or of the administration of justice.

12 **938.355 Dispositional orders. (1) INTENT.** In any order under s. 938.34 or
13 938.345, the court shall decide on a placement and treatment finding based on
14 evidence submitted to the court. The disposition shall employ those means necessary
15 to promote the objectives specified in s. 938.01. If the disposition places a juvenile
16 who has been adjudicated delinquent outside the home under s. 938.34 (3) (c) or (d),
17 the order shall include a finding that the juvenile's current residence will not
18 safeguard the welfare of the juvenile or the community due to the serious nature of
19 the act for which the juvenile was adjudicated delinquent. If the judge has
20 determined that any of the conditions specified in s. 938.34 (4m) (b) 1., 2. or 3. applies,
21 that determination shall be prima facie evidence that a less restrictive alternative
22 than placement in a secured correctional facility or a secured child caring institution
23 is not appropriate. If information under s. 938.331 has been provided in a court
24 report under s. 938.33 (1), the court shall consider that information when deciding
25 on a placement and treatment finding.

1 **(2) CONTENT OF ORDER; COPY TO PARENT.** (a) In addition to the order, the court
2 shall make written findings of fact and conclusions of law based on the evidence
3 presented to the court to support the disposition ordered, including findings as to the
4 juvenile's condition and need for special treatment or care if an examination or
5 assessment was conducted under s. 938.295. A finding may not include a finding that
6 a juvenile is in need of psychotropic medications.

7 (b) The court order shall be in writing and shall contain:

8 1. The specific services or continuum of services to be provided to the juvenile
9 and family, the identity of the agencies which are to be primarily responsible for the
10 provision of the services mandated by the court, the identity of the person or agency
11 who will provide case management or coordination of services, if any, and, if custody
12 is to be transferred to effect the treatment plan, the identity of the legal custodian.

13 2. If the juvenile is placed outside the home, the name of the place or facility,
14 including transitional placements, where the juvenile shall be cared for or treated,
15 except that if the placement is a foster home or treatment foster home and the name
16 and address of the foster parent or treatment foster parent is not available at the time
17 of the order, the name and address of the foster parent or treatment foster parent
18 shall be furnished to the court and the parent within 21 days of the order. If, after
19 a hearing on the issue with due notice to the parent or guardian, the court finds that
20 disclosure of the identity of the foster parent or treatment foster parent would result
21 in imminent danger to the juvenile, the foster parent or the treatment foster parent,
22 the court may order the name and address of the prospective foster parents or
23 treatment foster parents withheld from the parent or guardian.

24 3. The date of the expiration of the court's order.

1 4. If the juvenile is placed outside the juvenile's home, a designation of the
2 amount of support, if any, to be paid by the juvenile's parent, guardian or trustee,
3 specifying that the support obligation begins on the date of the placement, or a
4 referral to the county designee under s. 59.07 (97) for establishment of child support.

5 5. For a juvenile placed outside his or her home pursuant to an order under s.
6 938.34 (3) or 938.345, a permanency plan under s. 938.38 if one has been prepared.

7 6. If the juvenile is placed outside the home, the court's finding as to whether
8 a county department which provides social services or the agency primarily
9 responsible for the provision of services under a court order has made reasonable
10 efforts to prevent the removal of the juvenile from the home or, if applicable, that the
11 agency primarily responsible for the provision of services under a court order has
12 made reasonable efforts to make it possible for the juvenile to return to his or her
13 home.

14 7. A statement of the conditions with which the juvenile is required to comply.

15 (c) If school attendance is a condition of an order under par. (b) 7., the order shall
16 specify what constitutes a violation of the condition and shall direct the school board
17 of the school district in which the juvenile is enrolled to notify the county department
18 that is responsible for supervising the juvenile within 5 days after any violation of
19 the condition by the juvenile.

20 (d) The court shall provide a copy of the dispositional order to the juvenile's
21 parent, guardian or trustee.

22 **(2c) REASONABLE EFFORTS STANDARDS.** (a) When a court makes a finding under
23 sub. (2) (b) 6. as to whether a county department which provides social services or
24 the agency primarily responsible for providing services to the juvenile under a court
25 order has made reasonable efforts to prevent the removal of the juvenile from his or

1 her home, the court's consideration of reasonable efforts shall include, but not be
2 limited to, whether:

3 1. A comprehensive assessment of the family's situation was completed,
4 including a determination of the likelihood of protecting the juvenile's welfare
5 effectively in the home.

6 2. Financial assistance, if applicable, was provided to the family.

7 3. Services were offered or provided to the family, if applicable, and whether
8 any assistance was provided to the family to enable the family to utilize the services.

9 Examples of the types of services that may have been offered include:

10 a. In-home support services, such as homemakers and parent aides.

11 b. In-home intensive treatment services.

12 c. Community support services, such as day care, parenting skills training,
13 housing assistance, employment training and emergency mental health services.

14 d. Specialized services for family members with special needs.

15 4. Monitoring of client progress and client participation in services was
16 provided.

17 5. A consideration of alternative ways of addressing the family's needs was
18 provided, if services did not exist or existing services were not available to the family.

19 (b) When a court makes a finding under sub. (2) (b) 6. as to whether the agency
20 primarily responsible for providing services to the juvenile under a court order has
21 made reasonable efforts to make it possible for the juvenile to return to his or her
22 home, the court's consideration of reasonable efforts shall include, but not be limited
23 to, the considerations listed under par. (a) 1. to 5. and whether visitation schedules
24 between the juvenile and his or her parents were implemented, unless visitation was
25 denied or limited by the court.

1 **(2e)** PERMANENCY PLANS; FILING; AMENDED ORDERS; COPIES. (a) If a permanency
2 plan has not been prepared at the time the dispositional order is entered, or if the
3 court orders a disposition that is not consistent with the permanency plan, the
4 agency responsible for preparing the plan shall prepare a permanency plan that is
5 consistent with the order or revise the permanency plan to conform to the order and
6 shall file the plan with the court within the time specified in s. 938.38 (3). A
7 permanency plan filed under this paragraph shall be made a part of the dispositional
8 order.

9 (b) Each time a juvenile's placement is changed under s. 938.357 or a
10 dispositional order is revised under s. 938.363 or extended under s. 938.365, the
11 agency that prepared the permanency plan shall revise the plan to conform to the
12 order and shall file a copy of the revised plan with the court. Each plan filed under
13 this paragraph shall be made a part of the court order.

14 (c) Either the court or the agency that prepared the permanency plan shall
15 furnish a copy of the original plan and each revised plan to the juvenile's parent or
16 guardian, to the juvenile or the juvenile's counsel or guardian ad litem and to the
17 person representing the interests of the public.

18 **(2m)** TRANSITIONAL PLACEMENTS. The court order may include the name of
19 transitional placements, but may not designate a specific time when transitions are
20 to take place. The procedures of ss. 938.357 and 938.363 shall govern when such
21 transitions take place. The court, however, may place specific time limitations on
22 interim arrangements made for the care of the juvenile pending the availability of
23 the dispositional placement.

1 **(3) PARENTAL VISITATION.** If, after a hearing on the issue with due notice to the
2 parent or guardian, the court finds that it would be in the best interest of the juvenile,
3 the court may set reasonable rules of parental visitation.

4 **(3m) ORDERS BASED ON EVIDENCE.** Dispositional orders under s. 938.343 or
5 938.344 shall be based upon the evidence except that this subsection does not require
6 a dispositional hearing for the disposition of an uncontested citation.

7 **(4) TERMINATION OF ORDERS.** (a) Except as provided under par. (b) or s. 938.368,
8 all orders under this section shall terminate at the end of one year unless the court
9 specifies a shorter period of time. Except if s. 938.368 applies, extensions or revisions
10 shall terminate at the end of one year unless the court specifies a shorter period of
11 time. No extension under s. 938.365 of an original dispositional order may be granted
12 for a juvenile who is subject to an order under s. 938.34 (4h), (4m) or (4n) if the
13 juvenile is 17 years of age or older when the original dispositional order terminates.
14 Any order made before the juvenile reaches the age of majority shall be effective for
15 a time up to one year after its entry unless the court specifies a shorter period of time.

16 (b) An order under s. 938.34 (4h) or (4m) for which a juvenile has been
17 adjudicated delinquent is subject to par. (a), except that the judge may make an order
18 under s. 938.34 (4m) apply for up to 2 years or until the juvenile's 18th birthdate,
19 whichever is earlier and the judge shall make an order under s. 938.34 (4h) apply for
20 5 years, if the juvenile is adjudicated delinquent for committing an act that would
21 be punishable as a Class B felony if committed by an adult, or until the juvenile
22 reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an
23 act that would be punishable as a Class A felony if committed by an adult.

24 **(4m) EXPUNGEMENT OF RECORD.** A juvenile who has been adjudged delinquent
25 may, on attaining 17 years of age, petition the court to expunge the court's record of

1 the juvenile's adjudication. The court may expunge the court's record of the juvenile's
2 adjudication if the court determines that the juvenile has satisfactorily complied
3 with the conditions of his or her dispositional order and that the juvenile will benefit
4 and society will not be harmed by the expungement.

5 (5) EFFECT OF COURT ORDER. Any party, person or agency who provides services
6 for the juvenile under this section shall be bound by the court order.

7 (6) SANCTIONS FOR VIOLATION OF ORDER; DELINQUENCY OR CIVIL LAW OR ORDINANCE
8 VIOLATION. (a) If a juvenile who has been adjudged delinquent or to have violated a
9 civil law or ordinance violates a condition specified in sub. (2) (b) 7., the court may
10 impose on the juvenile any of the sanctions specified in par. (d) if, at the dispositional
11 hearing under s. 938.335, the court explained the conditions to the juvenile and
12 informed the juvenile of those possible sanctions or if before the violation the juvenile
13 has acknowledged in writing that he or she has read, or has had read to him or her,
14 those conditions and possible sanctions and that he or she understands those
15 conditions and possible sanctions. The court may not order the sanction of placement
16 in a place of nonsecure custody specified in par. (d) 1. unless the court finds that the
17 agency primarily responsible for providing services for the juvenile has made
18 reasonable efforts to prevent the removal of the juvenile from his or her home and
19 that continued placement of the juvenile in his or her home is contrary to the welfare
20 of the juvenile.

21 (an) If a juvenile who has violated a municipal ordinance violates a condition
22 of a dispositional order imposed by the municipal court, the municipal court may
23 petition the court assigned to exercise jurisdiction under this chapter and ch. 48 to
24 impose on the juvenile any of the sanctions specified in par. (d) 1. or 3. if, at the time
25 of the judgment the municipal court explained the conditions to the juvenile and

1 informed the juvenile of the possible sanctions under par. (d) 1. and 3. for a violation
2 or if before the violation the juvenile has acknowledged in writing that he or she has
3 read, or has had read to him or her, those conditions and possible sanctions and that
4 he or she understands those conditions and possible sanctions.

5 (b) A motion for imposition of a sanction may be brought by the person or agency
6 primarily responsible for the provision of dispositional services, the district attorney
7 or corporation counsel or the court that entered the dispositional order. Notice of the
8 motion shall be given to the juvenile, guardian ad litem, counsel, parent, guardian,
9 legal custodian and all parties present at the original dispositional hearing.

10 (c) Before imposing any sanction, the court shall hold a hearing, at which the
11 juvenile is entitled to be represented by legal counsel and to present evidence.

12 (d) The court may order any of the following sanctions as a consequence for any
13 incident in which the juvenile has violated one or more conditions of his or her
14 dispositional order:

15 1. Placement of the juvenile in a secure detention facility or juvenile portion
16 of a county jail that meets the standards promulgated by the department of
17 corrections by rule or in a place of nonsecure custody, for not more than 10 days and
18 the provision of educational services consistent with his or her current course of
19 study during the period of placement. The juvenile shall be given credit against the
20 period of detention or nonsecure custody imposed under this subdivision for all time
21 spent in secure detention in connection with the course of conduct for which the
22 detention or nonsecure custody was imposed.

23 2. Suspension of or limitation on the use of the juvenile's operating privilege,
24 as defined under s. 340.01 (40), or of any approval issued under ch. 29 for a period
25 of not more than 3 years. If the court suspends the juvenile's operating privileges or

1 an approval issued under ch. 29, the court shall immediately take possession of the
2 suspended license or approval and forward it to the department that issued it,
3 together with the notice of suspension.

4 3. Detention in the juvenile's home or current residence for a period of not more
5 than 30 days under rules of supervision specified in the order. An order under this
6 subdivision may require the juvenile to be monitored by an electronic monitoring
7 system.

8 4. Not more than 25 hours of uncompensated participation in a supervised
9 work program or other community service work under s. 938.34 (5g).

10 **(6d) SHORT-TERM DETENTION FOR VIOLATION OF ORDER.** Notwithstanding ss.
11 938.19 to 938.21, but subject to any general written policies adopted by the court
12 under s. 938.06 (1) or (2) and to any policies adopted by the county board relating to
13 the taking into custody and placement of a juvenile under this subsection, if a
14 juvenile who has been adjudged delinquent violates a condition specified in sub. (2)
15 (b) 7., the juvenile's caseworker may, without a hearing, take the juvenile into
16 custody and place the juvenile in a secure detention facility or juvenile portion of a
17 county jail that meets the standards promulgated by the department of corrections
18 by rule or in a place of nonsecure custody designated by the caseworker for not more
19 than 72 hours while the alleged violation is being investigated, if at the dispositional
20 hearing the court explained those conditions to the juvenile and informed the
21 juvenile of the possibility of that placement or if before the violation the juvenile has
22 acknowledged in writing that he or she has read, or has had read to him or her, those
23 conditions and that possible placement and that he or she understands those
24 conditions and that possible placement. Notwithstanding ss. 938.19 to 938.21, but
25 subject to any general written policies adopted by the court under s. 938.06 (1) or (2)

1 and to any policies adopted by the county board relating to the taking into custody
2 and placement of a juvenile under this subsection, if a juvenile who has been found
3 to be in need of protection or services under s. 938.13 violates a condition specified
4 in sub. (2) (b) 7., the juvenile's caseworker may, without a hearing, take the juvenile
5 into custody and place the juvenile in a place of nonsecure custody designated by the
6 caseworker for not more than 72 hours while the alleged violation is being
7 investigated, if at the dispositional hearing the court explained those conditions to
8 the juvenile and informed the juvenile of the possibility of that placement or if before
9 the violation the juvenile has acknowledged in writing that he or she has read, or has
10 had read to him or her, those conditions and that possible placement and the he or
11 she understands those conditions and that possible placement. If a juvenile is held
12 in a secure detention facility, juvenile portion of a county jail or place of nonsecure
13 custody for longer than 72 hours, the juvenile is entitled to a hearing under sub. (6)
14 (c) or s. 938.21. The hearing shall be conducted in the manner provided in sub. (6)
15 or s. 938.21, except that for a hearing under s. 938.21 the hearing shall be conducted
16 within 72 hours, rather than 24 hours, after the time that the decision to hold the
17 juvenile was made and a written statement of the reasons for continuing to hold the
18 juvenile in custody may be filed rather than a petition under s. 938.25.

19 **(6g) CONTEMPT FOR CONTINUED VIOLATION OF ORDER.** (a) If a juvenile upon whom
20 the court has imposed a sanction under sub. (6) (a) commits a 2nd or subsequent
21 violation of a condition specified in sub. (2) (b) 7., the district attorney may file a
22 petition under s. 938.12 charging the juvenile with contempt of court, as defined in
23 s. 785.01 (1), and reciting the disposition under s. 938.34 sought to be imposed. The
24 district attorney may bring the motion on his or her own initiative or on the request
25 of the court that imposed the condition specified in sub. (2) (b) 7. or that imposed the

1 sanction under sub. (6) (a). If the district attorney brings the motion on the request
2 of the court that imposed the condition specified in sub. (2) (b) 7. or that imposed the
3 sanction under sub. (6) (a), that court is disqualified from holding any hearing on the
4 contempt petition.

5 (b) The court may find a juvenile in contempt of court, as defined in s. 785.01
6 (1), and order a disposition under s. 938.34 only if the court makes all of the following
7 findings:

8 1. That the juvenile has previously been sanctioned under sub. (6) (a) for
9 violating a condition specified in sub. (2) (b) 7. and, subsequent to that sanction, has
10 committed another violation of a condition specified in sub. (2) (b) 7.

11 2. That at the sanction hearing the court explained the conditions to the
12 juvenile and informed the juvenile of a possible finding of contempt for a violation
13 and the possible consequences of that contempt.

14 3. That the violation is egregious.

15 4. That the court has considered less restrictive alternatives and found them
16 to be ineffective.

17 **(6m)** SANCTIONS FOR VIOLATION OF ORDER: HABITUAL TRUANCY. (a) If a juvenile
18 who has been found in need of protection or services based on habitual truancy from
19 school violates a condition specified under sub. (2) (b) 7., the court may order as a
20 sanction any combination of the operating privilege suspension specified in this
21 paragraph and the dispositions specified in s. 938.342 (1) (b) to (f) and (1m),
22 regardless of whether the disposition was imposed in the order violated by the
23 juvenile, if at the dispositional hearing under s. 938.335 the court explained those
24 conditions to the juvenile and informed the juvenile of the possible sanctions under
25 this paragraph for a violation or if before the violation the juvenile has acknowledged

1 in writing that he or she has read, or has had read to him or her, those conditions and
2 possible sanctions and that he or she understands those conditions and possible
3 sanctions. The court may order as a sanction suspension of the juvenile's operating
4 privilege, as defined under s. 340.01 (40), for not more than one year. If the juvenile
5 does not hold a valid operator's license under ch. 343, other than an instruction
6 permit under s. 343.07 or a restricted license under s. 343.08, on the date of the order
7 issued under this paragraph, the court may order the suspension to begin on the date
8 that the operator's license would otherwise be reinstated or issued after the juvenile
9 applies and qualifies for issuance or 2 years after the date of the order issued under
10 this paragraph, whichever occurs first. If the court suspends an operating privilege
11 under this paragraph, the court shall immediately take possession of the suspended
12 license and forward it to the department of transportation with a notice stating the
13 reason for and the duration of the suspension.

14 (b) A motion for the imposition of a sanction under par. (a) may be brought by
15 the person or agency primarily responsible for providing dispositional services to the
16 juvenile, the administrator of the school district in which the juvenile is enrolled or
17 resides, the district attorney, the corporation counsel or the court that entered the
18 dispositional order. If the court initiates the motion, that court is disqualified from
19 holding a hearing on the motion. Notice of the motion shall be given to the juvenile,
20 guardian ad litem, counsel, parent, guardian, legal custodian and all parties present
21 at the original dispositional hearing.

22 (c) Before imposing a sanction under par. (a), the court shall hold a hearing at
23 which the juvenile is entitled to be represented by legal counsel and to present
24 evidence. The hearing shall be held within 15 days after the filing of a motion under
25 par. (b).

1 **(7) ORDERS APPLICABLE TO PARENTS, GUARDIANS, LEGAL CUSTODIANS AND OTHER**
2 ADULTS. In addition to any dispositional order entered under s. 938.34 or 938.345, the
3 court may enter an order applicable to a juvenile's parent, guardian or legal
4 custodian or to another adult, as provided under s. 938.45.

5 **938.356 Duty of court to warn. (1)** Whenever the court orders a juvenile
6 to be placed outside his or her home because the juvenile has been adjudged to be in
7 need of protection or services under s. 938.345, 938.357, 938.363 or 938.365, the court
8 shall orally inform the parent or parents who appear in court of any grounds for
9 termination of parental rights under s. 48.415 which may be applicable and of the
10 conditions necessary for the juvenile to be returned to the home.

11 **(2)** In addition to the notice required under sub. (1), any written order which
12 places a juvenile outside the home under sub. (1) shall notify the parent or parents
13 of the information specified under sub. (1).

14 **938.357 Change in placement. (1)** The person or agency primarily
15 responsible for implementing the dispositional order may request a change in the
16 placement of the juvenile, whether or not the change requested is authorized in the
17 dispositional order and shall cause written notice to be sent to the juvenile or the
18 juvenile's counsel or guardian ad litem, parent, foster parent, guardian and legal
19 custodian. The notice shall contain the name and address of the new placement, the
20 reasons for the change in placement, a statement describing why the new placement
21 is preferable to the present placement and a statement of how the new placement
22 satisfies objectives of the treatment plan ordered by the court. Any person receiving
23 the notice under this subsection or notice of the specific foster or treatment foster
24 placement under s. 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an
25 objection with the court within 10 days after receipt of the notice. Placements shall

1 not be changed until 10 days after such notice is sent to the court unless the parent,
2 guardian or legal custodian and the juvenile, if 12 or more years of age, sign written
3 waivers of objection, except that placement changes which were authorized in the
4 dispositional order may be made immediately if notice is given as required in this
5 subsection. In addition, a hearing is not required for placement changes authorized
6 in the dispositional order except where an objection filed by a person who received
7 notice alleges that new information is available which affects the advisability of the
8 court's dispositional order. If a hearing is held under this subsection and the change
9 in placement would remove a juvenile from a foster home, the foster parent may
10 submit a written statement prior to the hearing.

11 **(2)** If emergency conditions necessitate an immediate change in the placement
12 of a juvenile placed outside the home, the person or agency primarily responsible for
13 implementing the dispositional order may remove the juvenile to a new placement,
14 whether or not authorized by the existing dispositional order, without the prior
15 notice provided in sub. (1). The notice shall, however, be sent within 48 hours after
16 the emergency change in placement. Any party receiving notice may demand a
17 hearing under sub. (1). In emergency situations, the juvenile may be placed in a
18 licensed public or private shelter care facility as a transitional placement for not
19 more than 20 days, as well as in any placement authorized under s. 938.34 (3).

20 **(2m)** The juvenile, parent, guardian, legal custodian or any person or agency
21 primarily bound by the dispositional order, other than the person or agency
22 responsible for implementing the order, may request a change in placement under
23 this subsection. The request shall contain the name and address of the place of the
24 new placement requested and shall state what new information is available which
25 affects the advisability of the current placement. This request shall be submitted to

1 the court. In addition, the court may propose a change in placement on its own
2 motion. The court shall hold a hearing on the matter prior to ordering any change
3 in placement under this subsection if the request states that new information is
4 available which affects the advisability of the current placement, unless written
5 waivers of objection to the proposed change in placement are signed by all parties
6 entitled to receive notice under sub. (1) and the court approves. If a hearing is
7 scheduled, the court shall notify the juvenile, parent, foster parent, guardian, legal
8 custodian and all parties who are bound by the dispositional order at least 3 days
9 prior to the hearing. A copy of the request or proposal for the change in placement
10 shall be attached to the notice. If all the parties consent, the court may proceed
11 immediately with the hearing. If a hearing is held under this subsection and the
12 change in placement would remove a juvenile from a foster home, the foster parent
13 may submit a written statement prior to the hearing.

14 (3) Subject to sub. (4) (b) and (5) (e), if the proposed change in placement would
15 involve placing a juvenile in a secured correctional facility or in a secured child caring
16 institution, notice shall be given as provided in sub. (1). A hearing shall be held,
17 unless waived by the juvenile, parent, guardian and legal custodian, before the judge
18 makes a decision on the request. The juvenile shall be entitled to counsel at the
19 hearing, and any party opposing or favoring the proposed new placement may
20 present relevant evidence and cross-examine witnesses. The proposed new
21 placement may be approved only if the judge finds, on the record, that the conditions
22 set forth in s. 938.34 (4m) have been met.

23 (4) (a) When the juvenile is placed with the department, the department may,
24 after an examination under s. 938.50, place the juvenile in a secured correctional
25 facility or a secured child caring institution or on aftercare supervision, either

1 immediately or after a period of placement in a secured correctional facility or a
2 secured child caring institution. The department shall send written notice of the
3 change to the parent, guardian, legal custodian, county department designated
4 under s. 938.34 (4n), if any, and committing court. A juvenile who is placed in a
5 secured child caring institution remains under the supervision of the department,
6 remains subject to the rules and discipline of that department and is considered to
7 be in custody, as defined in s. 946.42 (1) (a).

8 (b) If a juvenile who is placed in a secured child caring institution violates a
9 condition of his or her placement in the secured child caring institution, the child
10 welfare agency operating the secured child caring institution shall notify the
11 department, and the department, without a hearing under sub. (1), may return the
12 juvenile to a secured correctional facility or place the juvenile in a secure detention
13 facility for not more than 30 days as a sanction for that violation. The department
14 shall send written notice of the change to the parent, guardian, legal custodian and
15 committing court. If a juvenile is returned to a secured correctional facility or placed
16 in a secure detention facility under this paragraph, the child welfare agency
17 operating the secured child caring institution in which the juvenile was placed shall
18 reimburse the department or county for the cost of the juvenile's care while placed
19 in the secured correctional facility or secure detention facility under this paragraph.

20 (c) The child welfare agency that is operating a secured child caring institution
21 in which a juvenile has been placed under par. (a) may place the juvenile in a less
22 restrictive placement, and may replace in the secured child caring institution that
23 juvenile, without a hearing under sub. (1). The child welfare agency shall establish
24 a rate for each type of placement in the manner provided in s. 46.037.

1 **(4g)** (a) Not later than 120 days after the date on which the juvenile is placed
2 in a secured correctional facility or a secured child caring institution, or within 30
3 days after the date on which the department requests the aftercare plan, whichever
4 is earlier, the aftercare provider designated under s. 938.34 (4n) shall prepare an
5 aftercare plan for the juvenile. If the aftercare provider designated under s. 938.34
6 (4n) is a county department, that county department shall submit the aftercare plan
7 to the department within the time limits specified in this paragraph, unless the
8 department waives those time limits under par. (b).

9 (b) The department may waive the time period within which an aftercare plan
10 must be prepared and submitted under par. (a) if the department anticipates that the
11 juvenile will remain in the secured correctional facility or secured child caring
12 institution for a period exceeding 8 months or if the juvenile is subject to s. 48.366
13 or 938.183 (2). If the department waives that time period, the aftercare provider
14 designated under s. 938.34 (4n) shall prepare the aftercare plan within 30 days after
15 the date on which the department requests the aftercare plan.

16 (c) An aftercare plan prepared under par. (a) or (b) shall include all of the
17 following:

- 18 1. The minimum number of supervisory contacts per week.
- 19 2. The conditions, if any, under which the juvenile's aftercare status may be
20 revoked.
- 21 3. Services or programming to be provided to the juvenile while on aftercare.
- 22 4. The estimated length of time that aftercare supervision and services shall
23 be provided to the juvenile.

1 (d) A juvenile may be released from a secured correctional facility or a secured
2 child caring institution whether or not an aftercare plan has been prepared under
3 this subsection.

4 **(4m)** The department shall try to release a juvenile to aftercare supervision
5 under sub. (4) within 30 days after the date the department determines the juvenile
6 is eligible for the release.

7 **(5) (a)** The department or a county department, whichever has been designated
8 as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the aftercare
9 status of that juvenile. Revocation of aftercare supervision shall not require prior
10 notice under sub. (1).

11 (b) A juvenile on aftercare status may be taken into custody only as provided
12 in ss. 938.19 to 938.21.

13 (c) The juvenile shall be entitled to representation by counsel at all stages of
14 the revocation proceeding.

15 (d) A hearing on the revocation shall be conducted by the division of hearings
16 and appeals in the department of administration within 30 days after the juvenile
17 is taken into custody for an alleged violation of the conditions of the juvenile's
18 aftercare supervision. This time limit may be waived only upon the agreement of the
19 aftercare provider, the juvenile and the juvenile's counsel.

20 (e) If the hearing examiner finds that the juvenile has violated a condition of
21 aftercare supervision, the hearing examiner shall determine whether confinement
22 in a secured correctional facility or a secured child caring institution is necessary to
23 protect the public, to provide for the juvenile's rehabilitation or to not depreciate the
24 seriousness of the violation.

1 (f) Review of a revocation decision shall be by certiorari to the court by whose
2 order the juvenile was placed in a secured correctional facility or a secured child
3 caring institution.

4 (g) The department shall promulgate rules setting standards to be used by a
5 hearing examiner to determine whether to revoke a juvenile's aftercare status. The
6 standards shall specify that the burden is on the department or county department
7 seeking revocation to show by a preponderance of the evidence that the juvenile
8 violated a condition of aftercare supervision.

9 **(5m)** If a proposed change in placement changes a juvenile's placement from
10 a placement in the juvenile's home to a placement outside the juvenile's home, the
11 court shall order the juvenile's parent to provide a statement of income, assets, debts
12 and living expenses to the court or the person or agency primarily responsible for
13 implementing the dispositional order by a date specified by the court. The clerk of
14 court shall provide, without charge, to any parent ordered to provide a statement of
15 income, assets, debts and living expenses a document setting forth the percentage
16 standard established by the department of health and social services under s. 46.25
17 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If the
18 juvenile is placed outside the juvenile's home, the court shall determine the liability
19 of the parent in the manner provided in s. 46.10 (14).

20 **(6)** No change in placement may extend the expiration date of the original
21 order.

22 **938.36 Payment for services.** **(1)** (a) If legal custody is transferred from the
23 parent or guardian or the court otherwise designates an alternative placement for
24 the juvenile by a disposition made under s. 938.183 (2), 938.34 or 938.345 or by a
25 change in placement under s. 938.357, the duty of the parent or guardian to provide

1 support shall continue even though the legal custodian or the placement designee
2 may provide the support. A copy of the order transferring custody or designating
3 alternative placement for the juvenile shall be submitted to the agency or person
4 receiving custody or placement and the agency or person may apply to the court for
5 an order to compel the parent or guardian to provide the support. Support payments
6 for residential services, when purchased or otherwise funded or provided by the
7 department, or a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437,
8 shall be determined under s. 46.10 (14).

9 (b) In determining the amount of support under par. (a), the court may consider
10 all relevant financial information or other information relevant to the parent's
11 earning capacity, including information reported to the department of health and
12 social services, or the county child and spousal support agency, under s. 46.25 (2m).
13 If the court has insufficient information with which to determine the amount of
14 support, the court shall order the juvenile's parent to furnish a statement of income,
15 assets, debts and living expenses, if the parent has not already done so, to the court
16 within 10 days after the court's order transferring custody or designating an
17 alternative placement is entered or at such other time as ordered by the court.

18 (2) If a juvenile whose legal custody has not been taken from a parent or
19 guardian is given educational and social services, or medical, psychological or
20 psychiatric treatment by order of the court, the cost thereof, if ordered by the court,
21 shall be a charge upon the county. This section does not prevent recovery of
22 reasonable contribution toward the costs from the parent or guardian of the juvenile
23 as the court may order based on the ability of the parent or guardian to pay. This
24 subsection is subject to s. 46.03 (18).

1 **(3)** In determining county liability, this section does not apply to services
2 specified in ch. 115.

3 **938.361 Payment for alcohol and other drug abuse services.** **(1)** In this
4 section:

5 (a) “Alcohol and other drug abuse services” means all of the following:

6 1. Any alcohol or other drug abuse examination or assessment ordered under
7 s. 938.295 (1), 938.34 (14s) (b) 1., 938.343 (10) (a) or 938.344 (2g) (a) 1.

8 2. Any special treatment or care that relates to alcohol or other drug abuse
9 services ordered under s. 938.34 (6) (a) or (am).

10 3. Any alcohol or other drug abuse treatment or education ordered by a court
11 under s. 938.32 (1g) or 938.34 (6) (a) or (am), (6r) or (14s) (b) 1. or 2.

12 (b) “Municipality” means a city, village or town.

13 **(2)** (a) 1. If a juvenile’s parent is unable to provide or refuses to provide
14 court-ordered alcohol and other drug abuse services for the juvenile through his or
15 her health insurance or other 3rd-party payments, notwithstanding s. 938.36 (3) the
16 court assigned to exercise jurisdiction under this chapter and ch. 48 or municipal
17 court may order the parent to pay for the alcohol and drug abuse services. If the
18 parent consents to provide alcohol and other drug abuse services for a juvenile
19 through his or her health insurance or other 3rd-party payments but the health
20 insurance provider or other 3rd-party payer refuses to provide the alcohol and other
21 drug abuse services the court assigned to exercise jurisdiction under this chapter and
22 ch. 48 or municipal court may order the health insurance provider or 3rd-party payer
23 to pay for the alcohol and other drug abuse services in accordance with the terms of
24 the parent’s health insurance policy or other 3rd-party payment plan.

1 2. This paragraph applies to payment for alcohol and other drug abuse services
2 in any county, regardless of whether the county is a pilot county under s. 938.547.

3 (am) 1. If a court assigned to exercise jurisdiction under this chapter and ch.
4 48 in a county that has a pilot program under s. 938.547 finds that payment is not
5 attainable under par. (a), the court may order payment in accordance with par. (b).

6 2. If a court assigned to exercise jurisdiction under this chapter and ch. 48 in
7 a county that does not have a pilot program under s. 938.547 finds that payment is
8 not attainable under par. (a), the court may order payment in accordance with s.
9 938.34 (6) (ar) or 938.36.

10 3. If a municipal court finds that payment is not attainable under par. (a), the
11 municipal court may order the municipality over which the municipal court has
12 jurisdiction to pay for any alcohol and other drug abuse services ordered by the
13 municipal court.

14 (b) 1. In counties that have a pilot program under s. 938.547, in addition to
15 using the alternative provided for under par. (a), the court assigned to exercise
16 jurisdiction under this chapter and ch. 48 may order a county department of human
17 services established under s. 46.23 or a county department established under s. 51.42
18 or 51.437 in the juvenile's county of legal residence to pay for the alcohol and other
19 drug abuse services whether or not custody has been taken from the parent.

20 2. If a judge orders a county department established under s. 51.42 or 51.437
21 to provide alcohol and other drug abuse services under this paragraph, the provision
22 of the alcohol and other drug abuse services shall be subject to conditions specified
23 in ch. 51.

24 (c) Payment for alcohol and other drug abuse services by a county department
25 or municipality under this section does not prohibit the county department or

1 municipality from contracting with another county department, municipality, school
2 district or approved treatment facility for the provision of alcohol and other drug
3 abuse services. Payment by the county or municipality under this section does not
4 prevent recovery of reasonable contribution toward the costs of the court-ordered
5 alcohol and other drug abuse services from the parent which is based upon the ability
6 of the parent to pay. This subsection is subject to s. 46.03 (18).

7 **938.362 Payment for certain special treatment or care services. (1)** In
8 this section, "special treatment or care" has the meaning given in s. 938.02 (17m),
9 except that it does not include alcohol and other drug abuse services.

10 **(2)** This section applies to the payment of court-ordered special treatment or
11 care under s. 938.34 (6) (a) or (am), whether or not custody has been taken from the
12 parent.

13 **(3)** If a juvenile's parent is unable to provide or refuses to provide court-ordered
14 special treatment or care for the juvenile through his or her health insurance or other
15 3rd-party payments, notwithstanding s. 938.36 (3), the court may order the parent
16 to pay for the court-ordered special treatment or care. If the parent consents to
17 provide court-ordered special treatment or care for a juvenile through his or her
18 health insurance or other 3rd-party payments but the health insurance provider or
19 other 3rd-party payer refuses to provide the court-ordered special treatment or care,
20 the court may order the health insurance provider or 3rd-party payer to pay for the
21 court-ordered special treatment or care in accordance with the terms of the parent's
22 health insurance policy or other 3rd-party payment plan.

23 **(4) (a)** If the court finds that payment is not attainable under sub. (3), the court
24 may order the county department under s. 51.42 or 51.437 of the juvenile's county

1 of legal residence to pay the cost of any court-ordered special treatment or care that
2 is provided by or under contract with that county department.

3 (b) Payment for special treatment or care by a county department under par.
4 (a) does not prohibit the county department from contracting with another county
5 department or approved treatment facility for the provision of special treatment or
6 care.

7 (c) A county department that pays for court-ordered special treatment or care
8 under par. (a) may recover from the parent, based on the parent's ability to pay, a
9 reasonable contribution toward the costs of court-ordered special treatment or care.
10 This paragraph is subject to s. 46.03 (18).

11 **938.363 Revision of dispositional orders.** (1) A juvenile, the juvenile's
12 parent, guardian or legal custodian, any person or agency bound by a dispositional
13 order or the district attorney or corporation counsel in the county in which the
14 dispositional order was entered may request a revision in the order that does not
15 involve a change in placement, including a revision with respect to the amount of
16 child support to be paid by a parent, or the court may on its own motion propose such
17 a revision. The request or court proposal shall set forth in detail the nature of the
18 proposed revision and what new information is available that affects the advisability
19 of the court's disposition. The request or court proposal shall be submitted to the
20 court. The court shall hold a hearing on the matter if the request or court proposal
21 indicates that new information is available which affects the advisability of the
22 court's dispositional order and prior to any revision of the dispositional order, unless
23 written waivers of objections to the revision are signed by all parties entitled to
24 receive notice and the court approves. If a hearing is held, the court shall notify the
25 parent, juvenile, guardian and legal custodian, all parties bound by the dispositional

1 order and the district attorney or corporation counsel in the county in which the
2 dispositional order was entered at least 3 days prior to the hearing. A copy of the
3 request or proposal shall be attached to the notice. If the proposed revision is for a
4 change in the amount of child support to be paid by a parent, the court shall order
5 the juvenile’s parent to provide a statement of income, assets, debts and living
6 expenses to the court and the person or agency primarily responsible for
7 implementing the dispositional order by a date specified by the court. The clerk of
8 court shall provide, without charge, to any parent ordered to provide a statement of
9 income, assets, debts and living expenses a document setting forth the percentage
10 standard established by the department of health and social services under s. 46.25
11 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If all
12 parties consent, the court may proceed immediately with the hearing. No revision
13 may extend the effective period of the original order, or revise an original order under
14 s. 938.34 (3) (f) or (6) (am) to impose more than 30 days of detention, nonsecure
15 custody or inpatient treatment on a child.

16 (2) If the court revises a dispositional order under sub. (1) with respect to the
17 amount of child support to be paid by a parent for the care and maintenance of the
18 parent’s minor juvenile who has been placed by a court order under this chapter in
19 a residential, nonmedical facility, the court shall determine the liability of the parent
20 in the manner provided in s. 46.10 (14).

21 **938.364 Dismissal of certain dispositional orders.** A juvenile, the
22 juvenile’s parent, guardian or legal custodian or the district attorney or corporation
23 counsel in the county in which the dispositional order was entered may request a
24 judge to dismiss an order made under s. 938.342 (2) if the juvenile shows

1 documentary proof that he or she is enrolled in a school program or a high school
2 equivalency program, or the court may on its own motion propose such a dismissal.

3 **938.365 Extension of orders. (1)** In this section, “2 or more years” means
4 a period of time that begins with the first placement of the juvenile outside of his or
5 her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363
6 and includes any period of time in which the juvenile returned home, unless the
7 periods of time at home account for the majority of the time since the first placement.

8 **(1m)** The parent, juvenile, guardian, legal custodian, any person or agency
9 bound by the dispositional order, the district attorney or corporation counsel in the
10 county in which the dispositional order was entered or the court on its own motion,
11 may request an extension of an order under s. 938.355. The request shall be
12 submitted to the court which entered the order. No order under s. 938.355 that
13 placed a child in detention, nonsecure custody or inpatient treatment under s. 938.34
14 (3) (f) or (6) (am) may be extended. No other order under s. 938.355 may be extended
15 except as provided in this section.

16 **(2)** No order may be extended without a hearing. The court shall notify the
17 juvenile or the juvenile’s guardian ad litem or counsel, the juvenile’s parent,
18 guardian, legal custodian, all of the parties present at the original hearing and the
19 district attorney or corporation counsel in the county in which the dispositional order
20 was entered of the time and place of the hearing.

21 **(2g)** (a) At the hearing the person or agency primarily responsible for providing
22 services to the juvenile shall file with the court a written report stating to what
23 extent the dispositional order has been meeting the objectives of the plan for the
24 juvenile’s rehabilitation or care and treatment. The juvenile offender review
25 program may file a written report regarding any juvenile examined by the program.

1 (b) If the juvenile is placed outside of his or her home, the report shall include
2 all of the following:

3 1. A copy of the report of the review panel under s. 938.38 (5), if any, and a
4 response to the report from the agency primarily responsible for providing services
5 to the juvenile.

6 2. An evaluation of the juvenile's adjustment to the placement and of any
7 progress the juvenile has made, suggestions for amendment of the permanency plan,
8 a description of efforts to return the juvenile to his or her home, including efforts of
9 the parents to remedy factors which contributed to the juvenile's placement and, if
10 continued placement outside of the juvenile's home is recommended, an explanation
11 of why returning the juvenile to his or her home is not feasible.

12 3. If the juvenile has been placed outside of his or her home for 2 or more years,
13 a statement of whether or not a recommendation has been made to terminate the
14 parental rights of the parents of the juvenile. If a recommendation for a termination
15 of parental rights has been made, the statement shall indicate the date on which the
16 recommendation was made, any previous progress made to accomplish the
17 termination of parental rights, any barriers to the termination of parental rights,
18 specific steps to overcome the barriers and when the steps will be completed, reasons
19 why adoption would be in the best interest of the juvenile and whether or not the
20 juvenile should be registered with the adoption information exchange. If a
21 recommendation for termination of parental rights has not been made, the
22 statement shall include an explanation of the reasons why a recommendation for
23 termination of parental rights has not been made. If the lack of appropriate adoptive
24 resources is the primary reason for not recommending a termination of parental
25 rights, the agency shall recommend that the juvenile be registered with the adoption

1 information exchange or report the reason why registering the juvenile is contrary
2 to the best interest of the juvenile.

3 (c) In cases where the juvenile has not been placed outside the home, the report
4 shall contain a description of efforts that have been made by all parties concerned
5 toward meeting the objectives of treatment, care or rehabilitation, an explanation of
6 why these efforts have not yet succeeded in meeting the objective, and anticipated
7 future planning for the juvenile.

8 **(2m)** (a) Any party may present evidence relevant to the issue of extension.
9 The court shall make findings of fact and conclusions of law based on the evidence,
10 including a finding as to whether reasonable efforts were made by the agency
11 primarily responsible for providing services to the juvenile to make it possible for the
12 juvenile to return to his or her home. An order shall be issued under s. 938.355.

13 (b) If a juvenile has been placed outside the home under s. 938.345 and an
14 extension is ordered under this subsection, the court shall state in the record the
15 reason for the extension.

16 **(3)** The appearance of any juvenile may be waived by consent of the juvenile,
17 counsel or guardian ad litem.

18 **(4)** The court shall determine which dispositions are to be considered for
19 extensions.

20 **(5)** Except as provided in s. 938.368, all orders shall be for a specified length
21 of time not to exceed one year.

22 **(6)** If a request to extend a dispositional order is made prior to the termination
23 of the order, but the court is unable to conduct a hearing on the request prior to the
24 termination date, the court may extend the order for a period of not more than 30
25 days, not including any period of delay resulting from any of the circumstances

1 specified in s. 938.315 (1). The court shall grant appropriate relief as provided in s.
2 938.315 (3) with respect to any request to extend a dispositional order on which a
3 hearing is not held within the time limit specified in this subsection.

4 (7) Nothing in this section may be construed to allow any changes in placement
5 or revocation of aftercare supervision. Revocation and other changes in placement
6 may take place only under s. 938.357.

7 **938.368 Continuation of dispositional orders.** If a petition for termination
8 of parental rights is filed under s. 48.41 or 48.415 or an appeal from a judgment
9 terminating or denying termination of parental rights is filed during the year in
10 which a dispositional order under s. 938.355 or an extension order under s. 938.365
11 is in effect, the dispositional or extension order shall remain in effect until all
12 proceedings related to the filing of the petition or an appeal are concluded.

13 **938.37 Costs. (1)** A court assigned to exercise jurisdiction under this chapter
14 and ch. 48 may not assess costs or assessments against a juvenile under 14 years of
15 age but may assess costs against a juvenile 14 years of age or older.

16 (3) Notwithstanding sub. (1), courts of civil and criminal jurisdiction exercising
17 jurisdiction under s. 938.17 may assess the same costs, penalty assessments and jail
18 assessments against juveniles as they may assess against adults, except that witness
19 fees may not be charged to the juvenile.

20 **938.371 Access to certain information by substitute care provider.** At
21 the time of placement of a juvenile in a foster home, group home or child caring
22 institution under s. 938.183 (2), 938.34, 938.345 or 938.357, or, if the information
23 specified in this section is not available at that time, within 30 days after the date
24 of the placement, the agency that prepared the juvenile's permanency plan shall
25 provide the foster parent or operator of the group home or child caring institution

1 with any information contained in the court report submitted under s. 938.33 or
2 permanency plan submitted under s. 938.38, relating to any of the following:

3 (1) Results of a test or a series of tests of the juvenile to determine the presence
4 of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an
5 antibody to HIV, if the juvenile's parent or a temporary or permanent guardian
6 appointed by the court has consented to the test under s. 252.15 (2) (a) 4. b. and
7 release of the test results under s. 252.15 (5) (a) 19. and the agency directed to
8 prepare the permanency plan notifies the foster parent or operator of the group home
9 or child caring institution of the confidentiality requirements under s. 252.15 (6).

10 (2) Results of any tests of the juvenile to determine the presence of viral
11 hepatitis, type B. The foster parent or operator of a group home or child caring
12 institution receiving information under this subsection shall keep the information
13 confidential.

14 (3) Findings or opinions of the court or agency that prepared the court report
15 or permanency plan relating to any mental, emotional, cognitive, developmental or
16 behavioral disability of the juvenile. The foster parent or operator of a group home
17 or child caring institution receiving information under this subsection shall keep the
18 information confidential.

19 **938.373 Medical authorization.** (1) The court assigned to exercise
20 jurisdiction under this chapter and ch. 48 may authorize medical services including
21 surgical procedures when needed if the court assigned to exercise jurisdiction under
22 this chapter and ch. 48 determines that reasonable cause exists for the services and
23 that the juvenile is within the jurisdiction of the court assigned to exercise
24 jurisdiction under this chapter and ch. 48 and, except as provided in s. 938.296 (4),
25 consents.

1 (d) The juvenile was placed under a voluntary agreement between the agency
2 and the juvenile's parent under s. 48.63 (1).

3 (e) The juvenile is under the guardianship of the agency.

4 (f) The juvenile's care is paid under s. 49.19.

5 **(3) TIME.** The agency shall file the permanency plan with the court within 60
6 days after the date on which the juvenile was first held in physical custody or placed
7 outside of his or her home under a court order, except under either of the following
8 conditions:

9 (a) If the juvenile is alleged to be delinquent and is being held in a secure
10 detention facility, juvenile portion of a county jail or shelter care facility, and the
11 agency intends to recommend that the juvenile be placed in a secured correctional
12 facility or a secured child caring institution, the agency is not required to submit the
13 permanency plan unless the court does not accept the recommendation of the agency.
14 If the court places the juvenile in any facility outside of the juvenile's home other than
15 a secured correctional facility or a secured child caring institution, the agency shall
16 file the permanency plan with the court within 60 days after the date of disposition.

17 (b) If the juvenile is held for less than 60 days in a secure detention facility,
18 juvenile portion of a county jail or a shelter care facility, no permanency plan is
19 required if the juvenile is returned to his or her home within that period.

20 **(4) CONTENTS OF PLAN.** The permanency plan shall include a description of all
21 of the following:

22 (a) The services offered and any service provided in an effort to prevent holding
23 or placing the juvenile outside of his or her home, and to make it possible for the
24 juvenile to return home.

1 (b) The basis for the decision to hold the juvenile in custody or to place the
2 juvenile outside of his or her home.

3 (c) The location and type of facility in which the juvenile is currently held or
4 placed, and the location and type of facility in which the juvenile will be placed.

5 (d) If the juvenile is living more than 60 miles from his or her home,
6 documentation that placement within 60 miles of the juvenile’s home is either
7 unavailable or inappropriate.

8 (e) The appropriateness of the placement and of the services provided to meet
9 the needs of the juvenile and family, including a discussion of services that have been
10 investigated and considered and are not available or likely to become available
11 within a reasonable time to meet the needs of the juvenile or, if available, why such
12 services are not appropriate.

13 (f) The services that will be provided to the juvenile, the juvenile’s family and
14 the juvenile’s foster parent, the juvenile’s treatment foster parent or the operator of
15 the facility where the juvenile is living to carry out the dispositional order, including
16 services planned to accomplish all of the following:

17 1. Ensure proper care and treatment of the juvenile and promote stability in
18 the placement.

19 2. Meet the juvenile’s physical, emotional, social, educational and vocational
20 needs.

21 3. Improve the conditions of the parents’ home to facilitate the return of the
22 juvenile to his or her home, or, if appropriate, obtain an alternative permanent
23 placement for the juvenile.

1 (g) The conditions, if any, upon which the juvenile will be returned to his or her
2 home, including any changes required in the parents' conduct, the juvenile's conduct
3 or the nature of the home.

4 (5) PLAN REVIEW. (a) The court or a panel appointed under this paragraph shall
5 review the permanency plan every 6 months from the date on which the juvenile was
6 first held in physical custody or placed outside of his or her home. If the court elects
7 not to review the permanency plan, the court shall appoint a panel to review the
8 permanency plan. The panel shall consist of 3 persons who are either designated by
9 an independent agency that has been approved by the chief judge of the judicial
10 administrative district or designated by the agency that prepared the permanency
11 plan. A voting majority of persons on each panel shall be persons who are not
12 employed by the agency that prepared the permanency plan and who are not
13 responsible for providing services to the juvenile or the parents of the juvenile whose
14 permanency plan is the subject of the review.

15 (am) The court may appoint an independent agency to designate a panel to
16 conduct a permanency plan review under par. (a). If the court appoints an
17 independent agency under this paragraph, the county department of the county of
18 the court shall authorize and contract for the purchase of services from the
19 independent agency.

20 (b) The court or the agency shall notify the parents of the juvenile, the juvenile
21 if he or she is 10 years of age or older and the juvenile's foster parent, the juvenile's
22 treatment foster parent or the operator of the facility in which the juvenile is living
23 of the date, time and place of the review, of the issues to be determined as part of the
24 review, of the fact that they may submit written comments not less than 10 working
25 days before the review and of the fact that they may participate in the review. The

1 court or agency shall notify the person representing the interests of the public, the
2 juvenile's counsel and the juvenile's guardian ad litem of the date of the review, of
3 the issues to be determined as part of the review and of the fact that they may submit
4 written comments not less than 10 working days before the review. The notices
5 under this paragraph shall be provided in writing not less than 30 days before the
6 review and copies of the notices shall be filed in the juvenile's case record.

7 (c) The court or the panel shall determine each of the following:

8 1. The continuing necessity for and the appropriateness of the placement.

9 2. The extent of compliance with the permanency plan by the agency and any
10 other service providers, the juvenile's parents and the juvenile.

11 3. The extent of any efforts to involve appropriate service providers in addition
12 to the agency's staff in planning to meet the special needs of the juvenile and the
13 juvenile's parents.

14 4. The progress toward eliminating the causes for the juvenile's placement
15 outside of his or her home and toward returning the juvenile to his or her home or
16 obtaining a permanent placement for the juvenile.

17 5. The date by which it is likely that the juvenile will be returned to his or her
18 home, placed for adoption, placed under legal guardianship or otherwise
19 permanently placed.

20 6. If the juvenile has been placed outside of his or her home for 2 years or more,
21 the appropriateness of the permanency plan and the circumstances which prevent
22 the juvenile from any of the following:

23 a. Being returned to his or her home.

24 b. Having a petition for the involuntary termination of parental rights filed on
25 behalf of the juvenile.

1 c. Being placed for adoption.

2 d. Being placed in sustaining care.

3 7. Whether reasonable efforts were made by the agency to make it possible for
4 the juvenile to return to his or her home.

5 (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the permanency
6 plan shall, at least 5 days before a review by a review panel, provide to each person
7 appointed to the review panel, the person representing the interests of the public, the
8 juvenile's counsel and the juvenile's guardian ad litem a copy of the permanency plan
9 and any written comments submitted under par. (b). Notwithstanding s. 938.78 (2)
10 (a), a person appointed to a review panel, the person representing the interests of the
11 public, the juvenile's counsel and the juvenile's guardian ad litem may have access
12 to any other records concerning the juvenile for the purpose of participating in the
13 review. A person permitted access to a juvenile's records under this paragraph may
14 not disclose any information from the records to any other person.

15 (e) Within 30 days, the agency shall prepare a written summary of the
16 determinations under par. (c) and shall provide a copy to the court that entered the
17 order, the juvenile or the juvenile's counsel or guardian ad litem, the person
18 representing the interests of the public, the juvenile's parent or guardian and the
19 juvenile's foster parent, the juvenile's treatment foster parent or the operator of the
20 facility where the juvenile is living.

21 (f) If the summary prepared under par. (e) indicates that the review panel made
22 recommendations that conflict with the court order or that provide for additional
23 services not specified in the court order, the agency primarily responsible for
24 providing services to the juvenile shall request a revision of the court order.

1 **(5m)** ANNUAL REPORT. Not later than March 1 annually, each county
2 department shall submit to the department a report identifying the membership of
3 the review panels appointed during the previous year, data on each of the
4 determinations of the review panels required under sub. (5) (c) and any other
5 information specified by the department by rule.

6 **(6)** RULES. The department shall promulgate rules establishing the following:

7 (a) Procedures for conducting permanency plan reviews.

8 (b) Requirements for training review panels.

9 (c) Standards for reasonable efforts to prevent placement of juveniles outside
10 of their homes and to make it possible for juveniles to return to their homes if they
11 have been placed outside of their homes.

12 (d) The format for permanency plans and review panel reports.

13 (e) Standards and guidelines for decisions regarding the placement of
14 juveniles.

15 **938.39 Disposition by court bars criminal proceeding.** Disposition by
16 the court of any violation of state law coming within its jurisdiction under s. 938.12
17 bars any future criminal proceeding on the same matter in circuit court when the
18 juvenile reaches the age of 17. This section does not affect criminal proceedings in
19 circuit court which were transferred under s. 938.18.

20 **938.396 Records.** (1) Law enforcement officers' records of juveniles shall be
21 kept separate from records of adults. Law enforcement officers' records of juveniles
22 shall not be open to inspection or their contents disclosed except under sub. (1b), (1d),
23 (1g), (1m), (1r), (1t) or (1v) or s. 938.293 or by order of the court. This subsection does
24 not apply to representatives of the news media who wish to obtain information for
25 the purpose of reporting news without revealing the identity of the juvenile involved,

1 to victim-witness coordinators, to victims of a juvenile's act who wish to obtain
2 information for the purpose of recovering for any loss, damage or injury suffered as
3 a result of the juvenile's act, to insurance companies that wish to obtain information
4 for the purpose of investigating a claim involving the juvenile, to the confidential
5 exchange of information between the police and officials of the school attended by the
6 juvenile or other law enforcement or social welfare agencies or to juveniles 10 years
7 of age or older who are subject to the jurisdiction of the court of criminal jurisdiction.

8 **(1b)** If requested by the parent, guardian or legal custodian of a juvenile who
9 is the subject of a law enforcement officer's report, or if requested by the juvenile, if
10 14 years of age or over, a law enforcement agency may, subject to official agency
11 policy, provide to the parent, guardian, legal custodian or juvenile a copy of that
12 report.

13 **(1d)** Upon the written permission of the parent, guardian or legal custodian
14 of a juvenile who is the subject of a law enforcement officer's report or upon the
15 written permission of the juvenile, if 14 years of age or over, a law enforcement
16 agency may, subject to official agency policy, make available to the person named in
17 the permission any reports specifically identified by the parent, guardian, legal
18 custodian or juvenile in the written permission.

19 **(1g)** If requested by the victim-witness coordinator, a law enforcement agency
20 shall disclose to the victim-witness coordinator any information in its records
21 relating to the enforcement of rights under the constitution, this chapter and s.
22 950.04 or the provision of services under s. 950.05. The victim-witness coordinator
23 may use the information only for the purpose of enforcing those rights and providing
24 those services and may make that information available only as necessary to ensure
25 that victims and witnesses of crimes, as defined in s. 950.02 (1m), receive the rights

1 and services to which they are entitled under the constitution, this chapter and ch.
2 950.

3 **(1m)** (a) If requested by the school district administrator of a public school
4 district, a law enforcement agency may provide to the school district administrator
5 any information in its records relating to the use, possession or distribution of alcohol
6 or a controlled substance by a pupil enrolled in the public school district. The
7 information shall be used by the school district as provided under s. 118.127 (2).

8 (b) If requested by the school district administrator of a public school district,
9 a law enforcement agency may disclose to the school district administrator any
10 information in its records relating to the act for which a juvenile enrolled in the public
11 school district was adjudged delinquent. The information shall be used by the school
12 district as provided in s. 118.127 (3).

13 (c) On petition of a law enforcement agency to review pupil records, as defined
14 in s. 118.125 (1) (d), other than pupil records that may be disclosed without a court
15 order under s. 118.125 (2) or (2m), for the purpose of investigating alleged delinquent
16 or criminal activity, the court may order the school board of the school district in
17 which a juvenile is enrolled to disclose to the law enforcement agency the pupil
18 records of that juvenile as necessary for the law enforcement agency to pursue its
19 investigation. The law enforcement agency may use the pupil records only for the
20 purpose of its investigation and may make the pupil records available only to
21 employes of the law enforcement agency who are working on the investigation.

22 **(1r)** If requested by a victim of a juvenile's act, a law enforcement agency may
23 disclose to the victim any information in its records relating to the injury, loss or
24 damage suffered by the victim, including the name and address of the juvenile and
25 the juvenile's parents. The victim may use and further disclose the information only

1 for the purpose of recovering for the injury, damage or loss suffered as a result of the
2 juvenile's act.

3 (1t) If a juvenile who has been ordered to make restitution for any injury, loss
4 or damage caused by the juvenile and if the juvenile has failed to make that
5 restitution within one year after the entry of the order, the victim's insurer may
6 request a law enforcement agency to disclose to the insurer any information in its
7 records relating to the injury, loss or damage suffered by the victim, including the
8 name and address of the juvenile and the juvenile's parents. The insurer may use
9 and further disclose the information only for the purpose of investigating a claim
10 arising out of the juvenile's act.

11 (1v) If a law enforcement agency discloses information in its records under sub.
12 (1), (1g), (1m) or (1r), the law enforcement agency shall immediately notify the
13 juvenile who is the subject of the record and the juvenile's parent, guardian or legal
14 custodian of that disclosure and shall immediately provide to the juvenile and the
15 parent, guardian or legal custodian the information disclosed.

16 (2) (a) Records of the court assigned to exercise jurisdiction under this chapter
17 and ch. 48 and of courts exercising jurisdiction under s. 938.17 (2) shall be entered
18 in books or deposited in files kept for that purpose only. They shall not be open to
19 inspection or their contents disclosed except by order of the court assigned to exercise
20 jurisdiction under this chapter and ch. 48 or as permitted under this section. If a
21 court opens for inspection or discloses the contents of a record as permitted under this
22 section, the court shall immediately notify the juvenile who is the subject of the
23 record and the juvenile's parent, guardian or legal custodian of that inspection or
24 disclosure and shall immediately provide to the juvenile and the parent, guardian
25 or legal custodian the record inspected or the information disclosed.

1 (ag) Upon request of the parent, guardian or legal custodian of a juvenile who
2 is the subject of a record of a court specified in par. (a), or upon request of the juvenile,
3 if 14 years of age or over, the court shall open for inspection by the parent, guardian,
4 legal custodian or juvenile the records of the court relating to that juvenile, unless
5 the court finds, after due notice and hearing, that inspection of those records by the
6 parent, guardian or legal custodian would result in imminent danger to the juvenile.

7 (am) Upon the written permission of the parent, guardian or legal custodian
8 of a juvenile who is the subject of a record of a court specified in par. (a), or upon
9 request of the juvenile if 14 years of age or over, the court shall open for inspection
10 by the person named in the permission any records specifically identified by the
11 parent, guardian, legal custodian or juvenile in the written permission.

12 (b) Upon request of the department of health and social services, the
13 department of corrections or a federal agency to review court records for the purpose
14 of monitoring and conducting periodic evaluations of activities as required by and
15 implemented under 45 CFR 1355, 1356 and 1357, the court shall open those records
16 for inspection by authorized representatives of the department or federal agency.

17 (c) Upon request of a law enforcement agency to review court records for the
18 purpose of investigating a crime that might constitute criminal gang activity, as
19 defined in s. 941.38 (1) (b), the court shall open for inspection by authorized
20 representatives of the law enforcement agency the records of the court relating to any
21 juvenile who has been found to have committed a delinquent act at the request of or
22 for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been
23 a felony under ch. 161 or under chs. 939 to 948 if committed by an adult.

24 (d) Upon request of a court of criminal jurisdiction or a district attorney to
25 review court records for the purpose of investigating and determining whether a

1 person has possessed a firearm in violation of s. 941.29 (2), the court assigned to
2 exercise jurisdiction under this chapter and ch. 48 shall open for inspection by
3 authorized representatives of the requester the records of the court relating to any
4 juvenile who has been adjudicated delinquent for an act that would be a felony if
5 committed by an adult.

6 (dm) Upon request of a defense counsel to review court records for the purpose
7 of preparing his or her client's defense to an allegation of delinquent or criminal
8 activity, the court shall open for inspection by authorized representatives of the
9 requester the records of the court relating to that client.

10 (e) Upon request of the department of corrections to review court records for
11 the purpose of providing, under s. 980.015 (3) (a), the department of justice or a
12 district attorney with a person's offense history, the court shall open for inspection
13 by authorized representatives of the department of corrections the records of the
14 court relating to any juvenile who has been adjudicated delinquent for a sexually
15 violent offense, as defined in s. 980.01 (6).

16 (f) Upon request of the victim-witness coordinator to review court records for
17 the purpose of enforcing rights under the constitution, this chapter and s. 950.04 and
18 providing services under s. 950.05, the court shall open for inspection by the
19 victim-witness coordinator the records of the court relating to the enforcement of
20 those rights or the provision of those services. The victim-witness coordinator may
21 use any information obtained under this paragraph only for the purpose of enforcing
22 those rights and providing those services and may make that information available
23 only as necessary to ensure that victims and witnesses of crimes, as defined in s.
24 950.02 (1m), receive the rights and services to which they are entitled under the
25 constitution, this chapter and ch. 950.

1 (fm) Upon request of a victim's insurer, the court shall disclose to an authorized
2 representative of the requester the amount of restitution, if any, that the court has
3 ordered a juvenile to make to the victim.

4 **(2m)** (a) Notwithstanding sub. (2), upon request, a court shall open for
5 inspection by the requester the records of the court, other than reports under s.
6 938.295 or 938.33 or other records that deal with sensitive personal information of
7 the juvenile and the juvenile's family, relating to a juvenile who has been alleged to
8 be delinquent for committing a violation specified in s. 939.62 (2m) (a) 1., 2. or 3. The
9 requester may further disclose the information to anyone.

10 (b) Notwithstanding sub. (2), upon request, a court shall open for inspection by
11 the requester the records of the court, other than reports under s. 938.295 or 938.33
12 or other records that deal with sensitive personal information of the juvenile and the
13 juvenile's family, relating to a juvenile who has been alleged to be delinquent for
14 committing a violation that would be a felony if committed by an adult if the juvenile
15 has been adjudicated delinquent at any time preceding the present proceeding and
16 that previous adjudication remains of record and unreversed. The requester may
17 further disclose the information to anyone.

18 **(3)** This section does not apply to proceedings for violation of chs. 340 to 349
19 and 351 or any county or municipal ordinance enacted under ch. 349, except that this
20 section does apply to proceedings for violations of ss. 342.06 (2) and 344.48 (1), and
21 ss. 30.67 (1) and 346.67 when death or injury occurs.

22 **(4)** When a court revokes, suspends or restricts a juvenile's operating privilege
23 under this chapter, the department of transportation shall not disclose information
24 concerning or relating to the revocation, suspension or restriction to any person other
25 than a court, district attorney, county corporation counsel, city, village or town

1 attorney, law enforcement agency, or the minor whose operating privilege is revoked,
2 suspended or restricted, or his or her parent or guardian. Persons entitled to receive
3 this information may not disclose the information to other persons or agencies.

4 (7) (a) Notwithstanding sub. (2) (a), if a petition under s. 938.12 or 938.13 (12)
5 is filed alleging that a juvenile has committed a delinquent act that would be a felony
6 if committed by an adult, the court clerk shall notify the school board of the school
7 district in which the juvenile is enrolled or the school board's designee of the fact that
8 the petition has been filed and the nature of the delinquent act alleged in the petition.
9 Notwithstanding sub. (2) (a) and subject to par. (b), if a juvenile is adjudged
10 delinquent, within 5 days after the date on which the dispositional order is entered,
11 the court clerk shall notify the school board of the school district in which the juvenile
12 is enrolled or the school board's designee of the fact that the juvenile has been
13 adjudicated delinquent, the nature of the violation committed by the juvenile and the
14 disposition imposed on the juvenile under s. 938.34 as a result of that violation.
15 Notwithstanding sub. (2) (a), if school attendance is a condition of a dispositional
16 order under s. 938.355 (2) (b) 7., within 5 days after the date on which the
17 dispositional order is entered, the court clerk shall notify the school board of the
18 school district in which the juvenile is enrolled or the school board's designee of the
19 fact that the juvenile's school attendance is a condition of a dispositional order.

20 (b) If a juvenile is found to have committed a delinquent act at the request of
21 or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been
22 a felony under ch. 161 or under chs. 939 to 948 if committed by an adult and is
23 adjudged delinquent on that basis, within 5 days after the date on which the
24 dispositional order is entered the court clerk shall notify the school board of the
25 school district in which the juvenile is enrolled or the school board's designee of the

1 fact that the juvenile has been adjudicated delinquent on that basis, the nature of
2 the violation committed by the juvenile and the disposition imposed on the juvenile
3 under s. 938.34 as a result of that violation.

4 (bm) Notwithstanding sub. (2) (a), in addition to the disclosure made under par.
5 (a) or (b), if a juvenile is adjudicated delinquent and as a result of the dispositional
6 order is enrolled in a different school district from the school district in which the
7 juvenile is enrolled at the time of the dispositional order, the court clerk, within 5
8 days after the date on which the dispositional order is entered, shall provide the
9 school board of the juvenile's new school district or the school board's designee with
10 the information specified in par. (a) or (b), whichever is applicable, and, in addition,
11 shall notify that school board or designee of whether the juvenile has been
12 adjudicated delinquent previously by that court, the nature of any previous
13 violations committed by the juvenile and the dispositions imposed on the juvenile
14 under s. 938.34 as a result of those previous violations.

15 (c) No information from the juvenile's court records, other than information
16 disclosed under par. (a), (b) or (bm), may be disclosed to the school board of the school
17 district in which the juvenile is enrolled or the school board's designee except by order
18 of the court. Any information provided under this subsection to the school board of
19 the school district in which the juvenile is enrolled or the school board's designee
20 shall be disclosed by the school board or designee to employees of the school district
21 who work directly with the juvenile or who have been determined by the school board
22 or designee to have legitimate educational or safety interests in the information. A
23 school district employe to whom information is disclosed under this paragraph shall
24 not further disclose the information. A school board shall not use any information
25 provided under this subsection as the sole basis for expelling or suspending a

1 juvenile. A school board member or an employe of a school district may not be held
2 personally liable for any damages caused by the nondisclosure of any information
3 specified in this paragraph unless the member or employe acted with actual malice
4 in failing to disclose the information. A school district may not be held liable for any
5 damages caused by the nondisclosure of any information specified in this paragraph
6 unless the school district or its agent acted with gross negligence or with reckless,
7 wanton or intentional misconduct in failing to disclose the information.

8 (8) Notwithstanding sub. (2), if a juvenile is adjudged delinquent for an act
9 that would be a felony if committed by an adult, the court clerk shall notify the
10 department of justice of that fact. No other information from the juvenile's court
11 records may be disclosed to the department of justice except by order of the court.
12 The department of justice may disclose any information provided under this
13 subsection only as part of a criminal history record search under s. 175.35 (2g) (c).

14 SUBCHAPTER IX

15 JURISDICTION OVER

16 PERSONS 17 OR OLDER

17 **938.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
18 over persons 17 years of age or over as provided under ss. 938.355 (4) and 938.45 and
19 as otherwise specifically provided in this chapter.

20 **938.45 Orders applicable to adults.** (1) (a) If in the hearing of a case of
21 a juvenile alleged to be delinquent under s. 938.12 or in need of protection or services
22 under s. 938.13 it appears that any person 17 years of age or over has been guilty of
23 contributing to, encouraging, or tending to cause by any act or omission, such
24 condition of the juvenile, the court may make orders with respect to the conduct of
25 such person in his or her relationship to the juvenile, including orders determining

1 the ability of the person to provide for the maintenance or care of the juvenile and
2 directing when, how and where funds for the maintenance or care shall be paid.

3 (b) An act or failure to act contributes to a condition of a juvenile as described
4 in s. 938.12 or 938.13, although the juvenile is not actually adjudicated to come
5 within the provisions of s. 938.12 or 938.13, if the natural and probable consequences
6 of that act or failure to act would be to cause the juvenile to come within the
7 provisions of s. 938.12 or 938.13.

8 **(1m)** (a) In a proceeding in which a juvenile has been adjudicated delinquent
9 or has been found to be in need of protection or services under s. 938.13, the court may
10 order the juvenile's parent, guardian or legal custodian to comply with any conditions
11 determined by the court to be necessary for the juvenile's welfare. An order under
12 this paragraph may include an order to participate in mental health treatment,
13 anger management, individual or family counseling or parent training and
14 education and to make a reasonable contribution, based on ability to pay, toward the
15 cost of those services.

16 (b) A court may not order inpatient treatment under par. (a) for a juvenile's
17 parent, guardian or legal custodian. All inpatient treatment commitments or
18 admissions must be conducted in accordance with ch. 51.

19 **(2)** No order under sub. (1) (a) or (1m) (a) may be entered until the person who
20 is the subject of the contemplated order is given an opportunity to be heard on the
21 contemplated order. The court shall cause notice of the time, place and purpose of
22 the hearing to be served on the person personally at least 10 days before the date of
23 hearing. The procedure in these cases shall, as far as practicable, be the same as in
24 other cases in the court. At the hearing the person may be represented by counsel
25 and may produce and cross-examine witnesses. Any person who fails to comply with

1 any order issued by a court under sub. (1) (a) or (1m) (a) may be proceeded against
2 for contempt of court. If the person's conduct involves a crime, the person may be
3 proceeded against under the criminal law.

4 **(3)** If it appears at a court hearing that any person 17 or older has violated s.
5 948.40, the court shall refer the record to the district attorney for criminal
6 proceedings as may be warranted in the district attorney's judgment. This
7 subsection does not prevent prosecution of violations of s. 948.40 without the prior
8 reference by the court to the district attorney, as in other criminal cases.

9 SUBCHAPTER X

10 REHEARING AND APPEAL

11 **938.46 New evidence.** A juvenile whose status is adjudicated by the court
12 under this chapter, or the juvenile's parent, guardian or legal custodian, may at any
13 time within one year after the entering of the court's order petition the court for a
14 rehearing on the ground that new evidence has been discovered affecting the
15 advisability of the court's original adjudication. Upon a showing that such evidence
16 does exist, the court shall order a new hearing.

17 SUBCHAPTER XI

18 AUTHORITY

19 **938.48 Authority of department.** The department may do all of the
20 following:

21 **(1)** Promote the enforcement of the laws relating to delinquent juveniles and
22 juveniles in need of protection or services and take the initiative in all matters
23 involving the interests of such juveniles where adequate provision therefor is not
24 made. This duty shall be discharged in cooperation with the courts, county

1 departments and licensed child welfare agencies and with parents and other
2 individuals interested in the welfare of juveniles.

3 (2) Assist in extending and strengthening juvenile welfare services with
4 appropriate federal agencies and in conformity with the federal social security act
5 and in cooperation with parents, other individuals and other agencies so that all
6 juveniles needing such services are reached.

7 (3) Accept supervision over juveniles transferred to it by the court under s.
8 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4), and provide special treatment and
9 care when directed by the court. Except as provided in s. 938.505 (2), a court may
10 not direct the department to administer psychotropic medications to juveniles who
11 receive special treatment or care under this subsection.

12 (4) Provide appropriate care and training for juveniles under its supervision
13 under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4); including serving those
14 juveniles in their own homes, placing them in licensed foster homes or licensed
15 treatment foster homes in accordance with s. 48.63 or licensed group homes,
16 contracting for their care by licensed child welfare agencies or replacing them in
17 juvenile correctional institutions or secured child caring institutions in accordance
18 with rules promulgated under ch. 227, except that the department may not purchase
19 the educational component of private day treatment programs for juveniles in its
20 custody unless the department, the school board as defined in s. 115.001 (7) and the
21 secretary of education all determine that an appropriate public education program
22 is not available. Disputes between the department and the school district shall be
23 resolved by the secretary of education.

24 (4m) Continue to provide appropriate care, training and services to any person
25 who meets all of the following qualifications:

1 (a) Is at least 17 years of age.

2 (b) Was under the supervision of the department under s. 938.183, 938.34 (4h),
3 (4m) or (4n) or 938.357 (4) when the person reached 17 years of age.

4 (c) Is less than 19 years of age.

5 (d) Is determined by the department to be in need of care and services designed
6 to fit such person for gainful employment and has requested and consented to receive
7 such aid.

8 **(5)** Provide for the moral and religious training of a juvenile under its
9 supervision under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4) according to the
10 religious belief of the juvenile or of the juvenile's parents.

11 **(6)** Consent to emergency surgery under the direction of a licensed physician
12 or surgeon for any juvenile under its supervision under s. 938.183, 938.34 (4h), (4m)
13 or (4n) or 938.357 (4) upon notification by a licensed physician or surgeon of the need
14 for such surgery and if reasonable effort, compatible with the nature and time
15 limitation of the emergency, has been made to secure the consent of the juvenile's
16 parent or guardian.

17 **(13)** Promulgate rules for the payment of an allowance to juveniles in its
18 institutions and a cash grant to a juvenile being discharged from its institutions or
19 released to aftercare supervision.

20 **(14)** Pay maintenance, tuition and related expenses from the appropriation
21 under s. 20.410 (3) (am) and (ho) for persons who when they reached 17 years of age
22 were students regularly attending a school, college or university or regularly
23 attending a course of vocational or technical training designed to fit them for gainful
24 employment, and who when reaching that age were under the supervision of the

1 department under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4) as a result of
2 a judicial decision.

3 (16) Establish and enforce standards for services provided under s. 938.183,
4 938.34 or 938.345.

5 **938.49 Notification by court of placement with department;**
6 **information for department.** (1) When the court places a juvenile in a secured
7 correctional facility or secured child caring institution under the supervision of the
8 department, the court shall immediately notify the department of that action. The
9 court shall, in accordance with procedures established by the department, provide
10 transportation for the juvenile to a receiving center designated by the department
11 or deliver the juvenile to personnel of the department.

12 (2) When the court places a juvenile in a secured correctional facility or a
13 secured child caring institution under the supervision of the department, the court
14 and all other public agencies shall also immediately transfer to the department a
15 copy of the report submitted to the court under s. 938.33 or, if the report was
16 presented orally, a transcript of the report and all other pertinent data in their
17 possession and shall immediately notify the juvenile's last school district in writing
18 of its obligation under s. 118.125 (4).

19 **938.50 Examination of juveniles under supervision of department.** (1)
20 The department shall examine every juvenile who is placed under its supervision to
21 determine the type of placement best suited to the juvenile and to the protection of
22 the public. This examination shall include an investigation of the personal and
23 family history of the juvenile and his or her environment, any physical or mental
24 examinations considered necessary to determine the type of placement that is
25 necessary for the juvenile and the evaluation under s. 938.533 (2) to determine

1 whether the juvenile is eligible for corrective sanctions supervision or serious
2 juvenile offender supervision. A juvenile who is examined under this subsection
3 shall be screened to determine whether the juvenile is in need of special treatment
4 or care because of alcohol or other drug abuse, mental illness or severe emotional
5 disturbance.

6 (2) In making this examination the department may use any facilities, public
7 or private, that offer aid to it in the determination of the correct placement for the
8 juvenile.

9 **938.505 Juveniles placed under correctional supervision.** (1) When a
10 juvenile is placed under the supervision of the department under s. 938.183, 938.34
11 (4h), (4m) or (4n) or 938.357 (4) or (5) (e) or under the supervision of a county
12 department under s. 938.34 (4n), the department or county department having
13 supervision over the juvenile shall have the right and duty to protect, train,
14 discipline, treat and confine the juvenile and to provide food, shelter, legal services,
15 education and ordinary medical and dental care for the juvenile, subject to the rights,
16 duties and responsibilities of the guardian of the juvenile and subject to any residual
17 parental rights and responsibilities and the provisions of any court order.

18 (2) (a) If a juvenile 14 years of age or over who is under the supervision of the
19 department or a county department as described in sub. (1) and who is not residing
20 in his or her home wishes to be administered psychotropic medication but a parent
21 with legal custody or the guardian refuses to consent to the administration of
22 psychotropic medication or cannot be found, or if there is no parent with legal
23 custody, the department or county department acting on the juvenile's behalf may
24 petition the court assigned to exercise jurisdiction under this chapter and ch. 48 in
25 the county in which the juvenile is located for permission to administer psychotropic

1 medication to the juvenile. A copy of the petition and a notice of hearing shall be
2 served upon the parent or guardian at his or her last-known address. If, after
3 hearing, the court determines all of the following, the court shall grant permission
4 for the department or county department to administer psychotropic medication to
5 the juvenile without the parent's or guardian's consent:

6 1. That the parent's or guardian's consent is unreasonably withheld or that the
7 parent or guardian cannot be found or that there is no parent with legal custody,
8 except that the court may not determine that a parent's or guardian's consent is
9 unreasonably withheld solely because the parent or guardian relies on treatment by
10 spiritual means through prayer for healing in accordance with his or her religious
11 tradition.

12 2. That the juvenile is 14 years of age or over and is competent to consent to the
13 administration of psychotropic medication and that the juvenile voluntarily
14 consents to the administration of psychotropic medication.

15 3. Based on the recommendation of a physician, that the juvenile is in need of
16 psychotropic medication, that psychotropic medication is appropriate for the
17 juvenile's needs and that psychotropic medication is the least restrictive treatment
18 consistent with the juvenile's needs.

19 (b) The court may, at the request of the department or county department,
20 temporarily approve the administration of psychotropic medication, for not more
21 than 10 days after the date of the request, pending the hearing on the petition, which
22 shall be held within those 10 days.

23 **938.51 Notification of release or escape of juvenile from correctional**
24 **custody. (1)** At least 15 days prior to the date of release of a juvenile from a secured
25 correctional facility or a secured child caring institution and at least 15 days prior

1 to the release of a juvenile from the supervision of the department or a county
2 department, the department or county department having supervision over the
3 juvenile shall do all of the following:

4 (a) Notify all of the following local agencies in the community in which the
5 juvenile will reside of the juvenile's return to the community:

6 1. The law enforcement agencies.

7 2. The school district.

8 3. The county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437.

9 (b) Notify any known victim of an act for which the juvenile has been found
10 delinquent of the juvenile's release, if all of the following apply:

11 2. The victim can be found.

12 3. The victim has sent in a request card under sub. (2).

13 (c) Notify, if the victim died as a result of the juvenile's delinquent act and if the
14 criteria under par. (b) are met, an adult member of the victim's family or, if the victim
15 is younger than 18 years old and if the criteria under par. (b) are met, the victim's
16 parent or legal guardian.

17 **(1m)** The department or county department having supervision over a juvenile
18 shall determine the local agencies that it will notify under sub. (1) (a) based on the
19 residence of the juvenile's parents or on the juvenile's intended residence specified
20 in the juvenile's aftercare supervision plan or, if those methods do not indicate the
21 community in which the juvenile will reside following release from a secured
22 correctional facility or from the supervision of the department or county department,
23 the community in which the juvenile states that he or she intends to reside.

1 **(1r)** The notification under sub. (1) shall include only the juvenile's name, the
2 date of the juvenile's release and the type of placement to which the juvenile is
3 released.

4 **(2)** The department shall design and prepare cards for victims specified in sub.
5 (1) (b) and (c) to send to the department or county department having supervision
6 over the juvenile. The cards shall have space for these persons to provide their names
7 and addresses and any other information that the department determines is
8 necessary. The department shall provide the cards, without charge, to district
9 attorneys. District attorneys shall provide the cards, without charge, to victims
10 specified in sub. (1) (b) and (c). These persons may send completed cards to the
11 department or county department having supervision over the juvenile.

12 **(3)** Timely release of a juvenile shall not be prejudiced by the fact that the
13 department or county department having supervision over the juvenile did not notify
14 the victims or the local agencies under sub. (1) within the 15 days.

15 **(4)** If a juvenile escapes in violation of s. 946.42 (3), as soon as possible after
16 the department or county department having supervision over the juvenile discovers
17 that escape, that department or county department shall make a reasonable effort
18 to notify by telephone any known victim of the act for which the juvenile was found
19 delinquent, if the criteria under sub. (1) (b) are met; an adult member of the victim's
20 family, if the victim died as a result of the juvenile's delinquent act and if the criteria
21 under sub. (1) (b) are met; or the victim's parent or guardian, if the victim is younger
22 than 18 years old and if the criteria under sub. (1) (b) are met.

23 **938.52 Facilities for care of juveniles in care of department.**

24 **(1) FACILITIES MAINTAINED OR USED FOR JUVENILES.** The department may maintain or
25 use the following facilities for juveniles in its care:

- 1 (a) Receiving homes to be used for the temporary care of juveniles.
- 2 (b) Foster homes or treatment foster homes.
- 3 (c) Group homes.
- 4 (d) Institutions, facilities and services, including without limitation forestry or
5 conservation camps for the training and treatment of juveniles 10 years of age or
6 older who have been adjudged delinquent.
- 7 (f) Other facilities deemed by the department to be appropriate for the juvenile,
8 except that no state funds may be used for the maintenance of a juvenile in the home
9 of a parent or relative eligible for aid under s. 49.19 if such funds would reduce federal
10 funds to this state.
- 11 **(2) USE OF OTHER FACILITIES.** (a) In addition to the facilities and services
12 described in sub. (1), the department may use other facilities and services under its
13 jurisdiction. The department may also contract for and pay for the use of other public
14 facilities or private facilities for the care and treatment of juveniles in its care; but
15 placement of juveniles in private or public facilities not under its jurisdiction does
16 not terminate the supervision under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357
17 (4) of the department. Placements in institutions for the mentally ill or
18 developmentally disabled shall be made in accordance with ss. 48.14 (5), 48.63 and
19 938.34 (6) (am) and ch. 51.
- 20 (b) Public facilities are required to accept and care for persons placed with them
21 by the department in the same manner as they would be required to do had the legal
22 custody of these persons been transferred by a court of competent jurisdiction.
23 Nothing in this subsection shall be construed to require any public facility to serve
24 the department inconsistently with its functions or with the laws and regulations

1 governing their activities; or to give the department authority to use any private
2 facility without its consent.

3 (c) The department shall have the right to inspect all facilities it is using and
4 to examine and consult with persons under its supervision under s. 938.183, 938.34
5 (4h), (4m) or (4n) or 938.357 (4) who have been placed in that facility.

6 (4) COEDUCATIONAL PROGRAMS AND INSTITUTIONS. The department may institute
7 and maintain coeducational programs and institutions under this chapter.

8 **938.53 Duration of control of department over delinquents.** Except as
9 provided under ss. 48.366 and 938.183, all juveniles adjudged delinquent who have
10 been placed under the supervision of the department under s. 938.183, 938.34 (4m),
11 (4h), or (4n) or 938.357 (4) shall be discharged as soon as the department determines
12 that there is a reasonable probability that it is no longer necessary either for the
13 rehabilitation and treatment of the juvenile or for the protection of the public that
14 the department retain supervision.

15 **938.532 Juvenile boot camp program. (1) PROGRAM.** The department
16 shall provide a juvenile boot camp program for juveniles who have been placed under
17 the supervision of the department under s. 938.183, 938.34 (4h) or (4m) or 938.357
18 (4).

19 (2) PROGRAM ELIGIBILITY. The department may place in the juvenile boot camp
20 program any juvenile who has been placed under the supervision of the department
21 under s. 938.183, 938.34 (4h) or (4m) or 938.357 (4).

22 (3) AFTERCARE SUPERVISION. Notwithstanding s. 938.34 (4n), a juvenile who has
23 completed the juvenile boot camp program and who is released from a secured
24 correctional facility shall be placed under aftercare supervision administered by the
25 department.

1 **938.533 Corrective sanctions. (2)** CORRECTIVE SANCTIONS PROGRAM. From
2 the appropriation under s. 20.410 (3) (hr), the department shall provide a corrective
3 sanctions program to serve an average daily population of 105 juveniles, or an
4 average daily population of more than 105 juveniles if the appropriation under s.
5 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions for the
6 program are increased under s. 13.101 or 16.505 (2), in not less than 3 counties,
7 including Milwaukee County. The juvenile offender review program in the
8 department shall evaluate and select for participation in the program juveniles who
9 have been placed under the supervision of the department under s. 938.183, 938.34
10 (4h) or (4m) or 938.357 (4). The department shall place a program participant in the
11 community, provide intensive surveillance of that participant and provide an
12 average of \$5,000 per year per slot to purchase community-based treatment services
13 for each participant. The department shall make the intensive surveillance required
14 under this subsection available 24 hours a day, 7 days a week, and may purchase or
15 provide electronic monitoring for the intensive surveillance of program participants.
16 The department shall provide a report center in Milwaukee County to provide
17 on-site programming after school and in the evening for juveniles from Milwaukee
18 County who are placed in the corrective sanctions program. A contact worker
19 providing services under the program shall have a case load of approximately 10
20 juveniles and, during the initial phase of placement in the community under the
21 program of a juvenile who is assigned to that contact worker, shall have not less than
22 one face-to-face contact per day with that juvenile. Case management services
23 under the program shall be provided by a corrective sanctions agent who shall have
24 a case load of approximately 15 juveniles. The department shall promulgate rules
25 to implement the program.

1 **(3)** INSTITUTIONAL STATUS. (a) A participant in the corrective sanctions program
2 remains under the supervision of the department, remains subject to the rules and
3 discipline of that department and is considered to be in custody, as defined in s.
4 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition
5 of that juvenile's participation in the corrective sanctions program the department
6 may, without a hearing, take the juvenile into custody and place the juvenile in a
7 secured detention facility or return the juvenile to placement in a Type 1 secured
8 correctional facility or a secured child caring institution.

9 (b) The department shall operate the corrective sanctions program as a Type
10 2 secured correctional facility. The secretary may allocate and reallocate existing
11 and future facilities as part of the Type 2 secured correctional facility. The Type 2
12 secured correctional facility is subject to s. 46.03 (1). Construction or establishment
13 of a Type 2 secured correctional facility shall be in compliance with all state laws
14 except s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13),
15 construction or establishment of a Type 2 secured correctional facility is not subject
16 to the ordinances or regulations relating to zoning, including zoning under ch. 91, of
17 the county and city, village or town in which the construction or establishment takes
18 place and is exempt from the investigations permitted under s. 46.22 (1) (c) 1. b.

19 **(3m)** ESCAPE. If a juvenile runs away from the juvenile's placement in the
20 community while participating in the corrective sanctions program, that juvenile is
21 considered to have escaped in violation of s. 946.42 (3) (c).

22 **938.534 Intensive supervision program.** (1) A county department may
23 provide an intensive supervision program for juveniles who have been adjudicated
24 delinquent and ordered to participate in an intensive supervision program under s.
25 938.34 (2r). A county department that provides an intensive supervision program

1 shall purchase or provide intensive surveillance and community-based treatment
2 services for participants in that program and may purchase or provide electronic
3 monitoring for the intensive surveillance of program participants. A caseworker
4 providing services under an intensive supervision program may have a case load of
5 no more than 10 juveniles and shall have not less than one face-to-face contact per
6 day with each juvenile who is assigned to that caseworker. Notwithstanding ss.
7 938.19 to 938.21, but subject to any general written policies adopted by the court
8 under s. 938.06 (1) or (2) and to any policies adopted by the county board relating to
9 the taking into custody and placement of a juvenile under this subsection, if a
10 juvenile violates a condition of the juvenile's participation in the program, the
11 juvenile's caseworker may, without a hearing, take the juvenile into custody and
12 place the juvenile in a secure detention facility for not more than 72 hours while the
13 alleged violation is being investigated, if at the dispositional hearing the court
14 explained those conditions to the juvenile and informed the juvenile of the possibility
15 of that placement or if before the violation the juvenile has acknowledged in writing
16 that he or she has read, or has had read to him or her, those conditions and that
17 possible placement and that he or she understands those conditions and that possible
18 placement. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
19 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
20 the county board relating to the taking into custody and placement of a juvenile
21 under this subsection, the juvenile's caseworker may also, without a hearing, take
22 the juvenile into custody and place the juvenile in a place of nonsecure custody for
23 not more than 30 days as crisis intervention, if the juvenile is in need of crises
24 intervention and, if at the dispositional hearing the court informed the juvenile of the
25 possibility of that placement or if before the violation the juvenile has acknowledged

1 in writing that he or she has read, or has had read to him or her, those conditions and
2 that possible placement and that he or she understands those conditions and that
3 possible placement. If the juvenile is held in a secure detention facility for longer
4 than 72 hours, the juvenile is entitled to a hearing under s. 938.21. The hearing shall
5 be conducted in the manner provided in s. 938.21, except that the hearing shall be
6 conducted within 72 hours, rather than 24 hours, after the end of the day that the
7 decision to hold the juvenile was made and a written statement of the reasons for
8 continuing to hold the juvenile in custody may be filed rather than a petition under
9 s. 938.25.

10 (2) The department shall promulgate rules specifying the requirements for an
11 intensive supervision program under this section. The rules shall include rules that
12 govern the use of placement in a secure detention facility for not more than 72 hours
13 while a violation of a condition of a juvenile's participation in the program is being
14 investigated and the use of placement in a place of nonsecure custody for not more
15 than 30 days as crisis intervention.

16 **938.535 Early release and intensive supervision program; limits.** The
17 department may establish a program for the early release and intensive supervision
18 of juveniles who have been placed in a secured correctional facility or a secured child
19 caring institution under s. 938.183 or 938.34 (4m). The program may not include any
20 juveniles who have been placed in a secured correctional facility or a secured child
21 caring institution as a result of a delinquent act involving the commission of a violent
22 crime as defined in s. 969.035, but not including the crime specified in s. 948.02 (1).

23 **938.538 Serious juvenile offender program.**

24 (2) PROGRAM ADMINISTRATION AND DESIGN. The department shall administer a
25 serious juvenile offender program for juveniles who have been adjudicated

1 delinquent and ordered to participate in the program under s. 938.34 (4h). The
2 department shall design the program to provide all of the following:

3 (a) Supervision, care and rehabilitation that is more restrictive than ordinary
4 supervision in the community.

5 (b) Component phases that are intensive and highly structured.

6 (c) A series of component phases for each participant that is based on public
7 safety considerations and the participant's need for supervision, care and
8 rehabilitation.

9 **(3) COMPONENT PHASES.** (a) The department shall provide each participant with
10 one or more of the following sanctions:

11 1. Subject to subd. 1m., placement in a Type 1 secured correctional facility, a
12 secured child caring institution or, if the participant is 17 years of age or over, a Type
13 1 prison, as defined in s. 301.01 (5), for a period of not more than 3 years.

14 1m. If the participant has been adjudicated delinquent for committing an act
15 that would be a Class A felony if committed by an adult, placement in a Type 1
16 secured correctional facility, a secured child caring institution or, if the participant
17 is 17 years of age or over, a Type 1 prison, as defined in s. 301.01 (5), until the
18 participant reaches 25 years of age, unless the participant is released sooner, subject
19 to a mandatory minimum period of confinement of not less than one year.

20 1p. Alternate care, including placement in a foster home, treatment foster
21 home, group home, child caring institution or secured child caring institution.

22 2. Intensive or other field supervision, including corrective sanctions
23 supervision under s. 938.533, aftercare supervision or, if the participant is 17 years
24 of age or over, intensive sanctions supervision under s. 301.048.

25 3. Electronic monitoring.

1 4. Alcohol or other drug abuse outpatient treatment and services.

2 5. Mental health treatment and services.

3 6. Community service.

4 7. Restitution.

5 8. Transitional services for education and employment.

6 9. Other programs as prescribed by the department.

7 (b) The department may provide the sanctions under par. (a) in any order, may
8 provide more than one sanction at a time and may return to a sanction that was used
9 previously for a participant. Notwithstanding ss. 938.357, 938.363 and 938.533 (3),
10 a participant is not entitled to a hearing regarding the department's exercise of
11 authority under this subsection unless the department provides for a hearing by
12 rule.

13 **(4) INSTITUTIONAL STATUS.** (a) A participant in the serious juvenile offender
14 program is under the supervision and control of the department, is subject to the
15 rules and discipline of the department and is considered to be in custody, as defined
16 in s. 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a participant violates a
17 condition of his or her participation in the program under sub. (3) (a) 2. to 9. while
18 placed in a Type 2 secured correctional facility the department may, without a
19 hearing, take the participant into custody and return him or her to placement in a
20 Type 1 secured correctional facility, a secured child caring institution or, if the
21 participant is 17 years of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any
22 intentional failure of a participant to remain within the extended limits of his or her
23 placement while participating in the serious juvenile offender program or to return
24 within the time prescribed by the administrator of the division of intensive sanctions
25 in the department is considered an escape under s. 946.42 (3) (c).

1 (b) The department shall operate the component phases of the program
2 specified in sub. (3) (a) 2. to 9. as a Type 2 secured correctional facility. The secretary
3 of corrections may allocate and reallocate existing and future facilities as part of the
4 Type 2 secured correctional facility. The Type 2 secured correctional facility is subject
5 to s. 301.02. Construction or establishment of a Type 2 secured correctional facility
6 shall be in compliance with all state laws except s. 32.035 and ch. 91. In addition to
7 the exemptions under s. 13.48 (13), construction or establishment of a Type 2 secured
8 correctional facility is not subject to the ordinances or regulations relating to zoning,
9 including zoning under ch. 91, of the county and city, village or town in which the
10 construction or establishment takes place and is exempt from inspections required
11 under s. 301.36.

12 **(5) TRANSFERS AND DISCHARGE.** (a) The parole commission may grant a
13 participant parole under s. 304.06 at any time after the participant has completed
14 2 years of participation in the serious juvenile offender program. Parole supervision
15 of the participant shall be provided by the department.

16 (b) The department may discharge a participant from participation in the
17 serious juvenile offender program and from departmental supervision and control at
18 any time after the participant has completed 3 years of participation in the serious
19 juvenile offender program.

20 (c) Sections 938.357 and 938.363 do not apply to changes of placement and
21 revisions of orders for a juvenile who is a participant in the serious juvenile offender
22 program.

23 **(6) PURCHASE OF SERVICES.** The department of corrections may contract with the
24 department of health and social services, a county department or any public or
25 private agency for the purchase of goods, care and services for participants in the

1 serious juvenile offender program. The department of corrections shall reimburse
2 a person from whom it purchases goods, care or services under this subsection from
3 the appropriation under s. 20.410 (3) (cg) or, if the person for whom the goods, care
4 or services are purchased is placed in a Type 1 prison, as defined s. 301.01 (5), or is
5 under intensive sanctions supervision under s. 301.048, from the appropriate
6 appropriation under s. 20.410 (1).

7 **(6m) MINORITY HIRING.** (a) In this subsection:

8 1. “American Indian” means a person who is enrolled as a member of a federally
9 recognized American Indian tribe or band or who possesses documentation of at least
10 one-fourth American Indian ancestry or documentation of tribal recognition as an
11 American Indian.

12 2. “Black” means a person whose ancestors originated in any of the black racial
13 groups of Africa.

14 3. “Hispanic” means a person of any race whose ancestors originated in Mexico,
15 Puerto Rico, Cuba, Central America or South America or whose culture or origin is
16 Spanish.

17 4. “Minority group member” means a Black, a Hispanic or an American Indian.

18 (b) In the selection of classified service employes for a secured correctional
19 facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a), the appointing
20 authority shall make every effort to use the expanded certification program under
21 s. 230.25 (1n) or rules of the administrator of the division of merit recruitment and
22 selection in the department of employment relations to ensure that the percentage
23 of employes who are minority group members approximates the percentage of the
24 children placed at that secured correctional facility who are minority group
25 members. The administrator of the division of merit recruitment and selection in the

1 department of employment relations shall provide guidelines for the administration
2 of this selection procedure.

3 (7) RULES. The department shall promulgate rules to implement this section.

4 **938.54 Records.** The department shall keep a complete record on each
5 juvenile under its supervision under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357
6 (4). This record shall include the information received from the court, the date of
7 reception, all available data on the personal and family history of the juvenile, the
8 results of all tests and examinations given the juvenile, and a complete history of all
9 placements of the juvenile while under the supervision of the department.

10 **938.547 Juvenile alcohol and other drug abuse pilot program.**

11 (1) LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that the use and abuse
12 of alcohol and other drugs by juveniles is a state responsibility of statewide
13 dimension. The legislature recognizes that there is a lack of adequate procedures to
14 screen, assess and treat juveniles for alcohol and other drug abuse. To reduce the
15 incidence of alcohol and other drug abuse by juveniles, the legislature deems it
16 necessary to experiment with solutions to the problems of the use and abuse of
17 alcohol and other drugs by juveniles by establishing a juvenile alcohol and other drug
18 abuse pilot program in a limited number of counties. The purpose of the program is
19 to develop intake and court procedures that screen, assess and give new dispositional
20 alternatives for juveniles with needs and problems related to the use of alcohol
21 beverages or controlled substances who come within the jurisdiction of a court
22 assigned to exercise jurisdiction under this chapter and ch. 48 in the pilot counties
23 selected by the department.

24 (2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding under s.
25 20.435 (7) (mb) that is available for the pilot program, the department of health and

1 social services shall select counties to participate in the pilot program. Unless a
2 county department of human services has been established under s. 46.23 in the
3 county that is seeking to implement a pilot program, the application submitted to the
4 department of health and social services shall be a joint application by the county
5 department that provides social services and the county department established
6 under s. 51.42 or 51.437. The department of health and social services shall select
7 counties in accordance with the request-for-proposal procedures established by that
8 department. The department of health and social services shall give a preference to
9 county applications that include a plan for case management.

10 **(3) MULTIDISCIPLINARY SCREEN.** The multidisciplinary screen developed for the
11 pilot program shall be used by an intake worker to determine whether or not a
12 juvenile is in need of an alcohol or other drug abuse assessment. The screen shall
13 also include indicators that screen juveniles for:

- 14 (a) Family dysfunction.
- 15 (b) School or truancy problems.
- 16 (c) Mental health problems.
- 17 (d) Delinquent behavior patterns.

18 **(4) ASSESSMENT CRITERIA.** The uniform alcohol and other drug abuse
19 assessment criteria that the department developed shall be used in the pilot program
20 under ss. 938.245 (2) (a) 3., 938.295 (1), 938.32 (1g), 938.343 (10) and 938.344 (2g).
21 An approved treatment facility that assesses a person under ss. 938.245 (2) (a) 3.,
22 938.295 (1), 938.32 (1g), 938.343 (10) and 938.344 (2g) may not also provide the
23 person with treatment unless the department permits the approved treatment
24 facility to do both in accordance with the criteria established by rule by the
25 department.

1 **938.548 Multidisciplinary screen and assessment criteria.** The
2 department of health and social services shall make the multidisciplinary screen
3 developed under s. 938.547 (3) and the assessment criteria developed under s.
4 938.547 (4) available to all counties.

5 **938.549 Juvenile classification system.** (1) The department shall make
6 available to all counties a juvenile classification system that includes at least all of
7 the following:

8 (a) A risk assessment instrument for determining the probability that a
9 juvenile who has committed an offense will commit another offense.

10 (b) A needs assessment instrument for determining the service needs of a
11 juvenile who has committed an offense.

12 (c) A services and placement guide for integrating the risk and needs of a
13 juvenile who has committed an offense with other factors to determine an
14 appropriate placement and level of services for the juvenile.

15 (2) A county may use the juvenile classification system to do any of the
16 following:

17 (a) At the time of an intake inquiry, determine whether to close a case, enter
18 into a deferred prosecution agreement or refer the case to the district attorney.

19 (b) At the time of disposition, recommend a placement and a plan of
20 rehabilitation, treatment and care for the juvenile.

21 (c) After disposition, determine the level or intensity of supervisory contacts
22 required for a juvenile under county supervision.

23 (3) Subject to the availability of resources, the department may provide
24 training and technical assistance in the use of the juvenile classification system to
25 any county that requests that training and technical assistance.

1 SUBCHAPTER XII

2 COUNTY JUVENILE

3 WELFARE SERVICES

4 **938.57 Powers and duties of county departments providing juvenile**
5 **welfare services.** (1) Each county department shall administer and expend such
6 amounts as may be necessary out of any moneys which may be appropriated for
7 juvenile welfare purposes by the county board of supervisors or donated by
8 individuals or private organizations. A county department may do any of the
9 following:

10 (a) Investigate the conditions surrounding delinquent juveniles and juveniles
11 in need of protection or services within the county and take every reasonable action
12 within its power to secure for them the full benefit of all laws enacted for their benefit.
13 Unless provided by another agency, the county department shall offer social services
14 to the caretaker of any juvenile who is referred to it under the conditions specified
15 in this paragraph. This duty shall be discharged in cooperation with the court and
16 with the public officers or boards legally responsible for the administration and
17 enforcement of these laws.

18 (b) Accept legal custody or supervision of juveniles transferred to it by the court
19 under s. 938.355 and provide special treatment and care if ordered by the court.
20 Except as provided in s. 938.505 (2), a court may not order a county department to
21 administer psychotropic medications to juveniles who receive special treatment or
22 care under this paragraph.

23 (c) Provide appropriate protection and services for juveniles in its care,
24 including providing services for juveniles and their families in their own homes,
25 placing the juveniles in licensed foster homes, licensed treatment foster homes or

1 licensed group homes in this state or another state within a reasonable proximity to
2 the agency with legal custody or contracting for services for them by licensed child
3 welfare agencies or replacing them in juvenile correctional institutions or secured
4 child caring institutions in accordance with rules promulgated under ch. 227, except
5 that the county department may not purchase the educational component of private
6 day treatment programs unless the county department, the school board as defined
7 in s. 115.001 (7) and the secretary of education all determine that an appropriate
8 public education program is not available. Disputes between the county department
9 and the school district shall be resolved by the secretary of education.

10 (cm) Provide appropriate services for juveniles who are referred to the county
11 department by a municipal court, except that if the funding, staffing or other
12 resources of the county department for juvenile welfare services are insufficient to
13 meet the needs of all juveniles who are eligible to receive services from the county
14 department, the county department shall give first priority to juveniles who are
15 referred to the county department by the court assigned to exercise jurisdiction
16 under this chapter and ch. 48.

17 (d) Provide for the moral and religious training of juveniles in its care according
18 to the religious belief of the juvenile or of his or her parents.

19 (f) Provide services to the court under s. 938.06.

20 (g) Upon request of the department, provide service for any juvenile in the care
21 of the department.

22 (h) Contract with any parent or guardian or other person for the care and
23 maintenance of any juvenile.

1 **(2)** In performing the functions specified in sub. (1) the county department may
2 avail itself of the cooperation of any individual or private agency or organization
3 interested in the social welfare of juveniles in the county.

4 **(3)** (a) From the reimbursement received under s. 46.495 (1) (d), counties may
5 provide funding for the maintenance of any juvenile who meets all of the following
6 qualifications:

7 1. Is 17 years of age or older.

8 2. Is enrolled in and regularly attending a secondary education classroom
9 program leading to a high school diploma.

10 3. Received funding under s. 46.495 (1) (d) immediately prior to his or her 17th
11 birthday.

12 4. Is living in a foster home, treatment foster home, group home or child caring
13 institution.

14 (b) The funding provided for the maintenance of a juvenile under par. (a) shall
15 be in an amount equal to that to which the juvenile would receive under s. 46.495 (1)
16 (d) if the juvenile were 16 years of age.

17 **(4)** A county department may provide aftercare supervision under s. 48.34 (4n)
18 for juveniles who are released from secured correctional facilities or secured child
19 caring institutions operated by the department. If a county department intends to
20 change its policy regarding whether the county department or the department shall
21 provide aftercare supervision for juveniles released from secured correctional
22 facilities or secured child caring institutions operated by the department, the county
23 executive or county administrator, or, if the county has no county executive or county
24 administrator, the chairperson of the county board of supervisors, or, for multicounty
25 departments, the chairpersons of the county boards of supervisors jointly, shall

1 submit a letter to the department stating that intent before July 1 of the year
2 preceding the year in which the policy change will take effect.

3 **938.59 Examination and records. (1)** The county department shall
4 investigate the personal and family history and environment of any juvenile
5 transferred to its legal custody or placed under its supervision under s. 938.34 (4n)
6 and make any physical or mental examinations of the juvenile considered necessary
7 to determine the type of care necessary for the juvenile. The county department shall
8 screen a juvenile who is examined under this subsection to determine whether the
9 juvenile is in need of special treatment or care because of alcohol or other drug abuse,
10 mental illness or severe emotional disturbance. The county department shall keep
11 a complete record of the information received from the court, the date of reception,
12 all available data on the personal and family history of the juvenile, the results of all
13 tests and examinations given the juvenile and a complete history of all placements
14 of the juvenile while in the legal custody or under the supervision of the county
15 department.

16 **(2)** At the department's request, the county department shall report to the
17 department regarding juveniles in the legal custody or under the supervision of the
18 county department.

19 **938.595 Duration of control of county departments over delinquents.**
20 Except as provided in s. 48.366, a juvenile who has been adjudged delinquent and
21 placed under the supervision of a county department under s. 938.34 (4n) shall be
22 discharged as soon as the county department determines that there is a reasonable
23 probability that it is no longer necessary either for the rehabilitation and treatment
24 of the juvenile or for the protection of the public that the county department retain
25 supervision.

SUBCHAPTER XVII

GENERAL PROVISIONS ON RECORDS

938.78 Confidentiality of records. (1) In this section, unless otherwise qualified, "agency" means the department, a county department or a licensed child welfare agency.

(2) (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual in its care or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d) or 938.51 or by order of the court.

(ag) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of the parent, guardian or legal custodian of the juvenile who is the subject of the record or upon the request of the juvenile, if 14 years of age or over, to the parent, guardian, legal custodian or juvenile.

(am) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian or legal custodian of the juvenile who is the subject of the record or upon the written permission of the juvenile, if 14 years of age or over, to the person named in the permission if the parent, guardian, legal custodian or juvenile specifically identifies the record in the written permission.

(b) 1. Paragraph (a) does not apply to the confidential exchange of information between an agency, another social welfare agency, a law enforcement agency, the victim-witness coordinator or a public school district regarding an individual in the care or legal custody of the agency.

1 2. On petition of an agency to review pupil records, as defined in s. 118.125 (1)
2 (d), other than pupil records that may be disclosed without court order under s.
3 118.125 (2) or (2m), for the purpose of providing treatment or care for an individual
4 in the care or legal custody of the agency, the court may order the school board of the
5 school district in which an individual is enrolled to disclose to the agency the pupil
6 records of the individual as necessary for the agency to provide that treatment or
7 care. The agency may use the pupil records only for the purpose of providing
8 treatment or care and may make the pupil records available only to employes of the
9 agency who are providing treatment or care for the individual.

10 (d) Paragraph (a) does not prohibit the department of health and social services
11 or a county department from disclosing information about an individual formerly in
12 the legal custody or under the supervision of that department under s. 48.34 (4m),
13 1993 stats., or formerly under the supervision of that department or county
14 department under s. 48.34 (4n), 1993 stats., or s. 938.34 (4n) to the department of
15 corrections, if the individual is at the time of disclosure any of the following:

- 16 1. The subject of a presentence investigation under s. 972.15.
- 17 2. Under sentence to the Wisconsin state prisons under s. 973.15.
- 18 3. Subject to an order under s. 48.366 or 938.183 and placed in a state prison
19 under s. 48.366 (8) or 938.183.
- 20 4. On probation to the department of corrections under s. 973.09.
- 21 5. On parole under s. 302.11 or ch. 304.

22 (e) Paragraph (a) does not prohibit the department from disclosing information
23 about an individual adjudged delinquent under s. 938.31 for a sexually violent
24 offense, as defined in s. 980.01 (6), to the department of justice, or a district attorney
25 or a judge acting under ch. 980 or to an attorney who represents a person subject to

1 a petition under ch. 980. The court in which the petition under s. 980.02 is filed may
2 issue any protective orders that it determines are appropriate concerning
3 information disclosed under this paragraph.

4 (f) If an agency discloses information in its records about a juvenile under par.
5 (b) 1., (d) or (e), the agency shall immediately notify the juvenile who is the subject
6 of the record and the juvenile's parent, guardian or legal custodian of that disclosure
7 and shall immediately provide to the juvenile and the parent, guardian or legal
8 custodian the information disclosed, unless the agency determines that provision of
9 that information to the parent, guardian or legal custodian would result in imminent
10 danger to the juvenile.

11 (3) If a juvenile adjudged delinquent on the basis of a violation of s. 941.10,
12 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295,
13 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a),
14 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60,
15 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
16 correctional facility or a secured child caring institution, has been allowed to leave
17 a secured correctional facility or a secured child caring institution for a specified time
18 period and is absent from the facility or institution for more than 12 hours after the
19 expiration of the specified period, the department may release the juvenile's name
20 and any information about the juvenile that is necessary for the protection of the
21 public or to secure the juvenile's return to the facility, institution or placement. The
22 department shall promulgate rules establishing guidelines for the release of the
23 juvenile's name or information about the juvenile to the public.

24 **938.795 Powers of the department.** The department may do all of the
25 following:

1 (1) Collect and collaborate with other agencies in collecting statistics and
2 information useful in determining the cause and amount of delinquency and crime
3 in this state or in carrying out the powers and duties of the department.

4 (2) Assist communities in their efforts to combat delinquency and social
5 breakdown likely to cause delinquency and crime and assist them in setting up
6 programs for coordinating the total community program, including the improvement
7 of law enforcement.

8 (3) Assist schools in extending their particular contribution in locating and
9 helping juveniles vulnerable to delinquency and crime and in improving their
10 services to all youth.

11 (4) Develop and maintain an enlightened public opinion in support of a
12 program to control delinquency and crime.

13 **SECTION 630.** 938.988 of the statutes is created to read:

14 **938.988 Interstate placement of juveniles.** Sections 48.988 and 48.989
15 apply to the interstate placement of juveniles.

16 **SECTION 631.** 939.62 (3) (a) of the statutes is amended to read:

17 939.62 (3) (a) In case of crimes committed in this state, the terms do not include
18 motor vehicle offenses under chs. 341 to 349 and offenses handled through court
19 proceedings in the court assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938,
20 but otherwise have the meanings designated in s. 939.60.

21 **SECTION 632.** 939.62 (3) (b) of the statutes is amended to read:

22 939.62 (3) (b) In case of crimes committed in other jurisdictions, the terms do
23 not include those crimes which are equivalent to motor vehicle offenses under chs.
24 341 to 349 or to offenses handled through court proceedings in the court assigned to
25 exercise jurisdiction under ~~ch.~~ chs. 48 and 938. Otherwise, felony means a crime

1 which under the laws of that jurisdiction carries a prescribed maximum penalty of
2 imprisonment in a prison or penitentiary for one year or more. Misdemeanor means
3 a crime which does not carry a prescribed maximum penalty sufficient to constitute
4 it a felony and includes crimes punishable only by a fine.

5 **SECTION 633.** 939.635 (title) and (1) of the statutes are amended to read:

6 **939.635 (title) Penalties; assault or battery in secured juvenile**
7 **correctional facility facilities or to aftercare agent.** (1) Except as provided in
8 sub. (2), if a person who has been adjudicated delinquent is convicted of violating s.
9 940.20 (1) while placed in a secured correctional facility, as defined in s. ~~48.02 (15m)~~
10 938.02 (15m), a secure detention facility, as defined in s. 938.02 (16), a secured child
11 caring institution, as defined in s. 938.02 (15g), or a secured adolescent treatment
12 unit under s. 46.043 or is convicted of violating s. 940.20 (2m), the court shall
13 sentence the person to not less than 3 years of imprisonment. Except as provided in
14 sub. (2), if a person is convicted of violating s. 946.43 while placed in a secured
15 correctional facility, as defined in s. ~~48.02 (15m)~~ 938.02 (15m), a secure detention
16 facility, as defined in s. 938.02 (16), a secured child caring institution, as defined in
17 s. 938.02 (15g), or a secured adolescent treatment unit under s. 46.043, the court
18 shall sentence the person to not less than 5 years of imprisonment.

19 **SECTION 634.** 939.635 (2) (b) of the statutes is amended to read:

20 939.635 (2) (b) That imposing the applicable presumptive minimum sentence
21 specified in sub. (1) is not necessary to deter the person or other persons from
22 committing violations of s. 940.20 (1) or 946.43 or other similar offenses while placed
23 in a secured correctional facility, as defined in s. ~~48.02 (15m)~~ 938.02 (15m), a secure
24 detention facility, as defined in s. 938.02 (16), a secured child caring institution, as

1 defined in s. 938.02 (15g), or a secured adolescent treatment unit under s. 46.043 or
2 from committing violations of s. 940.20 (2m).

3 **SECTION 635.** 940.20 (2m) of the statutes is amended to read:

4 940.20 (2m) (title) BATTERY TO PROBATION AND PAROLE AGENTS AND AFTERCARE
5 AGENTS. (a) In this subsection, ~~“probation;~~

6 2. “Probation and parole agent” means any person authorized by the
7 department of corrections to exercise control over a probationer or parolee.

8 (b) Whoever intentionally causes bodily harm to a probation and parole agent
9 or an aftercare agent, acting in an official capacity and the person knows or has
10 reason to know that the victim is a probation and parole agent or an aftercare agent,
11 by an act done without the consent of the person so injured, is guilty of a Class D
12 felony.

13 **SECTION 636.** 940.20 (2m) (a) 1. of the statutes is created to read:

14 940.20 (2m) (a) 1. “Aftercare agent” means any person authorized by the
15 department of corrections to exercise control over a juvenile on aftercare.

16 **SECTION 637.** 941.29 (2) of the statutes is amended to read:

17 941.29 (2) Any person specified in sub. (1) who, subsequent to the conviction
18 for the felony or other crime, as specified in sub. (1), subsequent to the adjudication,
19 as specified in sub. (1) (bm), or subsequent to the finding of not guilty or not
20 responsible by reason of insanity or mental disease, defect or illness, possesses a
21 firearm is guilty of a Class E felony. Whoever violates this section after being
22 convicted under this section is guilty of a Class D felony.

23 **SECTION 638.** 946.42 (1) (a) of the statutes, as affected by 1995 Wisconsin Act
24 27, section 7233m, is amended to read:

1 946.42 (1) (a) “Custody” includes without limitation actual custody of an
2 institution, including a secured juvenile correctional facility, a secure detention
3 facility, as defined under s. 48.02 (16), or a juvenile portion of a county jail, or of a
4 peace officer or institution guard and constructive custody of prisoners and juveniles
5 subject to an order under s. 48.34 (4m), 48.357 (4) or (5) (e) or 48.366 temporarily
6 outside the institution whether for the purpose of work, school, medical care, a leave
7 granted under s. 303.068, a temporary leave or furlough granted to a juvenile or
8 otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the
9 county to which the prisoner was transferred after conviction. “Custody” also
10 ~~includes the custody by the department of health and social services of a child who~~
11 ~~is placed in the community under corrective sanctions supervision under s. 48.533.~~
12 It does not include the custody of a probationer or parolee by the department of
13 corrections or a probation or parole officer or the custody of a person who has been
14 released to aftercare supervision under ch. 48 unless the person is in actual custody.

15 **SECTION 639.** 946.42 (1) (a) of the statutes, as affected by 1995 Wisconsin Acts
16 27, section 7233p, and ... (this act), is repealed and recreated to read:

17 946.42 (1) (a) “Custody” includes without limitation actual custody of an
18 institution, including a secured juvenile correctional facility, a secured child caring
19 institution, as defined in s. 938.02 (15g), a secure detention facility, as defined in s.
20 938.02 (16), or a juvenile portion of a county jail, or of a peace officer or institution
21 guard and constructive custody of prisoners and juveniles subject to an order under
22 s. 48.366, 938.183, 938.34 (4h) or (4m) or 938.357 (4) or (5) (e) temporarily outside
23 the institution whether for the purpose of work, school, medical care, a leave granted
24 under s. 303.068, a temporary leave or furlough granted to a juvenile or otherwise.
25 Under s. 303.08 (6) it means, without limitation, that of the sheriff of the county to

1 which the prisoner was transferred after conviction. It does not include the custody
2 of a probationer or parolee by the department of corrections or a probation or parole
3 officer or the custody of a person who has been released to aftercare supervision
4 under ch. 938 unless the person is in actual custody.

5 **SECTION 640.** 946.42 (1) (c) of the statutes is amended to read:

6 946.42 (1) (c) "Legal arrest" includes without limitation an arrest pursuant to
7 process fair on its face notwithstanding insubstantial irregularities and also
8 includes taking a child into custody under s. ~~48.19~~ 938.19.

9 **SECTION 641.** 946.42 (2) (b) of the statutes is amended to read:

10 946.42 (2) (b) Lawfully taken into custody under s. ~~48.19~~ 938.19 for a violation
11 of or lawfully alleged or adjudged under ch. 48 938 to have violated a statutory traffic
12 regulation, a statutory provision for which the penalty is a forfeiture or a municipal
13 ordinance.

14 **SECTION 642.** 946.42 (3) (b) of the statutes is amended to read:

15 946.42 (3) (b) Lawfully taken into custody under s. ~~48.19~~ 938.19 for or lawfully
16 alleged or adjudged under ch. 48 938 to be delinquent on the basis of a violation of
17 a criminal law.

18 **SECTION 643.** 946.42 (3) (c) of the statutes, as affected by 1993 Wisconsin Acts
19 377 and 385, is amended to read:

20 946.42 (3) (c) Subject to a disposition under s. ~~48.34 (4g)~~ 938.34 (4h) or (4m),
21 to a placement under s. ~~48.357~~ 938.357 (4) or to aftercare revocation under s. ~~48.357~~
22 938.357 (5) (e).

23 **SECTION 644.** 946.44 (1) (a) of the statutes, as affected by 1995 Wisconsin Act

24 27, section 7234m, is amended to read:

1 946.44 (1) (a) Any officer or employe of an institution where prisoners are
2 detained ~~or any officer or employe providing corrective sanctions supervision under~~
3 ~~s. 48.533~~ who intentionally permits a prisoner in the officer's or employe's custody
4 to escape; or

5 **SECTION 645.** 946.44 (1) (a) of the statutes, as affected by 1995 Wisconsin Acts
6 27 and (this act), is repealed and recreated to read:

7 946.44 (1) (a) Any officer or employe of an institution where prisoners are
8 detained who intentionally permits a prisoner in the officer's or employe's custody
9 to escape; or

10 **SECTION 646.** 946.44 (2) (c) of the statutes, as affected by 1995 Wisconsin Act
11 27, is amended to read:

12 946.44 (2) (c) "Institution" includes a secured juvenile correctional facility and
13 a secured child caring institution, as defined in s. 938.02 (15g).

14 **SECTION 647.** 946.44 (2) (d) of the statutes, as affected by 1995 Wisconsin Act
15 27, section 7234v, is amended to read:

16 946.44 (2) (d) "Prisoner" includes a person who is under the supervision of the
17 department of corrections under s. ~~48.34~~ 938.34 (4h) or placed in a secured
18 correctional facility or secured child caring institution under s. ~~48.34~~ 938.34 (4m) or
19 ~~48.357~~ 938.357 (4) or (5) (e) or who is subject to an order under s. 48.366.

20 **SECTION 648.** 946.45 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
21 section 7235m, is amended to read:

22 946.45 (1) Any officer or employe of an institution where prisoners are detained
23 ~~or any officer or employe providing corrective sanctions supervision under s. 48.533~~
24 who, through his or her neglect of duty, allows a prisoner in his or her custody to
25 escape is guilty of a Class B misdemeanor.

1 **SECTION 649.** 946.45 (1) of the statutes, as affected by 1995 Wisconsin Acts 27
2 and (this act), is repealed and recreated to read:

3 946.45 (1) Any officer or employe of an institution where prisoners are detained
4 who, through his or her neglect of duty, allows a prisoner in his or her custody to
5 escape is guilty of a Class B misdemeanor.

6 **SECTION 650.** 946.45 (2) (c) of the statutes, as affected by 1995 Wisconsin Act
7 27, is amended to read:

8 946.45 (2) (c) "Institution" includes a secured juvenile correctional facility and
9 a secured child caring institution, as defined in s. 938.02 (15g).

10 **SECTION 651.** 946.45 (2) (d) of the statutes, as affected by 1995 Wisconsin Act
11 27, section 7235v, is amended to read:

12 946.45 (2) (d) "Prisoner" includes a person who is under the supervision of the
13 department of corrections under s. ~~48.34~~ 938.34 (4h) or placed in a secured
14 correctional facility or secured child caring institution under s. ~~48.34~~ 938.34 (4m) or
15 ~~48.357~~ 938.357 (4) or (5) (e) or who is subject to an order under s. 48.366.

16 **SECTION 652.** 946.50 of the statutes is created to read:

17 **946.50 Absconding.** Any person who is adjudicated delinquent, but who
18 intentionally fails to appear before the court assigned to exercise jurisdiction under
19 chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who does
20 not return to that court for a dispositional hearing before attaining the age of 17 years
21 is guilty of the following:

22 (1) A Class A felony, if the person was adjudicated delinquent for committing
23 an act that would be a Class A felony if committed by an adult.

24 (2) A Class B felony, if the person was adjudicated delinquent for committing
25 an act that would be a Class B felony if committed by an adult.

1 **(3)** A Class C felony, if the person was adjudicated delinquent for committing
2 an act that would be a Class C felony is committed by an adult.

3 **(4)** A Class D felony, if the person was adjudicated delinquent for committing
4 an act that would be a Class D felony if committed by an adult.

5 **(5)** A Class E felony, if the person was adjudicated delinquent for committing
6 an act that would be a Class E felony if committed by an adult.

7 **(6)** A Class A misdemeanor, if the person was adjudicated delinquent for
8 committing an act that would be a misdemeanor if committed by an adult.

9 **SECTION 653.** 948.31 (1) (a) 2. of the statutes, as affected by 1995 Wisconsin Act
10 27, is amended to read:

11 948.31 **(1)** (a) 2. The department of health and social services or the department
12 of corrections or any person, county department under s. 46.215, 46.22 or 46.23 or
13 licensed child welfare agency, if custody or supervision of the child has been
14 transferred under ch. 48 or 938 to that department, person or agency.

15 **SECTION 654.** 948.31 (1) (b) of the statutes is amended to read:

16 948.31 **(1)** (b) Except as provided under ~~ch.~~ chs. 48 and 938, whoever
17 intentionally causes a child to leave, takes a child away or withholds a child for more
18 than 12 hours beyond the court-approved period of physical placement or visitation
19 period from a legal custodian with intent to deprive the custodian of his or her
20 custody rights without the consent of the custodian is guilty of a Class C felony. This
21 paragraph is not applicable if the court has entered an order authorizing the person
22 to so take or withhold the child. The fact that joint legal custody has been awarded
23 to both parents by a court does not preclude a court from finding that one parent has
24 committed a violation of this paragraph.

25 **SECTION 655.** 948.40 (1) of the statutes is amended to read:

1 948.40 (1) No person may intentionally encourage or contribute to the
2 delinquency of a child ~~as defined in s. 48.02 (3m)~~. This subsection includes
3 intentionally encouraging or contributing to an act by a child under the age of ~~12~~ 10
4 which would be a delinquent act if committed by a child ~~12~~ 10 years of age or older.

5 **SECTION 656.** 948.40 (2) of the statutes is amended to read:

6 948.40 (2) No person responsible for the child's welfare may, by disregard of the
7 welfare of the child, contribute to the delinquency of the child. This subsection
8 includes disregard that contributes to an act by a child under the age of ~~12~~ 10 that
9 would be a delinquent act if committed by a child ~~12~~ 10 years of age or older.

10 **SECTION 657.** 948.50 (4) (b) of the statutes is amended to read:

11 948.50 (4) (b) Is placed in or transferred to a secured correctional facility, as
12 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02
13 (15g).

14 **SECTION 658.** 948.60 (2) (d) of the statutes, as affected by 1995 Wisconsin Act
15 27, is amended to read:

16 948.60 (2) (d) A person under 17 years of age who has violated this subsection
17 is subject to the provisions of ch. 48 938 unless jurisdiction is waived under s. 48.18
18 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
19 under s. 938.183.

20 **SECTION 659.** 948.61 (4) of the statutes, as affected by 1995 Wisconsin Act 27,
21 is amended to read:

22 948.61 (4) A person under 17 years of age who has violated this section is
23 subject to the provisions of ch. 48 938, unless jurisdiction is waived under s. 48.18
24 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
25 under s. 938.183.

1 **SECTION 660.** 950.02 (1m) of the statutes is amended to read:

2 950.02 **(1m)** “Crime” means an act committed in this state which, if committed
3 by a competent adult, would constitute a crime, as defined in s. 939.12, or which, if
4 committed by a responsible child, would constitute a delinquent act under ch. 48 938.

5 **SECTION 661.** 967.04 (7) (a) (intro.) of the statutes is amended to read:

6 967.04 **(7)** (a) (intro.) In any criminal prosecution or any proceeding under ch.
7 48 or 938, any party may move the court to order the taking of a videotaped deposition
8 of a child who has been or is likely to be called as a witness. Upon notice and hearing,
9 the court may issue an order for such a deposition if the trial or hearing in which the
10 child may be called will commence:

11 **SECTION 662.** 967.04 (9) of the statutes is amended to read:

12 967.04 **(9)** In any criminal prosecution or juvenile fact-finding hearing under
13 s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken
14 under subs. (7) and (8) without an additional hearing under s. 908.08. In any
15 proceeding under s. 304.06 (3) or 973.10 (2), the hearing examiner may order and
16 preside at the taking of a videotaped deposition using the procedure provided in subs.
17 (7) and (8) and may admit the videotaped deposition into evidence without an
18 additional hearing under s. 908.08.

19 **SECTION 663.** 968.255 (1) (a) 3. of the statutes is amended to read:

20 968.255 **(1)** (a) 3. Taken into custody under s. ~~48.19~~ 938.19 and there are
21 reasonable grounds to believe the child has committed an act which if committed by
22 an adult would be covered under subd. 1. or 2.

23 **SECTION 664.** 968.255 (7) (b) of the statutes is amended to read:

1 968.255 (7) (b) Is placed in or transferred to a secured correctional facility, as
2 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02
3 (15g).

4 **SECTION 665.** 969.01 (4) of the statutes is amended to read:

5 969.01 (4) CONSIDERATIONS IN SETTING CONDITIONS OF RELEASE. If bail is imposed,
6 it shall be only in the amount found necessary to assure the appearance of the
7 defendant. Conditions of release, other than monetary conditions, may be imposed
8 for the purpose of protecting members of the community from serious bodily harm
9 or preventing intimidation of witnesses. Proper considerations in determining
10 whether to release the defendant without bail, fixing a reasonable amount of bail or
11 imposing other reasonable conditions of release are: the ability of the arrested person
12 to give bail, the nature, number and gravity of the offenses and the potential penalty
13 the defendant faces, whether the alleged acts were violent in nature, the defendant's
14 prior ~~criminal~~ record of criminal convictions and delinquency adjudications, if any,
15 the character, health, residence and reputation of the defendant, the character and
16 strength of the evidence which has been presented to the judge, whether the
17 defendant is currently on probation or parole, whether the defendant is already on
18 bail or subject to other release conditions in other pending cases, whether the
19 defendant has been bound over for trial after a preliminary examination, whether
20 the defendant has in the past forfeited bail or violated a condition of release or was
21 a fugitive from justice at the time of arrest, and the policy against unnecessary
22 detention of the defendant's pending trial.

23 **SECTION 666.** 970.032 (title) and (1) of the statutes are amended to read:

24 **970.032 (title) Preliminary examination; ~~child accused of committing~~**
25 **~~assault or battery in a secured correctional facility~~ child under original**

1 **adult court jurisdiction.** (1) Notwithstanding s. 970.03, if a preliminary
2 examination is held regarding a child who is ~~accused of violating s. 940.20 (1) or~~
3 ~~946.43 while placed in a secured correctional facility, as defined in s. 48.02 (15m)~~
4 subject to the original jurisdiction of the court of criminal jurisdiction under s.
5 938.183 (1), the court shall first determine whether there is probable cause to believe
6 that the child has committed a ~~violation of s. 940.20 (1) or 946.43 while placed in a~~
7 ~~secured correctional facility, as defined in s. 48.02 (15m)~~ the violation of which he or
8 she is accused under the circumstances specified in s. 938.183 (1) (a), (am), (b) or (c),
9 whichever is applicable. If the court does not make that finding, the court shall order
10 that the child be discharged but proceedings may be brought regarding the child
11 under ch. 48 938.

12 **SECTION 667.** 970.032 (2) (intro.) of the statutes is amended to read:

13 970.032 (2) (intro.) If the court finds probable cause as specified in sub. (1), the
14 court shall determine whether to retain jurisdiction or to transfer jurisdiction to the
15 court assigned to exercise jurisdiction under ~~ch.~~ chs. 48 and 938. The court shall
16 retain jurisdiction unless the court finds all of the following:

17 **SECTION 668.** 970.032 (2) (b) of the statutes is amended to read:

18 970.032 (2) (b) That transferring jurisdiction to the court assigned to exercise
19 jurisdiction under ~~ch.~~ chs. 48 and 938 would not depreciate the seriousness of the
20 offense.

21 **SECTION 669.** 970.032 (2) (c) of the statutes is amended to read:

22 970.032 (2) (c) That retaining jurisdiction is not necessary to deter the child or
23 other children from committing ~~violations of s. 940.20 (1) or 946.43 or other similar~~
24 ~~offenses while placed in a secured correctional facility, as defined in s. 48.02 (15m)~~

1 the violation of which the child is accused under the circumstances specified in s.
2 938.183 (1) (a), (am), (b) or (c), whichever is applicable.

3 **SECTION 670.** 970.035 of the statutes is amended to read:

4 **970.035 Preliminary examination; child younger than 16 years old.**

5 Notwithstanding s. 970.03, if a preliminary examination under s. 970.03 is held
6 regarding a child who was waived under s. 48.18 938.18 for a violation which is
7 alleged to have occurred prior to his or her ~~16th~~ 15th birthday, the court may bind
8 the child over for trial only if there is probable cause to believe that a crime under
9 ~~s. 940.01 has been attempted or committed, that a crime under s. 161.41 (1), 940.02,~~
10 ~~940.05~~ 940.03, 940.06, 940.225 (1) or (2), 940.305, 940.31 ~~or~~, 943.10 (2) or 943.32 (2)
11 has been committed or that a crime that would constitute a felony under ch. 161 or
12 under chs. 939 to 948 if committed by an adult has been committed at the request
13 of or for the benefit of a criminal gang, as defined in s. 939.22 (9). If the court does
14 not make any of those findings, the court shall order that the child be discharged but
15 proceedings may be brought regarding the child under ch. 48 938.

16 **SECTION 671.** 971.105 of the statutes is amended to read:

17 **971.105 Child victims and witnesses; duty to expedite proceedings.** In

18 all criminal and delinquency cases, juvenile fact-finding hearings under s. 48.31 and
19 juvenile dispositional hearings ~~under s. 48.335~~ involving a child victim or witness,
20 as defined in s. 950.02, the court and the district attorney shall take appropriate
21 action to ensure a speedy trial in order to minimize the length of time the child must
22 endure the stress of the child's involvement in the proceeding. In ruling on any
23 motion or other request for a delay or continuance of proceedings, the court shall
24 consider and give weight to any adverse impact the delay or continuance may have
25 on the well-being of a child victim or witness.

1 **SECTION 672.** 972.14 (3) of the statutes is amended to read:

2 972.14 (3) (a) Before pronouncing sentence in a felony case, the court shall also
3 allow a victim or family member of a homicide victim to make a statement or submit
4 a written statement to be read in court. The court may allow any other person to
5 make or submit a statement under this paragraph. Any statement under this
6 paragraph must be relevant to the sentence.

7 (b) After a conviction in a felony case, if the district attorney knows of a victim
8 or family member of a homicide or felony murder victim, the district attorney shall
9 attempt to contact that person to inform him or her of the right to make or provide
10 a statement under par. (a). ~~The district attorney may mail a letter or form to comply~~
11 ~~with this paragraph.~~ Any failure to comply with this paragraph is not a ground for
12 an appeal of a judgment of conviction or for any court to reverse or modify a judgment
13 of conviction.

14 **SECTION 673.** 976.08 of the statutes is amended to read:

15 **976.08 Additional applicability.** In this chapter, “prisoner” includes any
16 person subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin
17 state prison and any person subject to an order under s. 938.34 (4h) who is 17 years
18 of age or older.

19 **SECTION 674.** 977.02 (3) of the statutes is amended to read:

20 977.02 (3) Promulgate rules regarding the determination of indigency of
21 persons entitled to be represented by counsel, other than children who are entitled
22 to be represented by counsel under s. 48.23 or 938.23, including the time period in
23 which the determination must be made and the criteria to be used to determine
24 indigency and partial indigency.

1 **SECTION 675.** 977.02 (4r) of the statutes, as created by 1995 Wisconsin Act 27,
2 is amended to read:

3 977.02 (4r) Promulgate rules that establish procedures to provide the
4 department of administration with any information concerning the collection of
5 payment ordered under s. 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e) or 977.076 (1).

6 **SECTION 676.** 977.03 (2m) of the statutes, as created by 1995 Wisconsin Act 27,
7 is amended to read:

8 977.03 (2m) The board may promulgate rules that establish procedures to
9 collect payment ordered under s. 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e) or
10 977.076 (1) from a prisoner's prison financial account.

11 **SECTION 677.** 977.05 (4) (gm) of the statutes is amended to read:

12 977.05 (4) (gm) In accordance with the standards under pars. (h) and (i), accept
13 referrals from judges and courts for the provision of legal services without a
14 determination of indigency of children who are entitled to be represented by counsel
15 under s. 48.23 or 938.23, appoint counsel in accordance with contracts and policies
16 of the board and inform the referring judge or court of the name and address of the
17 specific attorney who has been assigned to the case.

18 **SECTION 678.** 977.05 (4) (h) of the statutes is amended to read:

19 977.05 (4) (h) Accept requests for legal services from children who are entitled
20 to be represented by counsel under s. 48.23 or 938.23 and from indigent persons who
21 are entitled to be represented by counsel under s. 967.06 or who are otherwise so
22 entitled under the constitution or laws of the United States or this state and provide
23 such persons with legal services when, in the discretion of the state public defender,
24 such provision of legal services is appropriate.

25 **SECTION 679.** 977.05 (4) (i) 5. of the statutes is amended to read:

1 977.05 (4) (i) 5. Cases involving children who are entitled to counsel or are
2 provided counsel at the discretion of the court under s. 48.23 or 938.23.

3 **SECTION 680.** 977.05 (6) (cm) 2. of the statutes, as created by 1995 Wisconsin
4 Act 27, is amended to read:

5 977.05 (6) (cm) 2. The child is not yet subject to a proceeding under ch. 48 or
6 938 for which counsel is required under s. 48.23 or 938.23 or for which counsel may
7 be appointed under s. 48.23 or 938.23.

8 **SECTION 681.** 977.06 (1m) of the statutes, as created by 1995 Wisconsin Act 27,
9 is amended to read:

10 977.06 (1m) APPLICATION FOR REPRESENTATION. The state public defender shall
11 request each person seeking to have counsel assigned for him or her under s. 977.08,
12 other than a child who is entitled to be represented by counsel under s. 48.23 or
13 938.23, to provide the state public defender with his or her social security number
14 and the social security numbers of his or her spouse and dependent children, if any.

15 **SECTION 682.** 977.06 (2) (a) of the statutes, as affected by 1995 Wisconsin Act
16 27, is amended to read:

17 977.06 (2) (a) A person seeking to have counsel assigned for him or her under
18 s. 977.08, other than a child who is entitled to be represented by counsel under s.
19 48.23 or 938.23, shall sign a statement declaring that he or she has not disposed of
20 any assets for the purpose of qualifying for that assignment of counsel. If the
21 representative or authority making the indigency determination finds that any asset
22 was disposed of for less than its fair market value for the purpose of obtaining that
23 assignment of counsel, the asset shall be counted under s. 977.07 (2) at its fair market
24 value at the time it was disposed of, minus the amount of compensation received for
25 the asset.

1 **SECTION 683.** 977.06 (2) (am) of the statutes, as created by 1995 Wisconsin Act
2 27, is amended to read:

3 977.06 (2) (am) A person seeking to have counsel assigned for him or her under
4 s. 977.08, other than a child who is entitled to be represented by counsel under s.
5 48.23 or 938.23, shall sign a statement declaring that the information that he or she
6 has given to determine eligibility for assignment of counsel he or she believes to be
7 true and that he or she is informed that he or she is subject to the penalty under par.
8 (b).

9 **SECTION 684.** 977.06 (3) (c) of the statutes, as created by 1995 Wisconsin Act
10 27, is amended to read:

11 977.06 (3) (c) Except as provided in ~~s.~~ ss. 48.275 (2) (b) and 938.275 (2) (b), an
12 adjustment under this subsection shall be based on the person's ability to pay and
13 on the fee schedule established by the board under s. 977.075 (3).

14 **SECTION 685.** 977.07 (1) (a) of the statutes, as affected by 1995 Wisconsin Act
15 27, is amended to read:

16 977.07 (1) (a) Determination of indigency for persons entitled to counsel shall
17 be made as soon as possible and shall be in accordance with the rules promulgated
18 by the board under s. 977.02 (3) and the system established under s. 977.06. No
19 determination of indigency is required for a child who is entitled to be represented
20 by counsel under s. 48.23 or 938.23.

21 **SECTION 686.** 977.07 (1) (c) of the statutes is amended to read:

22 977.07 (1) (c) For all referrals made under ss. 809.30 and 974.06 (3) (b), except
23 a referral of a child who is entitled to be represented by counsel under s. 48.23 or
24 938.23, a representative of the state public defender shall determine indigency, and
25 may, unless a request for redetermination has been filed under s. 809.30 (2) (d) or the

1 defendant's request for representation states that his or her financial circumstances
2 have materially improved, rely upon a determination of indigency made for purposes
3 of trial representation under this section.

4 **SECTION 687.** 977.07 (2m) of the statutes, as created by 1995 Wisconsin Act 27,
5 is amended to read:

6 977.07 (2m) If the person is found to be indigent in full or in part, the person
7 shall be promptly informed of the state's right to payment or recoupment under s.
8 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e) or 977.076 (1), and the possibility that
9 the payment of attorney fees may be made a condition of probation, should the person
10 be placed on probation. Furthermore, if found to be indigent in part, the person shall
11 be promptly informed of the extent to which he or she will be expected to pay for
12 counsel, and whether the payment shall be in the form of a lump sum payment or
13 periodic payments. The person shall be informed that the payment amount may be
14 adjusted if his or her financial circumstances change by the time of sentencing. The
15 payment and payment schedule shall be set forth in writing. This subsection does
16 not apply to persons who have paid under s. 977.075 (1).

17 **SECTION 688.** 977.075 (1) (intro.), (3) and (4) of the statutes, as created by 1995
18 Wisconsin Act 27, are amended to read:

19 977.075 (1) (intro.) The board shall establish by rule fixed amounts as flat
20 payments for the cost of representation that a person, other than a parent subject to
21 s. 48.275 (2) (b) or 938.275 (2) (b), who is responsible for payment for legal
22 representation, may elect to pay. The rule shall require all of the following:

23 (3) The board shall establish by rule a fee schedule that sets the amount that
24 a person, other than a parent subject to s. 48.275 (2) (b) or 938.275 (2) (b), who is
25 responsible for payment for legal representation shall pay for the cost of the legal

1 representation. The schedule shall establish a fee for a given type of case, and the
2 fee for a given type of case shall be based on the average cost, as determined by the
3 board, for representation for that type of case.

4 (4) The board may establish by rule a procedure for collecting a nonrefundable
5 partial payment within 60 days after the commencement of representation for legal
6 services from persons who are responsible for payment for legal representation. This
7 subsection does not apply to a parent who is subject to s. 48.275 (2) (b) or 938.275 (2)
8 (b).

9 **SECTION 689.** 977.076 of the statutes, as created by 1995 Wisconsin Act 27, is
10 amended to read:

11 **977.076 Collections.** (1) If the state public defender notifies the court in
12 which the underlying action was filed that a person who is required to reimburse the
13 state public defender for legal representation has failed to make the required
14 payment or to timely make periodic payments, the court may issue a judgment on
15 behalf of the state for the unpaid balance and direct the clerk of circuit court to file
16 and docket a transcript of the judgment, without fee. If the court issues a judgment
17 for the unpaid balance, the court shall send a notice to the person at his or her
18 last-known address that a civil judgment has been issued for the unpaid balance.
19 The judgment has the same force and effect as judgments issued under s. 806.10.
20 Except as provided in s. ss. 48.275 (2) (b) and 938.275 (2) (b), the judgment shall be
21 based on the person's ability to pay and on the fee schedule established by the board
22 under s. 977.075 (3).

23 (2) The department of administration may collect unpaid reimbursement
24 payments to the state public defender ordered by a court under sub. (1) or s. 48.275
25 (1) (a), 757.66, 938.275 (1) (a) or 973.06 (1) (e). The department may contract with

1 a private collection agency to collect these payments. Section 16.705 does not apply
2 to a contract under this subsection.

3 **SECTION 690.** 977.08 (2) (e) of the statutes is amended to read:

4 977.08 (2) (e) Cases involving children who are entitled to counsel or are
5 provided counsel at the discretion of the court under s. 48.23 or 938.23.

6 **SECTION 691.** 977.085 (3) of the statutes, as affected by 1995 Wisconsin Act 27,
7 is amended to read:

8 977.085 (3) The board shall provide quarterly reports to the joint committee
9 on finance on the status of reimbursement for or recoupment of payments under ss.
10 48.275, 757.66, 938.275, 977.06, 977.07 (2), 977.075 and 977.076, including the
11 amount of revenue generated by reimbursement and recoupment. The quarterly
12 reports shall include any alternative means suggested by the board to improve
13 reimbursement and recoupment procedures and to increase the amount of revenue
14 generated. The department of justice, district attorneys, circuit courts and
15 applicable county agencies shall cooperate by providing any necessary information
16 to the state public defender.

17 **SECTION 692.** 978.05 (6) (a) of the statutes is amended to read:

18 978.05 (6) (a) Institute, commence or appear in all civil actions or special
19 proceedings under and perform the duties set forth for the district attorney under ss.
20 17.14, 30.03 (2), 48.09 (1), ~~(2)~~ and (5), ~~48.18~~, ~~48.355 (6) (b) and (6g) (a)~~, 59.073, 59.77,
21 70.36, 103.50 (8), 103.92 (4), 109.09, 161.55 (5), 343.305 (9) (a), 453.08, 806.05,
22 938.09, 938.18, 938.355 (6) (b) and (6g) (a), 946.86, 946.87, 971.14 and 973.075 to
23 973.077, perform any duties in connection with court proceedings in a court assigned
24 to exercise jurisdiction under ~~ch.~~ chs. 48 and 938 as the judge may request and
25 perform all appropriate duties and appear if the district attorney is designated in

1 specific statutes, including matters within chs. 782, 976 and 979 and ss. 51.81 to
2 51.85. Nothing in this paragraph limits the authority of the county board to
3 designate, under s. 48.09 ~~(2)~~ or (5), that the corporation counsel provide
4 representation as specified in s. 48.09 ~~(2)~~ or (5) or to designate, under s. 48.09 (6) or
5 938.09 (6), the district attorney as an appropriate person to represent the interests
6 of the public under s. 48.14 or 938.14.

7 **SECTION 693.** 980.015 (2) (b) of the statutes is amended to read:

8 980.015 (2) (b) The anticipated release from a secured correctional facility, as
9 defined in s. 48.02 938.02 (15m), or a secured child caring institution, as defined in
10 s. 938.02 (15g), of a person adjudicated delinquent under s. 48.34 938.34 on the basis
11 of a sexually violent offense.

12 **SECTION 694.** 980.02 (1) (b) 2. of the statutes is amended to read:

13 980.02 (1) (b) 2. The county in which the person will reside or be placed upon
14 his or her discharge from a sentence, release on parole, release from imprisonment,
15 from a secured correctional facility, as defined in s. 48.02 938.02 (15m), or a secured
16 child caring institution, as defined in s. 938.02 (15g), or from a commitment order.

17 **SECTION 695.** 980.02 (2) (ag) of the statutes is amended to read:

18 980.02 (2) (ag) The person is within 90 days of discharge or release, on parole
19 or otherwise, from a sentence that was imposed for a conviction for a sexually violent
20 offense from a secured correctional facility, as defined in s. 48.02 938.02 (15m), or a
21 secured child caring institution, as defined in s. 938.02 (15g), if the person was placed
22 in the facility for being adjudicated delinquent under s. 48.34 938.34 on the basis of
23 a sexually violent offense or from a commitment order that was entered as a result
24 of a sexually violent offense.

25 **SECTION 696.** 980.02 (4) (am) of the statutes is amended to read:

1 980.02 (4) (am) The circuit court for the county in which the person will reside
2 or be placed upon his or her discharge from a sentence, release on parole, release from
3 imprisonment, from a secured correctional facility, as defined in s. ~~48.02~~ 938.02
4 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or from a
5 commitment order.

6 **SECTION 697.** 980.02 (4) (b) of the statutes is amended to read:

7 980.02 (4) (b) The circuit court for the county in which the person is in custody
8 under a sentence, a placement to a secured correctional facility, as defined in s. ~~48.02~~
9 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or
10 a commitment order.

11 **SECTION 698.** 980.04 (1) of the statutes is amended to read:

12 980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review
13 the petition to determine whether to issue an order for detention of the person who
14 is the subject of the petition. The person shall be detained only if there is cause to
15 believe that the person is eligible for commitment under s. 980.05 (5). A person
16 detained under this subsection shall be held in a facility approved by the department.
17 If the person is serving a sentence of imprisonment, is in a secured correctional
18 facility, as defined in s. ~~48.02~~ 938.02 (15m), or a secured child caring institution, as
19 defined in s. 938.02 (15g), or is committed to institutional care, and the court orders
20 detention under this subsection, the court shall order that the person be transferred
21 to a detention facility approved by the department. A detention order under this
22 subsection remains in effect until the person is discharged after a trial under s.
23 980.05 or until the effective date of a commitment order under s. 980.06, whichever
24 is applicable.

1 **SECTION 699.** 990.01 (3) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 990.01 (3) ADULT. “Adult” means a person who has attained the age of 18 years,
4 except that for purposes of prosecuting a person who is alleged to have violated any
5 state or federal criminal law or any civil law or municipal ordinance, “adult” means
6 a person who has attained the age of 17 years.

7 **SECTION 700.** 990.01 (20) of the statutes, as affected by 1995 Wisconsin Act 27,
8 is amended to read:

9 990.01 (20) MINOR. “Minor” means a person who has not attained the age of
10 18 years, except that for purposes of prosecuting a person who is alleged to have
11 violated a state or federal criminal law or any civil law or municipal ordinance,
12 “minor” does not include a person who has attained the age of 17 years.

13 **SECTION 701.** 1995 Wisconsin Act 27, section 9126 (23) (f) 5. is amended to read:

14 [1995 Wisconsin Act 27] Section 9126 (23) (f) 5. On the effective date of this
15 subdivision, 6.1 FTE GPR positions in the division of management services in the
16 department of health and social services funded from the appropriation under
17 section 20.435 (8) (a) of the statutes, as affected by the acts of 1995, and the
18 incumbent employes holding those positions are transferred to the department of
19 corrections, and the positions become ~~3.0~~ 6.1 FTE GPR positions to be funded from
20 the appropriation under section 20.410 (1) (a) of the statutes, as affected by the acts
21 of 1995.

22 **SECTION 9112. Nonstatutory provisions; corrections.**

23 (1g) JUVENILE CORRECTIONAL INSTITUTION RATES. No later than January 15,
24 1996, the secretary of corrections shall submit to the secretary of administration and
25 to the cochairpersons of the joint committee on finance proposed rates under section

1 301.26 (4) (d) 3m. of the statutes, as created by 1995 Wisconsin Act 27, and section
2 301.26 (4) (d) 4. of the statutes, as created by 1995 Wisconsin Act 27, for maintaining
3 a child in a secured child caring institution, as defined in section 938.02 (15g) of the
4 statutes, as created by this act. The rates may not vary according to the secured child
5 caring institution in which a child is placed. The rates shall reflect the average daily
6 cost associated with maintaining a child in a secured child caring institution. The
7 secretary of administration shall evaluate the rates and, if the secretary of
8 administration approves of the rates, the secretary of administration shall, no later
9 than March 1, 1996, submit a report to the cochairpersons of the joint committee on
10 finance containing proposed legislation providing for those rates effective on July 1,
11 1996. The department of health and social services shall assist the department of
12 corrections in proposing those rates.

13 **SECTION 9310. Initial applicability; circuit courts.**

14 (1) ADULT COURT JURISDICTION OVER CHILDREN. The treatment of sections 938.18
15 (1) (a) 3., 938.183 (1) (b) and (c), 948.60 (2) (d) and 948.61 (4) of the statutes first
16 applies to acts committed on the effective date of this subsection, but does not
17 preclude the counting of a conviction or a waiver of jurisdiction under section 48.18
18 of the statutes obtained, or a criminal proceeding commenced, before the effective
19 date of this subsection for the purpose of conferring jurisdiction over a child on a court
20 of criminal jurisdiction under section 938.183 (1) (b) or (c) of the statutes, as created
21 by this act.

22 (2) FIREARM POSSESSION PENALTIES. The treatment of section 941.29 (2) of the
23 statutes first applies to offenses committed on the effective date of this subsection,
24 but does not preclude the counting of other offenses as prior offenses for purposes of
25 sentencing a person.

1 (3) SUBSTITUTION OF A JUDGE. The treatment of section 938.29 (1g) of the
2 statutes first applies to petitions filed on the effective date of this subsection.

3 (4) NO CONTEST PLEAS. The treatment of section 938.30 (4) (bm) of the statutes
4 first applies to pleas entered on the effective date of this subsection.

5 (5) ATTENDANCE AT HEARINGS, VICTIM STATEMENTS, COURT REPORTS AND DISCLOSURE
6 OF INFORMATION TO PUBLIC. The treatment of sections 120.12 (18), 938.299 (1) (a), (am)
7 and (ar), 938.32 (1) (b) 1., 938.33 (3) (intro.), (4) (intro.), (4m) (intro.) and (a) and (5),
8 938.335 (3m) (a), 938.396 (2m) and 972.14 (3) (a) of the statutes first applies to
9 hearings held on the effective date of this subsection.

10 (6) VIOLATIONS OF DISPOSITIONAL ORDERS. The treatment of sections 938.17 (2)
11 (d) (with respect to failure to pay a forfeiture) and (h), 938.23 (1) (am), 938.34 (8) (with
12 respect to failure to pay a forfeiture), 938.343 (2) (with respect to failure to pay a
13 forfeiture) and 938.355 (6) (a), (an), (b) and (d) (intro.), 1. and 4., (6d) and (6g) (a) and
14 (b) 1. of the statutes first applies to orders entered on the effective date of this
15 subsection.

16 (7) ABSCONDERS. The treatment of section 946.50 of the statutes first applies
17 to children who are adjudicated delinquent on the effective date of this subsection.

18 (8) CHILD CUSTODY HEARINGS. The treatment of sections 938.208 (5), 938.21 (1)
19 (a) and 938.534 (1) of the statutes first applies to children who are taken into custody
20 or who enter a runaway home on the effective date of this subsection.

21 (9) DEFERRED PROSECUTION AGREEMENTS AND CONSENT DECREES. The treatment
22 of sections 938.245 (2) (b) and 938.32 (2) (a) and (b) of the statutes first applies to
23 deferred prosecution agreements and consent decrees entered into on the effective
24 date of this subsection.

